SEPTEMBER 10, 2008 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 10, 2008. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

Mary K. Suhm
City Manager

Edward Scott
City Controller

8-29-08
Date

8-29-08
Date
COUNCIL AGENDA

September 10, 2008

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 council 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 VTD. 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 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.

Información 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 VTD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, Americans with Disabilities Act. La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.

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

Reglas de Cortesía

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

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben 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 10, 2008
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 - 58

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier than 9:30 a.m. Items 59 - 60

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m. Items 61 - 71

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.
AGENDA
CITY COUNCIL MEETING
SEPTEMBER 10, 2008
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 27, 2008 City Council Meeting

CONSENT AGENDA

Aviation

2. Authorize Supplemental Agreement No. 4 to the contract with Gresham, Smith and Partners for continued master planning and design coordination services to support the development of the terminal schematic design of the Love Field Modernization Program - Not to exceed $256,086, from $936,850 to $1,192,936 - Financing: Aviation Capital Construction Funds

3. Authorize an increase in the daily parking rates charged for Garages A and B at Dallas Love Field, to become effective October 1, 2008 - Estimated Revenue: $4,800,000 (increase over a two-year period)

Business Development & Procurement Services

4. Authorize the purchase of eighteen sand spreaders - Equipment Southwest, Inc., lowest responsible bidder of four - Not to exceed $157,098 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes
CONSENT AGENDA (Continued)

Business Development & Procurement Services (Continued)

5. Authorize the purchase of four Duperon self-cleaning trashrack systems at the Ledbetter Dike, Delta, and Charlie Pump Stations to remove debris carried to the pump stations through the stormwater system - Duperon Corporation, lowest responsible bidder of two - Not to exceed $652,900 - Financing: 2006 Bond Funds

6. Authorize the purchase of one bio-solids distribution vehicle, one combination sewer/vacuum vehicle and two sewer cleaner vehicles - Agco Corp. - Ag Chem Division in the amount of $362,567, Metro Ford Truck Sales, Inc. in the amount of $220,625 and Rush Truck Center-Houston in the amount of $166,338, lowest responsible bids of nine - Total not to exceed $749,530 - Financing: Water Utilities Current Funds

7. Authorize a sixty-month concession contract, with three one-year renewal options, for car rental concession services at Dallas Love Field Airport - The Hertz Corporation, Avis Rent A Car System, LLC, Budget Rent A Car System, Inc., Alamo Rental (US), Inc., Enterprise Leasing Company of DFW dba Enterprise Rent-A-Car, National Rental (US), Inc., DTG Operations, Inc. dba Dollar Rent A Car, and DTG Operations, Inc. dba Thrifty Car Rental, highest responsible bidders of eight - Estimated Annual Revenue: $5,218,810 or 10% of gross sales, whichever is greater

8. Authorize a twelve-month master agreement for ferrous sulfate - Pencco, Inc., only bidder - Not to exceed $1,989,000 - Financing: Water Utilities Current Funds

Department of Development Services

9. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of land containing a total of approximately 331,259 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline (list attached) - $168,100 ($164,070 plus closing costs not to exceed $4,030) - Financing: Water Utilities Capital Construction Funds

10. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of unimproved land containing a total of approximately 4 acres of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline (list attached) - $246,676 ($241,876 plus closing costs not to exceed $4,800) - Financing: Water Utilities Capital Construction Funds

11. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of land containing a total of approximately 543,308 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $320,649 ($312,449 plus closing costs not to exceed $8,200) - Financing: Water Utilities Capital Construction Funds

12. A resolution authorizing the sale of approximately 6,250 square feet of unwanted and unneeded City-owned land located near the intersection of Latimer Street and Pennsylvania Avenue to Martin Wiggins, the only bidder - Revenue: $4,001
CONSENT AGENDA (Continued)

Department of Development Services (Continued)

13. A resolution authorizing the sale of approximately 37,539 square feet of unwanted and unneeded City-owned land located near the intersection of Beckley Avenue and Clarendon Drive to Pablo Torres, the only bidder - Revenue: $90,000

14. An ordinance granting a private license to Rivendell Matilda, L.P. for the use of approximately 300 square feet of land to install and maintain pedestrian street lights on portions of Lewis, Hope, and La Vista Streets rights-of-way located near the intersection of Lewis and Matilda Streets - Revenue: $1,000 annually plus the $20 ordinance publication fee

Economic Development

15. Authorize (1) approval of the Deep Ellum Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 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 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; 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 2009; (2) a public hearing to be held on September 24, 2008 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 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 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 Lake Highlands Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 to receive comments concerning the annual assessment rate for the Lake Highlands Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Lake Highlands 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date - Financing: No cost consideration to the City

18. Authorize (1) approval of the Prestonwood Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 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 Prestonwood 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date - Financing: No cost consideration to the City

19. Authorize (1) approval of the South Side Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 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 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date - Financing: No cost consideration to the City
CONSENT AGENDA (Continued)

Economic Development (Continued)

20. Authorize (1) approval of the Uptown Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 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 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 2008 assessment roll with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; 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

21. Authorize (1) approval of the Vickery Meadow Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 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 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; 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

22. Authorize a 70 percent real property tax abatement agreement for eight years with EDC Industrial, LP on the added value resulting from the development of a new 345,600 square foot cross-dock warehouse facility located in a Texas Enterprise Zone at 5220 South Westmoreland Road - Revenue: First-year revenue estimated at $26,924; eight-year revenue estimated at $215,395; (Estimated revenue foregone for eight-year abatement estimated at $502,589)

23. Authorize (1) the third twelve-month renewal option to the contract with the Southern Dallas Development Corporation to administer the Southern Dallas Economic Development Program's Business Revolving Loan Program, for the purpose of servicing and making loans to area businesses and creating and retaining jobs for low-to-moderate income persons; and (2) any unexpended balances of program income and allocations from prior contracts be rolled over to continue the Business Revolving Loan Program - Financing: No cost consideration to the City
24. Authorize a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for women, infants, and children for the period October 1, 2008 through September 30, 2009 - Not to exceed $12,059,045 - Financing: Department of State Health Services Grant Funds

25. Authorize a contract with the Department of State Health Services to continue the operations of a training center for the Special Supplemental Nutrition Program for women, infants, and children for the period October 1, 2008 through September 30, 2009 - Not to exceed $87,365 - Financing: Department of State Health Services Grant Funds

26. Authorize the acceptance of a grant from the Department of State Health Services for the Childhood Lead Poisoning Prevention Program for the period July 1, 2008 through June 30, 2009 - Not to exceed $90,000 - Financing: Department of State Health Services Grant Funds

27. 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, 2008 through August 31, 2009 - Not to exceed $376,386 - Financing: Department of State Health Services Grant Funds

28. Authorize the acceptance of a grant from the Department of State Health Services for the continuation of local public health services for the period September 1, 2008 through August 31, 2009 - Not to exceed $196,600 - Financing: Department of State Health Services Grant Funds

29. Authorize (1) the acceptance of a grant from the Dallas Downtown Improvement District to provide outreach services for hard-to-reach and chronically homeless individuals who reside within the Central Business District for the period October 1, 2008 through September 30, 2009; and (2) execution of the grant agreement - Not to exceed $283,374 - Financing: Downtown Improvement District Homeless Outreach Funds

Equipment & Building Services

30. Authorize a contract for installation of the existing roll filters and electronic filters for the heating, ventilation and air conditioning system at the J. Erik Jonsson Central Library located at 1515 Young Street - Polk Mechanical, Inc., lowest responsible bidder of three - $307,200 - Financing: Capital Construction Funds ($247,760); 2003 Bond Funds ($59,440)
CONSENT AGENDA (Continued)

Housing

31. Authorize a loan in the amount of $500,000 at 0% interest to City Wide Community Development Corporation for the acquisition of improved and unimproved properties bounded by Lancaster Road between Illinois Avenue and Ledbetter Drive and predevelopment expenses, environmental assessments, and demolition costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment as part of the Economic Development Plan for the Lancaster Corridor - Not to exceed $500,000 - Financing: 2006 Bond Funds

32. Authorize an amendment to Resolution No. 07-3305, previously approved on November 12, 2007, authorizing an economic development loan agreement with Kaminski Holdings, Inc. adding the following addresses for development: 5433 Bexar Street, 5501 Bexar Street, 2432 Hooper Street, 2434 Hooper Street, 2438 Hooper Street, 2442 Hooper Street; and, deleting the following addresses: 5502 Bexar Street and 5504 Bexar Street - Financing: No cost consideration to the City

Intergovernmental Services

33. Authorize approval of the 2008-09 Dallas-Fort Worth International Airport Board Annual Budget - Financing: No cost consideration to the City

34. Authorize a resolution adopted concurrently by the City Councils of the Cities of Dallas and Fort Worth authorizing the Dallas-Fort Worth International Airport Board to redeem Dallas-Fort Worth Regional Airport Braniff Special Facilities Revenue Bonds Series 1979 - Financing: No cost consideration to the City

35. An ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2008-06-124, which amends Chapter 2 and Appendix I of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended; to (1) remove the phrase “or he gains access by means of a control mechanism” from Section 4 of Chapter 2; (2) add a regulation that prohibits the parking of vehicles or storage of property within 10 feet of an Air Operations Area to Section 6.IV of Chapter 2; (3) remove the violation “Unattended Vehicle Zone” from Section 12.XI.A of Chapter 2; and (4) add the new extension of West Walnut Hill Lane, the new extension of Mustang Drive, and the realignment of North Airfield Drive to include revisions to the block numbering system to Appendix I - Financing: No cost consideration to the City

36. An ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2008-06-122, which amends Chapter 4 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended; to (1) establish a formula for determining the total number of taxicabs required by public convenience and necessity for the issuance, renewal, amendment, or temporary amendment of taxicab operating authority in Section 2-3; (2) establish a formula for determining the total number of taxicab driver permits required by public convenience and necessity for the issuance of a taxicab driver permit in Section 3-1; and (3) remove Subsection 3-2.II from Section 3.2 and add it to Section 3.1 - Financing: No cost consideration to the City.
CONSENT AGENDA (Continued)

Park & Recreation

37. Authorize a contract for the construction of a new trail along Coombs Creek between Beckley Avenue and Sylvan Avenue - Texas Standard Construction, Ltd., lowest responsible bidder of six - $290,428 - Financing: 2003 Bond Funds

38. Authorize a contract for the construction of a new trail, pedestrian bridge, trail signage, trail head, landscaping, and site furnishings at Valley View Park located at 7000 Valley View Lane - Texas Standard Construction, Ltd., lowest responsible bidder of four - $670,342 - Financing: 2003 Bond Funds

39. Authorize an increase in the contract with Artografx, Inc. for the installation of park identification signs at 11 park sites (list attached) - $36,856, from $257,228 to $294,084 - Financing: Current Funds ($400) and 2003 Bond Funds ($36,456)

40. Authorize Supplemental Agreement No. 6 to the professional services contract with Johnson/McKibben Architects, Inc. for schematic design, design development, construction documents, and construction administration services for an addition to the Gorilla Holding Building, to include an additional food preparation area, a new animal exercise area, and interior renovation of the existing holding facility for compliance with the United States Department of Agriculture and American Zoological Association requirements, and Americans with Disabilities Act compliance issues at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed $52,400, from $334,940 to $387,340 - Financing: 2006 Bond Funds

Public Works & Transportation

41. Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on IH35E at Royal Lane - Not to exceed $29,768 - Financing: Texas Department of Transportation Grant Funds

42. Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on Preston Road at Campbell Road and Davenport Road - Not to exceed $51,617 - Financing: Texas Department of Transportation Grant Funds

43. Authorize the rejection of bids for the reconstruction of Fox Creek Trail from Mountain Creek Parkway to FM 1382 and the re-advertisement for new bids - Financing: No cost consideration to the City

44. Authorize a contract for the construction of barrier free ramp improvements for Group 06-002 (list attached) - MACVAL Associates, LLC, lowest responsible bidder of seven - $696,438 - Financing: Current Funds ($691,438) and Water Utilities Capital Construction Funds ($5,000)
CONSENT AGENDA (Continued)

Public Works & Transportation (Continued)

45. Authorize a professional services contract with Booziotis & Company Architects for the Dallas Theater Center, Phase I master plan to gather, analyze and assess building information; develop historic structural and existing conditions reports for the Kalita Humphreys Theater and adjacent administration facility located at 3636 Turtle Creek Boulevard - Not to exceed $152,848 - Financing: 2006 Bond Funds

46. Authorize an increase in the contract with Estrada Concrete Company, LLC for additional quantities of concrete sidewalk curbs, retaining wall, and sidewalks for barrier free ramp improvements for Group 06-001 (list attached) - Not to exceed $69,000, from $578,770 to $647,770 - Financing: Current Funds

47. Authorize an increase in the contract with Frontier Waterproofing, Inc., for an increase in the scope of work to include polishing and sealing exterior granite in lieu of cleaning; repair and hazardous material abatement of the damaged and deteriorated windows; and to patch and repair terra cotta walls and is assigned to Hunt-Woodbine Realty Corporation for construction management for the Union Station Wall Restoration project - Not to exceed $108,183, from $1,025,049 to $1,133,232 - Financing: 2006 Bond Funds

48. Authorize (1) an increase in the contract with AUI Contractors, LP to provide additional work necessary for the construction of the fuel and chemical containment systems at eleven locations at Dallas Love Field, in an amount not to exceed $52,305, from $1,857,189 to $1,909,494; and (2) an increase in appropriations in an amount not to exceed $52,305 in the Federal Aviation Administration Airport Improvement Program Grant Fund - Not to exceed $52,305 - Financing: Aviation Passenger Facility Charge Funds ($13,076) and Federal Aviation Administration Airport Improvement Program Grant Funds ($39,229)

**Eastside Commons Pedestrian Plaza Project**

**Note:** Item Nos. 49 and 50 must be considered collectively.

49. * Authorize (1) an Interlocal Agreement with the North Central Texas Council of Governments for design and construction of the Eastside Commons Pedestrian Plaza project; (2) the receipt and deposit of funds from the North Central Texas Council of Governments in an amount not to exceed $297,200; and (3) an increase in appropriations in the amount of $297,200 in the Capital Projects Reimbursement Fund - Not to exceed $297,200 - Financing: No cost consideration to the City

50. * Authorize payment to the Central Dallas Community Development Corporation for the North Central Texas Council of Government’s share of design and construction costs for the Eastside Commons Pedestrian Plaza project - Not to exceed $297,200 - Financing: Capital Projects Reimbursement Funds
CONSENT AGENDA (Continued)

Public Works & Transportation (Continued)

Quiet Zone along Union Pacific Rail Line Corridor

51. * Authorize the City Manager to provide a Notice of Intent for establishing a Quiet Zone along the Union Pacific rail line corridor generally in the Urbandale area of Dallas encompassing the existing at-grade crossings of Jim Miller Road, Urban Avenue and Buckner Boulevard as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 and 229 - Financing: No cost consideration to the City

52. * Authorize a contract with Union Pacific Railroad for the purpose of conducting preliminary engineering services, develop cost estimates and review preliminary layouts in conjunction with possible future implementation of a Quiet Zone - Not to exceed $10,000 - Financing: Current Funds

Water Utilities

53. Authorize a contract for the construction of the East Side Water Treatment Plant expansion to 540 million gallons per day - Part B, Clearwells and Flumes to be reimbursed from financing received from the Texas Water Development Board low interest loan program upon approval and receipt - Oscar Renda Contracting, Inc., lowest responsible bidder of three - $94,723,750 - Financing: Water Utilities Capital Improvement Funds

54. Authorize a professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the East Side Water Treatment Plant and the Bachman Water Treatment Plant - $2,799,689 - Financing: Water Utilities Capital Improvement Funds

55. Authorize a contract for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant - Reynolds, Inc., lowest responsible bidder of three - $10,036,400 - Financing: Water Utilities Capital Improvement Funds

56. Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional work associated with the Doran Pump Station - $43,855, from $5,087,648 to $5,131,503 - Financing: Water Utilities Capital Improvement Funds

57. Authorize Supplemental Agreement No. 1 to the contract with the City of Hutchins for Wholesale Treated Water to add a Reciprocal Agreement for Water and/or Wastewater Services - Not to exceed $50,000 - Financing: Water Utilities Capital Construction Funds

58. Authorize (1) the rejection of bids received for the installation of water and wastewater mains at 15 locations, and (2) the re-advertisement for new bids - Financing: No cost consideration to the City
ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary’s Office

59. 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

60. First reading of the appropriation ordinances for the proposed FY 2008-09 City of Dallas Operating, Grants and Trusts, and Capital Budgets - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Development Services

ZONING CASES - CONSENT

61. A public hearing to receive comments regarding an application for and an ordinance granting an RR Regional Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR Community Retail District on the south side of Northwest Highway, west of Jupiter Road
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant Z078-252(WE)

62. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Vehicle display, sales, and service use on property within the Subdistrict 2 portion of Planned Development District No. 534-D-1, the C. F. Hawn Special Purpose District, with a D-1 Liquor Control Overlay located in the southeast quadrant of C. F. Hawn Freeway and Dowdy Ferry Road
Recommendation of Staff: Approval for a three-year period, with eligibility for automatic renewal for additional five-year periods, subject to a site/landscape plan and conditions Z078-258(RB)

ZONING CASES - INDIVIDUAL

63. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract II within Planned Development District No. 740 to allow for additional floor area for office uses on the southeast corner of US Highway 75 and Mockingbird Lane
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions Z078-241(OTH)
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Department of Development Services (Continued)

ZONING CASES - INDIVIDUAL (Continued)

64. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge, or tavern use and a commercial amusement (inside) use limited to a class A dance hall on property within Planned Development District No. 619 for Mixed Uses on the south side of Main Street, east of Field Street

Recommendation of Staff: Approval, for a two-year period, subject to a site plan and conditions
Z078-253(MAW)

65. A public hearing to receive comments regarding an application for a Planned Development District for CR uses and attended donation center use on property zoned a CR Community Retail District on the southwest side of Haskell Avenue, between Lafayette Street and Delano Place

Recommendation of Staff and CPC: Denial
Z078-201(JH)

66. A public hearing to receive comments regarding an application for a Specific Use Permit for an alcoholic beverage establishment for a Private club-bar on property within a portion of Subarea 4 of Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay and an IM-D-1 Industrial Manufacturing District with a D-1 Liquor Control Overlay on the northeast corner of Buckner Boulevard and Kipling Drive

Recommendation of Staff and CPC: Denial
Z078-250(WE)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

67. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-2 Mixed Use District Uses on property zoned an MU-2 Mixed Use District at the northeast corner of Greenville Avenue and Walnut Hill Lane

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions
Z078-141(RB)

Note: This item was considered by the City Council at public hearings on June 11 and August 13, 2008, and was held under advisement until September 10, 2008, with the public hearing open.
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Department of Development Services (Continued)

SPECIAL PROVISION SIGN DISTRICT - UNDER ADVISEMENT - INDIVIDUAL

68. A public hearing to receive comments regarding an application for an amendment to the provisions of the Downtown Special Provision Sign District, to create a new Subdistrict to allow for video board signs on a tract of land generally between Main Street and Elm Street west of Akard Street
Recommendation of Staff: Approval, subject to staff conditions
Recommendation of CPC: Denial
SPSD067-003
Note: This item was considered by the City Council at public hearings on November 28, 2007, February 27, March 26 and June 25, 2008, and was taken under advisement until September 10, 2008, with the public hearing open.

DEVELOPMENT CODE AMENDMENTS - CONSENT

69. A public hearing to receive comments regarding consideration of amendments to Chapters 51 and 51A of the Dallas Development Code to revise the regulations regarding recycling drop-off containers to require screening in certain circumstances and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA056-010

70. A public hearing to receive comments regarding consideration of amendments to Chapter 51A, the Dallas Development Code, to delete the ability to request a variance to maximum floor area requirements (FAR) and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA067-009

MISCELLANEOUS HEARINGS

Office of Financial Services

71. A public hearing to receive comments on the proposed 74.79¢/$100 property tax rate for the 2008-09 fiscal year - Financing: No cost consideration to the City
<table>
<thead>
<tr>
<th>Tract</th>
<th>Owner</th>
<th>Offer Amount</th>
<th>Closing Costs Not to Exceed</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Mann GST Nonexempt Marital Trust, Janice Sue Mann</td>
<td>$2,468.00</td>
<td>$1,132.00</td>
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<tr>
<td>2</td>
<td>Thomas J. Shipley, Martha Frazier Shipley &amp; Brenda Shipley Richards</td>
<td>$69,122.00</td>
<td>$1,878.00</td>
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<tr>
<td>3</td>
<td>Alvin Morton</td>
<td>$92,480.00</td>
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<tr>
<td>Tract</td>
<td>Owner</td>
<td>Offer Amount</td>
<td>Closing Costs Not to Exceed</td>
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</tr>
<tr>
<td>1.</td>
<td>Dick Boyd &amp; Brenda Boyd</td>
<td>$180,564.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>2.</td>
<td>Angus Dickson, III &amp; Pamela O. Dickson</td>
<td>$26,000.00</td>
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<td>3.</td>
<td>Angus Dickson, Jr.</td>
<td>$35,312.00</td>
<td>$1,200.00</td>
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<tr>
<td>Park Sites</td>
<td>Council District</td>
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<tr>
<td>----------------------------------------</td>
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<td></td>
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<tr>
<td>Arbor Park</td>
<td>10</td>
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<tr>
<td>Harrell Park</td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>John C. Phelps Park (seal replacement)</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kiest Park</td>
<td>3</td>
<td></td>
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<tr>
<td>Lake Highlands North Park</td>
<td>10</td>
<td></td>
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<tr>
<td>Lochwood Park</td>
<td>9</td>
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<tr>
<td>Norbuck Park</td>
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<tr>
<td>Olive Shapiro Park</td>
<td>10</td>
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<tr>
<td>Orbiter Park</td>
<td>10</td>
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<tr>
<td>Samuell-Garland Park</td>
<td>9</td>
<td></td>
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<tr>
<td>T.G. Terry Park</td>
<td>7</td>
<td></td>
<td></td>
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<tr>
<td>William B. Dean Park</td>
<td>14</td>
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</table>
**Barrier Free Ramp Improvements for Group 06-002**  
**Agenda Item #44**

<table>
<thead>
<tr>
<th>Barrier Free Ramp Improvements</th>
<th>Council District</th>
</tr>
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<tbody>
<tr>
<td>100 South Polk Street from Davis Street to 10th Street</td>
<td>1</td>
</tr>
<tr>
<td>Llewellyn Avenue at West Pembroke Avenue</td>
<td>1</td>
</tr>
<tr>
<td>Llewellyn Avenue at Sunset Avenue</td>
<td>1</td>
</tr>
<tr>
<td>100-700 Sunset Avenue</td>
<td>1</td>
</tr>
<tr>
<td>South Beckley Avenue at East 12th Street</td>
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</tr>
<tr>
<td>Cumberland Street at East 12th Street</td>
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</tr>
<tr>
<td>Delaware Avenue at Tyler Street</td>
<td>1</td>
</tr>
<tr>
<td>Congress Avenue at Reagan Street</td>
<td>2</td>
</tr>
<tr>
<td>Annex Avenue at Virginia Avenue</td>
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<tr>
<td>4539 Munger Avenue</td>
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<tr>
<td>Illinois Avenue at Waverly Drive</td>
<td>3</td>
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<tr>
<td>Westmoreland Road at Bernal Drive</td>
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</tr>
<tr>
<td>Cockrell Hill Road at Kiest Boulevard</td>
<td>3</td>
</tr>
<tr>
<td>Glenfield Avenue at Hampton Road</td>
<td>3</td>
</tr>
<tr>
<td>Burgoyne Street at Westmoreland Road</td>
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<tr>
<td>Leacrest Drive at Cardinal Drive</td>
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<tr>
<td>Houghton Road at Tillman Street</td>
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<tr>
<td>Cedarcliff Drive at Elam Road</td>
<td>5</td>
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<tr>
<td>Red Bird Lane at Alley East of Glen Park Drive</td>
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<tr>
<td>Red Bird Lane at Alley East of Oxbow Lane</td>
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<tr>
<td>Red Bird Lane at Alley East of Pinedale Lane</td>
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<td>Red Bird Lane at Glen Park Drive</td>
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<td>Red Bird Lane at Pinedale Lane</td>
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</tr>
<tr>
<td>Red Bird Lane at Houston School Road</td>
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<tr>
<td>Ferguson Road at Hillglen Road</td>
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<tr>
<td>8400 Cadenza Lane</td>
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<td>3500-4100 Jamaica Street</td>
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<tr>
<td>Holmes Street at Pennsylvania Avenue</td>
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<tr>
<td>Bertrand Avenue at Spring Garden Drive</td>
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<tr>
<td>Bertrand Avenue at Verdun Avenue</td>
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<tr>
<td>Hatcher Street at Louie Lane</td>
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<tr>
<td>Dixon Avenue at Prince Hall Chambre Apartments</td>
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<tr>
<td>Audrey Street at Grovewood Street</td>
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<tr>
<td>Ferguson Road at Viewcrest Drive</td>
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<tr>
<td>Polk Street at Deerwood Drive</td>
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<td>Treetop Lane at Tioga Street</td>
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<tr>
<td>Park Lane at Greenville Avenue</td>
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<tr>
<td>Barnes Bridge Road at Garland Road</td>
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<tr>
<td>Peavy Road at Hermosa Drive</td>
<td>9</td>
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<tr>
<td>Peavy Road at Mercer Drive</td>
<td>9</td>
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</tbody>
</table>
## Barrier Free Ramp Improvements

<table>
<thead>
<tr>
<th>Barrier Free Ramp Improvements</th>
<th>Council District</th>
</tr>
</thead>
<tbody>
<tr>
<td>11740 Ferguson Road</td>
<td>9</td>
</tr>
<tr>
<td>6151 Alpha Road at Danvers Drive</td>
<td>11</td>
</tr>
<tr>
<td>8550 Spring Valley Road at gate house driveway approach</td>
<td>11</td>
</tr>
<tr>
<td>Dunoon Avenue at Loch Maree Lane</td>
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</tr>
<tr>
<td>Dennis Road at Northaven Road</td>
<td>13</td>
</tr>
<tr>
<td>Caraway Drive at Northaven Road</td>
<td>13</td>
</tr>
<tr>
<td>9900 Marsh Lane at 3705 Seguin Drive on alley approach</td>
<td>13</td>
</tr>
<tr>
<td>Midway Road from Royal Lane to Walnut Hill Lane</td>
<td>13</td>
</tr>
<tr>
<td>Bluffview Boulevard at Lovers Lane</td>
<td>14</td>
</tr>
<tr>
<td>Cedar Springs Road and Hood Street</td>
<td>14</td>
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<tr>
<td>Mockingbird Lane at Camden Avenue</td>
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</tr>
<tr>
<td>Mockingbird Lane at Delmar Avenue</td>
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<tr>
<td>Mockingbird Lane at Norris Street</td>
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<tr>
<td>Gaston Avenue at La Vista Drive</td>
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<tr>
<td>Gaston Avenue at North Paulus Avenue</td>
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<tr>
<td>Ross Avenue at Griffin Street</td>
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<tr>
<td>Harwood Street at Elm Street</td>
<td>14</td>
</tr>
<tr>
<td>Vanderbilt Avenue at Homer Street</td>
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</table>
## Barrier Free Ramp Improvements

<table>
<thead>
<tr>
<th>Barrier Free Ramp Improvements</th>
<th>Council District</th>
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<tbody>
<tr>
<td>Bennett Avenue and Live Oak Street</td>
<td>2</td>
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<tr>
<td>Bryan Street and North Peak Street</td>
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</tr>
<tr>
<td>Bryan Street and North Fitzhugh Avenue</td>
<td>2</td>
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<tr>
<td>Bryan Street and North Prairie Avenue</td>
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<tr>
<td>Butler Street and Harry Hines Boulevard</td>
<td>2</td>
</tr>
<tr>
<td>North Prairie Avenue and Sycamore Street</td>
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</tr>
<tr>
<td>Ross Avenue and Summit Avenue</td>
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<tr>
<td>3145 McDermott Avenue</td>
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<tr>
<td>Dixon Avenue and Bourquin Street</td>
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<tr>
<td>Grand Avenue and Jeffries Street</td>
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<tr>
<td>Hatcher Street and Bradshaw Street</td>
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<tr>
<td>Hatcher Street and Electra Street</td>
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<tr>
<td>Hatcher Street and Meadow Street</td>
<td>7</td>
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<tr>
<td>Hatcher Street and Roberts Avenue</td>
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</tr>
<tr>
<td>Hatcher Street and Spring Garden Drive</td>
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<td>Hatcher Street and Verdun Avenue</td>
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<tr>
<td>York Street and Second Avenue</td>
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<tr>
<td>York Street and Verdun Avenue</td>
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<tr>
<td>Abrams Road at Meadowknoll Drive</td>
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<td>Abrams Road at Whitehurst Drive</td>
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</tr>
<tr>
<td>13139 Blossomheath Lane at Alpha Road</td>
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<tr>
<td>14019 Coit Road from Bus Stop</td>
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</tr>
<tr>
<td>14740 Meandering Way</td>
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<tr>
<td>Hillcrest Road at Hillwood Lane</td>
<td>11</td>
</tr>
<tr>
<td>Preston Road at Highcourt Place</td>
<td>11</td>
</tr>
<tr>
<td>Preston Road at Regency Place</td>
<td>11</td>
</tr>
<tr>
<td>Frankford Road from S.H. 190 to City Limit</td>
<td>12</td>
</tr>
<tr>
<td>7575 Frankford Road</td>
<td>12</td>
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<tr>
<td>Brentfield Drive at Meadow Creek Drive</td>
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<tr>
<td>Coit Road at Highway 190</td>
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<tr>
<td>Holly Tree Drive at Fire Fox Drive</td>
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<tr>
<td>Kelly Boulevard at Timberglen Road</td>
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<tr>
<td>Meandering Way at La Sobrina Drive</td>
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<tr>
<td>Salado Drive at Carta Valley Drive</td>
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<tr>
<td>3423 Forest Lane</td>
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<tr>
<td>3434 Forest Lane</td>
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<td>3535 Forest Lane</td>
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<tr>
<td>5723 Harvest Hill Road</td>
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</tr>
<tr>
<td>6015 Berkshire Lane</td>
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</table>
### Barrier Free Ramp Improvements

<table>
<thead>
<tr>
<th>Barrier Free Ramp Improvements</th>
<th>Council District</th>
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<tbody>
<tr>
<td>Bandera Avenue at Thackery Street</td>
<td>13</td>
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<tr>
<td>Highdale Drive at Forest Lane</td>
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<tr>
<td>Inwood Road from Forest Lane to Harvest Hill Road</td>
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<tr>
<td>Jamestown Road at Brookstown Drive</td>
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</tr>
<tr>
<td>Meadow Road at Meadow Park Place</td>
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<tr>
<td>Meadow Road at Rambler Road</td>
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<tr>
<td>Meadow Road at Treehouse Lane</td>
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<tr>
<td>Woodwind Lane at Dundee Drive</td>
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<tr>
<td>2901 Matilda Street at Goodwin Avenue</td>
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<tr>
<td>3525 Turtle Creek Boulevard</td>
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</tr>
<tr>
<td>Turtle Creek Boulevard &amp; Holland Avenue</td>
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<tr>
<td>4001 Live Oak Street</td>
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<td>5619 Belmont Avenue</td>
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<tr>
<td>5621 Belmont Avenue</td>
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<tr>
<td>Anita Street (5500) and McMillan Avenue</td>
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<td>Field Street and Elm Street</td>
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<td>Field Street and Patterson Avenue</td>
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<td>McCommas Boulevard and Skillman Street</td>
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<td>Ridgeway Street and Junius Street</td>
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<td>Skillman Street and Ellsworth Avenue</td>
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<tr>
<td>Skillman Street and Kenwood Avenue</td>
<td>14</td>
</tr>
<tr>
<td>North Fitzhugh Avenue and Sycamore Street</td>
<td>14</td>
</tr>
</tbody>
</table>
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.

PUBLIC MEETINGS FOR SEPTEMBER 1 - SEPTEMBER 15, 2008

Thursday, September 4, 2008

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

Community Development Commission
6:00 p.m.
City Hall, Room 6ES
<table>
<thead>
<tr>
<th>ITEM</th>
<th>OK</th>
<th>DEF</th>
<th>DISTRICT</th>
<th>TYPE</th>
<th>DEPT.</th>
<th>DOLLARS</th>
<th>LOCAL</th>
<th>MWBE</th>
<th>DESCRIPTION</th>
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<tr>
<td>1</td>
<td>All</td>
<td>V</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Approval of Minutes of August 27, 2008 City Council Meeting</td>
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<tr>
<td>2</td>
<td>14</td>
<td>C</td>
<td>AVI</td>
<td>$256,086.00</td>
<td>79.80%</td>
<td>71.05%</td>
<td>NA</td>
<td>NA</td>
<td>Authorize Supplemental Agreement No. 4 to the contract with Gresham, Smith and Partners for continued master planning and design coordination services to support the development of the terminal schematic design of the Love Field Modernization Program</td>
</tr>
<tr>
<td>3</td>
<td>14</td>
<td>C</td>
<td>AVI</td>
<td>REV $4,800,000</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an increase in the daily parking rates charged for Garages A and B at Dallas Love Field, to become effective October 1, 2008</td>
</tr>
<tr>
<td>4</td>
<td>All</td>
<td>C</td>
<td>PBD, STS</td>
<td>$157,098.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the purchase of eighteen sand spreaders</td>
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<tr>
<td>5</td>
<td>3, 6</td>
<td>C</td>
<td>PBD, PW, STS</td>
<td>$652,900.00</td>
<td>0.00%</td>
<td>0.00%</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the purchase of four Duperon self-cleaning trashrack systems at the Ledbetter Dike, Delta, and Charlie Pump Stations to remove debris carried to the pump stations through the stormwater system</td>
</tr>
<tr>
<td>6</td>
<td>All</td>
<td>C</td>
<td>PBD, WTR</td>
<td>$749,530.00</td>
<td>29.44%</td>
<td>0.00%</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the purchase of one bio-solids distribution vehicle, one combination sewer/vacuum vehicle and two sewer cleaner vehicles</td>
</tr>
<tr>
<td>7</td>
<td>14</td>
<td>C</td>
<td>PBD</td>
<td>REV $5,218,809.40</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a sixty-month concession contract, with three one-year renewal options, for car rental concession services at Dallas Love Field Airport</td>
</tr>
<tr>
<td>8</td>
<td>All</td>
<td>C</td>
<td>PBD, WTR</td>
<td>$1,989,000.00</td>
<td>0.00%</td>
<td>5.03%</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a twelve-month master agreement for ferrous sulfate</td>
</tr>
<tr>
<td>9</td>
<td>Outside</td>
<td>C</td>
<td>DDS, WTR</td>
<td>$168,100.00</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of land containing a total of approximately 331,259 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline</td>
</tr>
<tr>
<td>10</td>
<td>Outside</td>
<td>C</td>
<td>DDS</td>
<td>$246,676.00</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of unimproved land containing a total of approximately 4 acres of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline</td>
</tr>
<tr>
<td>11</td>
<td>Outside</td>
<td>C</td>
<td>DDS, WTR</td>
<td>$320,649.00</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of land containing a total of approximately 543,308 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline</td>
</tr>
<tr>
<td>12</td>
<td>7</td>
<td>C</td>
<td>DDS</td>
<td>REV $4,001</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A resolution authorizing the sale of approximately 6,250 square feet of unwanted and unneeded City-owned land located near the intersection of Latimer Street and Pennsylvania Avenue to Martin Wiggins, the only bidder</td>
</tr>
<tr>
<td>13</td>
<td>1</td>
<td>C</td>
<td>DDS</td>
<td>REV $90,000</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A resolution authorizing the sale of approximately 37,539 square feet of unwanted and unneeded City-owned land located near the intersection of Beckley Avenue and Clarendon Drive to Pablo Torres, the only bidder</td>
</tr>
<tr>
<td>14</td>
<td>14</td>
<td>C</td>
<td>DDS</td>
<td>REV $1,000</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance granting a private license to Rivendell Matilda, L.P. for the use of approximately 300 square feet of land to install and maintain pedestrian street lights on portions of Lewis, Hope, and La Vista Streets rights-of-way located near the intersection of Lewis and Matilda Streets</td>
</tr>
<tr>
<td>15</td>
<td>2, 14</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize approval of the Deep Ellum Public Improvement District Service Plan for 2009; a public hearing to be held on September 24, 2008 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 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, 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; 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</td>
</tr>
<tr>
<td>ITEM</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
<td>DESCRIPTION</td>
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<tr>
<td>16</td>
<td>2, 14</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize approval of the Dallas Downtown Improvement District Service Plan for 2009; a public hearing to be held on September 24, 2008 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 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, 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date.</td>
<td></td>
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</tr>
<tr>
<td>17</td>
<td>9, 10</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize approval of the Lake Highlands Public Improvement District Service Plan for 2009; a public hearing to be held on September 24, 2008 to receive comments concerning the annual assessment rate for the Lake Highlands Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Lake Highlands Public Improvement District for the purpose of providing supplemental public services &amp; improvements, to be funded by assessments on real property &amp; real property improvements in the District; &amp; at the close of the hearing, consideration of an ordinance establishing classifications for the apportionment of costs &amp; the methods of assessing special benefits for the services and improvements to property in the District, approving &amp; adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services &amp; improvements to be provided in the District during 2009; fixing charges and liens against the property in the District &amp; against the owners thereof; providing for the collection of the 2008 assessment; &amp; providing an effective date.</td>
<td></td>
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</tr>
<tr>
<td>18</td>
<td>12</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize approval of the Prestonwood Public Improvement District Service Plan for 2009; a public hearing to be held on September 24, 2008 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 Prestonwood 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, 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date.</td>
<td></td>
<td></td>
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<tr>
<td>19</td>
<td>2</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize approval of the South Side Public Improvement District Service Plan for 2009; a public hearing to be held on September 24, 2008 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 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, 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date.</td>
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</tr>
<tr>
<td>ITEM</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
<td>DESCRIPTION</td>
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<tr>
<td>20</td>
<td>14</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize approval of the Uptown Public Improvement District Service Plan for 2009; a public hearing to be held on September 24, 2008 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 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, 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 2008 assessment roll with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; 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.</td>
</tr>
<tr>
<td>21</td>
<td>9, 13</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize approval of the Vickery Meadow Public Improvement District Service Plan for 2009; a public hearing to be held on September 24, 2008 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 Vickery Meadow Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property &amp; real property improvements in the District; &amp; at the close of the hearing, consideration of an ordinance establishing classifications for the apportionment of costs &amp; the methods of assessing special benefits for the services and improvements to property in the District, approving &amp; adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services &amp; improvements to be provided in the District during 2009; fixing charges &amp; liens against the property in the District &amp; against the owners thereof; providing for the collection of the assessment; &amp; providing an effective date.</td>
</tr>
<tr>
<td>22</td>
<td>8</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a 70 percent real property tax abatement agreement for eight-years with EDC Industrial, LP on the added value resulting from the development of a new 345,600 square foot cross-dock warehouse facility located in a Texas Enterprise Zone at 5220 South Westmoreland Road.</td>
</tr>
<tr>
<td>23</td>
<td>1, 2, 3, 4, 5, 6, 7, 8</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the third twelve-month renewal option to the contract with the Southern Dallas Development Corporation to administer the Southern Dallas Economic Development Program's Business Revolving Loan Program, for the purpose of servicing and making loans to area businesses and creating and retaining jobs for low-to-moderate income persons; and any unexpended balances of program income and allocations from prior contracts be rolled over to continue the Business Revolving Loan Program.</td>
</tr>
<tr>
<td>24</td>
<td>All</td>
<td>C</td>
<td>EHS</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for women, infants, and children for the period October 1, 2008 through September 30, 2009.</td>
</tr>
<tr>
<td>25</td>
<td>All</td>
<td>C</td>
<td>EHS</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the acceptance of a grant from the Department of State Health Services to continue the operations of a training center for the Special Supplemental Nutrition Program for women, infants, and children for the period October 1, 2008 through September 30, 2009.</td>
</tr>
<tr>
<td>26</td>
<td>All</td>
<td>C</td>
<td>EHS</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the acceptance of a grant from the Department of State Health Services for the Childhood Lead Poisoning Prevention Program for the period July 1, 2008 through June 30, 2009.</td>
</tr>
<tr>
<td>27</td>
<td>All</td>
<td>C</td>
<td>EHS</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>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, 2008 through August 31, 2009.</td>
</tr>
<tr>
<td>28</td>
<td>All</td>
<td>C</td>
<td>EHS</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the acceptance of a grant from the Department of State Health Services for the continuation of local public health services for the period September 1, 2008 through August 31, 2009.</td>
</tr>
<tr>
<td>29</td>
<td>2, 14</td>
<td>C</td>
<td>EHS</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the acceptance of a grant from the Dallas Downtown Improvement District to provide outreach services for hard-to-reach and chronically homeless individuals who reside within the Central Business District for the period October 1, 2008 through September 30, 2009 and execution of the grant agreement.</td>
</tr>
<tr>
<td>30</td>
<td>2</td>
<td>C</td>
<td>EBS, LIB</td>
<td>$307,200.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize a contract for installation of the existing roll filters and electronic filters for the heating, ventilation and air conditioning system at the J. Erik Jonsson Central Library located at 1515 Young Street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ITEM</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
<td>DESCRIPTION</td>
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</tr>
<tr>
<td>31</td>
<td>4, 5, 8</td>
<td>C</td>
<td>HSG</td>
<td></td>
<td></td>
<td>$500,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a loan in the amount of $500,000 at 0% interest to City Wide Community Development Corporation for the acquisition of improved and unimproved properties bounded by Lancaster Road between Illinois Avenue and Ledbetter Drive and predevelopment expenses, environmental assessments, and demolition costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment as part of the Economic Development Plan for the Lancaster Corridor</td>
</tr>
<tr>
<td>32</td>
<td>7</td>
<td>C</td>
<td>HSG</td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an amendment to Resolution No. 07-3305, previously approved on November 12, 2007, authorizing an economic development loan agreement with Kaminski Holdings, Inc. adding the following addresses for development: 5433 Bexar Street, 5501 Bexar Street, 2432 Hooper Street, 2434 Hooper Street, 2438 Hooper Street, 2442 Hooper Street; and, deleting the following addresses: 5502 Bexar Street and 5504 Bexar Street</td>
</tr>
<tr>
<td>33</td>
<td>Outside</td>
<td>C</td>
<td>IGS</td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize approval of the 2008-09 Dallas-Fort Worth International Airport Board Annual Budget</td>
</tr>
<tr>
<td>34</td>
<td>Outside</td>
<td>C</td>
<td>IGS</td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2008-06-124, which amends Chapter 2 and Appendix I of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended; to remove the phrase “or he gains access by means of a control mechanism” from Section 4 of Chapter 2; add a regulation that prohibits the parking of vehicles or storage of property within 10 feet of an Air Operations Area (AOA) to Section 6.IV of Chapter 2; remove the violation “Unattended Vehicle Zone” from Section 12.XI.A of Chapter 2; and add the new extension of West Walnut Hill Avenue, the new extension of Mustang Drive, and the realignment of North Airfield Drive to include revisions to the block numbering system to Appendix I</td>
</tr>
<tr>
<td>35</td>
<td>All</td>
<td>C</td>
<td>IGS</td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2008-06-122, which amends Chapter 4 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended; to establish a formula for determining the total number of taxicabs required by public convenience and necessity for the issuance, renewal, amendment, or temporary amendment of taxicab operating authority in Section 2-3; establish a formula for determining the total number of taxicab driver permits required by public convenience and necessity for the issuance of a taxicab driver permit in Section 3-1; and remove Subsection 3-2.II from Section 3.2 and add it to Section 3.1</td>
</tr>
<tr>
<td>36</td>
<td>All</td>
<td>C</td>
<td>IGS</td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a contract for the construction of a new trail along Coombs Creek between Beckley Avenue and Sylvan Avenue</td>
</tr>
<tr>
<td>37</td>
<td>3</td>
<td>C</td>
<td>PKR</td>
<td></td>
<td></td>
<td>$290,427.60</td>
<td>100.00%</td>
<td>27.19%</td>
<td>Authorize a contract for the construction of a new trail, pedestrian bridge, trail signage, trail head, landscaping, and site furnishings at Valley View Park located at 7000 Valley View Lane</td>
</tr>
<tr>
<td>38</td>
<td>11</td>
<td>C</td>
<td>PKR</td>
<td></td>
<td></td>
<td>$670,341.50</td>
<td>100.00%</td>
<td>28.00%</td>
<td>Authorize an increase in the contract with Artografx, Inc. for the installation of park identification signs at 11 park sites</td>
</tr>
<tr>
<td>39</td>
<td>3, 7, 9, 10, 14</td>
<td>C</td>
<td>PKR</td>
<td></td>
<td></td>
<td>$36,856.00</td>
<td>100.00%</td>
<td>100.00%</td>
<td>Authorize Supplemental Agreement No. 6 to the professional services contract with Johnson/McKibben Architects, Inc. for schematic design, design development, construction documents, and construction administration services for an addition to the Gorilla Holding Building, to include an additional food preparation area, a new animal exercise area, and interior renovation of the existing holding facility for compliance with the United States Department of Agriculture and American Zoological Association requirements, and Americans with Disabilities Act compliance issues at the Dallas Zoo located at 650 South R.L. Thornton Freeway</td>
</tr>
<tr>
<td>40</td>
<td>4</td>
<td>C</td>
<td>PKR</td>
<td></td>
<td></td>
<td>$52,400.00</td>
<td>100.00%</td>
<td>74.79%</td>
<td>Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on IH35E at Royal Lane</td>
</tr>
<tr>
<td>41</td>
<td>6</td>
<td>C</td>
<td>PWT</td>
<td>GT</td>
<td></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on Preston Road at Campbell Road and Davenport Road</td>
</tr>
<tr>
<td>42</td>
<td>12</td>
<td>C</td>
<td>PWT</td>
<td>GT</td>
<td></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the rejection of bids for the reconstruction of Fox Creek Trail from Mountain Creek Parkway to FM 1382 and the re-advertisement for new bids</td>
</tr>
<tr>
<td>ITEM</td>
<td>OK DEF District Type</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
<td>DESCRIPTION</td>
<td></td>
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<tr>
<td>44</td>
<td>1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14</td>
<td>C PWT, WTR</td>
<td>$696,438.00</td>
<td>100.00%</td>
<td>100.00%</td>
<td>Authorize a contract for the construction of barrier free ramp improvements for Group 06-002</td>
<td></td>
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</tr>
<tr>
<td>45</td>
<td>14</td>
<td>C PWT, OCA</td>
<td>$152,848.00</td>
<td>63.12%</td>
<td>36.20%</td>
<td>Authorize a professional services contract with Booziotis &amp; Company Architects for the Dallas Theater Center, Phase I master plan to gather, analyze and assess building information; develop historic structural and existing conditions report for the Kalita Humphreys Theater and adjacent administration facility located at 3636 Turtle Creek Boulevard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>2, 7, 10, 11, 12, 13, 14</td>
<td>C PWT</td>
<td>$69,000.00</td>
<td>100.00%</td>
<td>100.00%</td>
<td>Authorize an increase in the contract with Estrada Concrete Company, LLC for additional quantities of concrete sidewalk curbs, retaining wall, and sidewalks for barrier free ramp improvements for Group 06-001</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>2</td>
<td>C PWT, CES</td>
<td>$108,183.00</td>
<td>0.00%</td>
<td>8.01%</td>
<td>Authorize an increase in the contract with Frontier Waterproofing, Inc., for an increase in the scope of work to include polishing and sealing exterior granite in lieu of cleaning; repair and hazardous material abatement of the damaged and deteriorated windows; and to patch and repair terra cotta walls and is assigned to Hunt-Woodbine Realty Corporation for construction management for the Union Station Wall Restoration project</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>14</td>
<td>C PWT, AVI</td>
<td>$52,305.00</td>
<td>58.79%</td>
<td>22.59%</td>
<td>Authorize an increase in the contract with AUI Contractors, LP to provide additional work necessary for the construction of the fuel and chemical containment systems at eleven locations at Dallas Love Field</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>14</td>
<td>C PWT</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Eastside Commons Pedestrian Plaza Project: Authorize an Interlocal Agreement with the North Central Texas Council of Governments for design and construction of the Eastside Commons Pedestrian Plaza project</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>14</td>
<td>C PWT</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>Quiet Zone along Union Pacific Rail Line Corridor: Authorize the City Manager to provide a Notice of Intent for establishing a Quiet Zone along the Union Pacific rail line corridor generally in the Urbandale area of Dallas encompassing the existing at-grade crossing of Jim Miller Road, Urban Avenue and Buckner Boulevard as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 and 229</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>4</td>
<td>C PWT</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Quiet Zone along Union Pacific Rail Line Corridor: Authorize a contract with Union Pacific Railroad for the purpose of conducting preliminary engineering services, develop cost estimates and review preliminary layouts in conjunction with possible future implementation of a Quiet Zone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>4</td>
<td>C PWT</td>
<td>$10,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a contract for the construction of the East Side Water Treatment Plant expansion to 540 million gallons per day - Part B, Clearwells and Flumes to be reimbursed from financing received from the Texas Water Development Board low interest load program upon approval and receipt</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Outside</td>
<td>C WTR</td>
<td>$94,723,750.00</td>
<td>50.21%</td>
<td>17.93%</td>
<td>Authorize a contract for the construction of major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>6, 7, 10, 11</td>
<td>C WTR</td>
<td>$2,799,689.00</td>
<td>100.00%</td>
<td>29.91%</td>
<td>Authorize a professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the East Side Water Treatment Plant and the Bachman Water Treatment Plant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>7</td>
<td>C WTR</td>
<td>$10,036,400.00</td>
<td>10.14%</td>
<td>15.59%</td>
<td>Authorize a contract for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>10</td>
<td>C WTR</td>
<td>$43,854.76</td>
<td>0.00%</td>
<td>28.25%</td>
<td>Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional work associated with the Doran Pump Station</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>8</td>
<td>C WTR</td>
<td>$50,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize Supplemental Agreement No. 1 to the contract with the City of Hutchins for Wholesale Treated Water to add a Reciprocal Agreement for Water and/or Wastewater Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>5, 6, 10, 11</td>
<td>C WTR</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>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)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>N/A</td>
<td>I SEC</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>First reading of the appropriation ordinances for the proposed FY 2008-09 City of Dallas Operating, Grants and Trusts, and Capital Budgets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ITEM</td>
<td>IND</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
<td>DESCRIPTION</td>
<td></td>
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<tr>
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<td></td>
</tr>
<tr>
<td>61</td>
<td>9</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an RR Regional Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR Community Retail District on the south side of Northwest Highway, west of Jupiter Road</td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>8</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Vehicle display, sales, and service use on property within the Subdistrict 2 portion of Planned Development District No. 534-D-1, the C.F. Hawn Special Purpose District, with a D-1 Liquor Control Overlay located in the southeast quadrant of C.F. Hawn Freeway and Dowdy Ferry Road</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>14</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract II within Planned Development District No. 740 to allow for additional floor area for office uses on the southeast corner of US Highway 75 and Mockingbird Lane</td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>14</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge, or tavern use and a commercial amusement (inside) use limited to a class A dance hall on property within Planned Development District No. 619 for Mixed Uses on the south side of Main Street, east of Field Street</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>14</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for a Planned Development District for CR uses and attended donation center use on property zoned a CR Community Retail District on the southwest side of Haskell Avenue, between Lafayette Street and Delano Place</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>5</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for a Specific Use Permit for an alcoholic beverage establishment for a Private club-bar on property within a portion of Subarea 4 of Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay and an IM-D-1 Industrial Manufacturing District with a D-1 Liquor Control Overlay on the northeast corner of Buckner Boulevard and Kipling Drive</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>13</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-2 Mixed Use District Uses on property zoned an MU-2 Mixed Use District at the northeast corner of Greenville Avenue and Walnut Hill Lane</td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>14</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for an amendment to the provisions of the Downtown Special Provision Sign District, to create a new Subdistrict to allow for video board signs on a tract of land generally between Main Street and Elm Street west of Akard Street</td>
<td></td>
</tr>
<tr>
<td>69</td>
<td>All</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding consideration of amendments to Chapters 51 and 51A of the Dallas Development Code to revise the regulations regarding recycling drop-off containers to require screening in certain circumstances and an ordinance granting the amendments</td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>All</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding consideration of amendments to Chapter 51A, the Dallas Development Code, to delete the ability to request a variance to maximum floor area requirements (FAR) and an ordinance granting the amendments</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>N/A</td>
<td>PH</td>
<td>OFS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments on the proposed 74.79¢/$100 property tax rate for the 2008-09 fiscal year</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** $115,139,731.86
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Aviation

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

MAPSCO: 34E

SUBJECT

Authorize Supplemental Agreement No. 4 to the contract with Gresham, Smith and Partners for continued master planning and design coordination services to support the development of the terminal schematic design of the Love Field Modernization Program - Not to exceed $256,086, from $936,850 to $1,192,936 - Financing: Aviation Capital Construction Funds

BACKGROUND

On June 23, 2004, City Council authorized a professional services contract with Gresham, Smith and Partners (GS&P) to review the Dallas Love Field Impact Analysis and Master Plan completed by DMJM Aviation in 2001, and compare the facility recommendations provided in the report, to aircraft operations and enplaned passenger activity levels which were impacted by the effects of 9/11/01 (Terminal Area Redevelopment Plan Study or TARPS). On May 9, 2007, GS&P’s scope of services was revised to update the draft TARPS to evaluate forecasted enplanements under Post-Wright Amendment conditions and recommend spatial requirements for the terminal at Dallas Love Field. On June 25, 2008, City Council adopted the completed TARPS as the Master Plan for the Dallas Love Field Modernization Program (LFMP).

It is now necessary to extend GS&P’s technical input, planning and coordination services through the schematic design phase of the LFMP in order to safeguard the City’s interests during this critical phase of the project. The scope of services include: Technical Input and Planning Assistance (Phase 1); Access Roadway Analysis Review (Phase 2); Terminal Curbside Analysis & Parking Solutions Review; (Phase 3); Security and Access Control Coordination and Oversight (Phase 4) and Coordination of Development Concepts (Phase 5). Phase 1 of these services was previously approved by Administrative Action No. 081479 (Supplemental Agreement No. 3). This action, if approved, will permit Phases 2 through 5 to proceed concurrently through the schematic design phase of the LFMP.
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Increased Gresham, Smith and Partners’ scope of work to include additional Technical Input and Planning Assistance (Phase 1), by Administrative Action No. 81479, on July 30, 2008.

Authorized adopting the TARPS as the Master Plan for the LFMP, by Resolution No. 08-1877, on June 25, 2008.

Briefed to the Council of Transportation and Environmental Committee, on April 28, 2008.

Increased Gresham, Smith and Partners’ scope of work to include General Conformity Statement, by Administrative Action No. 08-0115, on January 10, 2008.

Revised Gresham, Smith and Partners’ scope of work, by Administrative Action No. 07-2641, on May 9, 2007.


FISCAL INFORMATION

$256,086 - Aviation Capital Construction Funds

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Gresham, Smith and Partners

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th></th>
<th>Male</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>11</td>
<td></td>
<td>08</td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>09</td>
<td></td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>203</td>
<td></td>
<td>388</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>03</td>
<td></td>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

OWNERS

Gresham, Smith and Partners

James Bearden, Chief Executive Officer
Everett Cowan, Chief Operating Officer
Brack Reed, Chief Financial Officer
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the contract with Gresham, Smith and Partners for continued master planning and design coordination services to support the development of the terminal schematic design of the Love Field Modernization Program - Not to exceed $256,086, from $936,850 to $1,192,936 – Financing: Aviation Capital Construction Funds

Gresham Smith and Partners is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$727,788.00</td>
<td>79.80%</td>
</tr>
<tr>
<td>Non-local contracts</td>
<td>$184,212.00</td>
<td>20.20%</td>
</tr>
<tr>
<td>TOTAL THIS ACTION</td>
<td>$912,000.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>This Action</th>
<th>Participation to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on June 23, 2004, Council Resolution No. 04-2178 authorized a professional services contract with Gresham, Smith and Partners to prepare a Terminal Area Redevelopment Program Study (TARPS) which provides an architectural survey of the existing Dallas Love Field Terminal Complex and a study of the operational and functional impacts resulting from the effects of terrorist acts of 9/11/01 in the amount of $912,000 (75% reimbursed by the FAA); and,

WHEREAS, work on the TARPS was suspended when it became apparent that significant changes to the flight restrictions imposed by the Wright Amendment were being considered, which would appreciably alter the forecasting data that provides the foundation of the study; and,

WHEREAS, the cities of Dallas and Fort Worth committed to proposing a local solution for addressing airspace, air operations and aviation service in the North Texas Central Region; and,

WHEREAS, on April 5, 2006, the Dallas City Council, through Resolution 06-0997, authorized DMJM Aviation, Inc. to prepare an update to the environmental section of the 2001 Airport Impact Analysis/Master Plan for Dallas Love Field, assuming repeal/modification of the Wright Amendment to provide the technical data upon which a local solution would be based; and,

WHEREAS, the City of Dallas, the City of Fort Worth, the Dallas-Fort Worth International Airport Board, Southwest and American Airlines reached agreement (the Five-Party Agreement) on a process which phases in the repeal of flight restrictions at Dallas Love Field imposed by the Wright Amendment, which was enacted by federal legislation on October 13, 2006; and,

WHEREAS, as a part of the Five-Party Agreement, the City of Dallas has agreed to significantly redevelop portions of Dallas Love Field, including the modernization of the main terminal (the “Love Field Modernization Program” or “LFMP), consistent with a revised Love Field Master Plan based upon the Love Field Impact Analysis Update; and,

WHEREAS, on May 9, 2007, through Administrative Action No. 07-2641, Supplemental Agreement No. 1, Gresham, Smith and Partners’ Scope of Services was revised to update their draft TARPS report to reflect new program requirements based on DMJM Aviation’s 2006 Dallas Love Field Impact Analysis Update and implementation of the Five-Party Agreement (the original contract amount remained unchanged); and,
WHEREAS, on January 10, 2008, through Administrative Action No. 08-0115, Supplemental Agreement No. 2, was to change Gresham, Smith and Partners’ Scope of Work only for developing the EPA General Conformity Statement (the original contract amount remained unchanged); and,

WHEREAS, on July 30, 2008, through Administrative Action No. 08-1479, Supplemental Agreement No. 3, was to change Gresham, Smith and Partners’ Scope of Work and the contract amount for ongoing technical support and planning for the LFMP (the original contract amount changed to $936,850); and,

WHEREAS, on June 25, 2008, Council Resolution No. 08-1877 adopted the TARPS as the Master Plan to guide and prioritize the implementation of the LFMP; and,

WHEREAS, It is now necessary to extend Gresham, Smith and Partners’ technical input, planning and coordination services through the schematic design phase of the LFMP in order to safeguard the City’s interests during this critical phase of the project;

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. 4 to the contract with Gresham, Smith and Partners to provide continued master planning and design coordination services to safeguard the City’s interests in the development of the schematic design of the Dallas Love Field Modernization Program in an amount not to exceed $256,086, increasing the contract amount from $936,850 to $1,192,936.

Section 2. That the City Controller is hereby authorized to transfer 100% of the total Supplemental Agreement cost from Aviation Capital Improvement Fund 0131; Dept. AVI; Balance Sheet Account 0001 (cash account) to the Aviation AIP Grant Fund 013S; Dept. AVI; Balance Sheet Account 0001 (cash account).

Section 3. That the City Manager is hereby authorized to increase appropriations for the cost of additional professional services, which includes continued master planning and design coordination services, in an amount not to exceed $256,086 in the Aviation Capital Construction Fund 013S, Dept. AVI, Unit Q338, OBJ 4110.
Section 4. That the City Controller is hereby authorized and directed to encumber the following amounts, not to exceed $256,086 to be paid to Gresham, Smith and Partners out of the Aviation Capital Construction Fund, to be paid upon approval of invoice by the Director of Aviation: Fund 013S; Dept. AVI; Unit Q338; ACTV. AV12; Program #AQ338-01; OBJ. 4110; Encumbrance No. PDAVIQ338F011; Vendor No. 503071; Commodity Code 92500; in an amount not to exceed $256,086.

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: Dan Weber, Aviation Department, Dallas Love Field
             Brenda Hozak, Aviation Department, Dallas Love Field
             Budget and Management Services
             Bob Sims, City Attorney Office, 7DN
             City Controller's Office
             Office of Purchasing/Business Development Diversity
SUBJECT

Authorize an increase in the daily parking rates charged for Garages A and B at Dallas Love Field, to become effective October 1, 2008 – Estimated Revenue: $4,800,000 (increase over a two-year period)

BACKGROUND

In accordance with recommendations of the Airport Rates and Charges Study, staff recommends increasing the parking rates at Dallas Love Field. The new parking rates will affect Garages A and B only. Tenant employee parking rates will not change. Short-term parking will continue to be provided in Parking Garage A, the garage closest to the terminal building, and will have a maximum parking rate of $12 per day. Long-term parking will be provided in Parking Garage B and will have a maximum parking rate of $8 per day. Airport tenant employees will continue to be charged $30 per month. The new parking garage rates will generate approximately $2,400,000 in additional annual revenue over the next two (2) years.

The following information details the current and proposed parking rates at Dallas Love Field.

Existing Parking Rates (since March 1, 2003):

<table>
<thead>
<tr>
<th>SHORT-TERM (Parking Garage A)</th>
<th>LONG-TERM (Parking Garage B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - ½ Hour - $1.00</td>
<td>0 - 2 Hour - $2.00</td>
</tr>
<tr>
<td>½ - 1 Hour - 2.00</td>
<td>2 - 6 Hours - 6.00</td>
</tr>
<tr>
<td>1 - 2 Hours - 4.00</td>
<td>6 -24 Hours - 7.00</td>
</tr>
<tr>
<td>2 - 3 Hours - 6.00</td>
<td></td>
</tr>
<tr>
<td>3 - 5 Hours - 8.00</td>
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</tr>
<tr>
<td>5 -24 Hours - 10.00</td>
<td></td>
</tr>
</tbody>
</table>
**BACKGROUND** (Continued)

Proposed Parking Rates:

<table>
<thead>
<tr>
<th>SHORT-TERM (Parking Garage A)</th>
<th>LONG-TERM (Parking Garage B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - ½ Hour - $1.00</td>
<td>0 - 2 Hour - $2.00</td>
</tr>
<tr>
<td>½ - 1 Hour - 2.00</td>
<td>2 - 6 Hours - 6.00</td>
</tr>
<tr>
<td>1 - 2 Hours - 4.00</td>
<td>6 - 24 Hours - 8.00</td>
</tr>
<tr>
<td>2 - 3 Hours - 6.00</td>
<td></td>
</tr>
<tr>
<td>3 - 5 Hours - 8.00</td>
<td></td>
</tr>
<tr>
<td>5 - 24 Hours - 12.00</td>
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</tr>
</tbody>
</table>

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

Briefed to the Economic Development Committee, on August 15, 2008.

Briefed to the Transportation and Telecommunications Committee, on November 25, 2002.

Briefed to the Business and Commerce Committee, November 4, 2002.

Approved Parking Rate Revision, by Resolution No. 92-2473, on June 24, 1992.

Approved Parking Rate Revision, by Resolution No. 88-3127, on September 28, 1988.

Approved Parking Rate Revision, by Resolution No. 88-0518, on February 10, 1988.

Approved Parking Rate Revision, by Resolution No. 87-0905, on March 18, 1987.

**FISCAL INFORMATION**

Estimated Revenue: $4,800,000.00 (increase over a two-year period)
WHEREAS, it is the recommendation of the Director of Aviation to increase the daily parking rates charged for Garages A and B at Dallas Love Field, to become effective October 1, 2008;

Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to increase the daily parking rates charged for Garages A and B at Dallas Love Field, to become effective October 1, 2008 in accordance with the following schedule:

New Parking Rates:

<table>
<thead>
<tr>
<th></th>
<th>SHORT-TERM</th>
<th></th>
<th>LONG-TERM</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Parking Garage A)</td>
<td>(Parking Garage B)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 - ½ Hour</td>
<td>$1.00</td>
<td>0 - 2 Hour</td>
<td>$2.00</td>
<td></td>
</tr>
<tr>
<td>½ - 1 Hour</td>
<td>2.00</td>
<td>2 - 6 Hours</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>1 - 2 Hours</td>
<td>4.00</td>
<td>6 - 24 Hours</td>
<td>8.00</td>
<td></td>
</tr>
<tr>
<td>2 - 3 Hours</td>
<td>6.00</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>3 - 5 Hours</td>
<td>8.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 - 24 Hours</td>
<td>12.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 2. That the City Controller be and is hereby authorized to deposit all revenues received from operating the parking garage to: Aviation Operating Fund 0130; Dept. AVI; Unit 7751; Revenue Source 7811.

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: Brenda Hozak, Aviation Department, Dallas Love Field
Dan Weber, Aviation Department, Dallas Love Field
Tommy Poole, Aviation Department, Dallas Love Field
Bob Sims, City Attorney Office, 7DN
SUBJECT

Authorize the purchase of eighteen sand spreaders – Equipment Southwest, Inc., lowest responsible bidder of four - Not to exceed $157,098 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes

BACKGROUND

This purchase will provide 8 six-yard and 10 twelve-yard v-box sand spreaders.

These sand spreaders are replacements for units that range in age from 6 to 14 years and have exceeded their service life or have become defective to the extent of non-repairable conditions. Currently, Street Services has a fleet of 112 sand spreaders, 39 of which are out of services due to needed repairs or non-repairable. These units will be used for sanding operations during winter months when freezing conditions occur, which is an average usage of 1 or 2 times per year. The sand spreaders have been used at least once per season for the past 5 years. During snow and ice events Street Services concentrates on sanding bridges, inclines and intersections on most major thoroughfares. Additionally, Street Services provides sanding response to major DART bus routes and other areas critical to public safety, such as hospitals and fire stations. These units will utilize a salt and sand mixture which is spread on city streets and bridges to improve traction.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 739 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, notifications were sent by the BDPS’ ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women’s Business Council – Southwest, to ensure maximum vendor outreach.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$157,098.00 - 2007 Equipment Acquisition Contractual Obligation Notes

M/WBE INFORMATION

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

739 - 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

Equipment Southwest, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>0</td>
<td>14</td>
</tr>
<tr>
<td>Black</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White</td>
<td>2</td>
<td>9</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following bids were received from solicitation number BP0837 and opened on June 25, 2008. This purchase is being awarded to the lowest responsive and responsible bidder by line.

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Equipment Southwest, Inc.</td>
<td>425 S. Loop 12, Irving, TX</td>
<td>Line 1 - $ 63,774.00</td>
</tr>
<tr>
<td></td>
<td>75060</td>
<td>Line 2 - $ 93,324.00</td>
</tr>
<tr>
<td>Four Seasons Equipment, Inc.</td>
<td>4120 Cedar Lake Dr., Dallas</td>
<td>Line 1 – $ 70,104.00</td>
</tr>
<tr>
<td></td>
<td>TX 75227</td>
<td>Line 2 – $101,270.00</td>
</tr>
</tbody>
</table>
### BID INFORMATION (Continued)

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas Municipal Equipment, LLC</td>
<td>3131 Watercress</td>
<td>Line 1 - $70,683.04</td>
</tr>
<tr>
<td></td>
<td>Arlington, TX 76012</td>
<td>Line 2 - $105,442.60</td>
</tr>
<tr>
<td>Flink Company L.P.</td>
<td>502 N. Vermillion St.</td>
<td>Line 1 - $78,000.00</td>
</tr>
<tr>
<td></td>
<td>Streator, Il 61364</td>
<td>Line 2 - $108,510.00</td>
</tr>
</tbody>
</table>

### OWNER

**Equipment Southwest, Inc.**

Mike Foley, President  
Beverly Foley, Treasurer
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of eighteen sand spreaders – Equipment Southwest, Inc., lowest responsible bidder of four - Not to exceed $157,098 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$157,098.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$157,098.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

Section 1. That the purchase of eighteen sand spreaders is authorized with Equipment Southwest, Inc. (255843) in an amount not to exceed $157,098.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for eighteen sand spreaders. 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 $157,098.00.

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>ACTV</th>
<th>AMOUNT</th>
<th>ENCUMBRANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0598</td>
<td>STS</td>
<td>E288</td>
<td>4720</td>
<td>EANO</td>
<td>$157,098.00</td>
<td>POSTS00000057635</td>
</tr>
</tbody>
</table>

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Street Services
AGENDA ITEM # 5

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 3, 6

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

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

MAPSCO: 43E 43H and 45W

SUBJECT

Authorize the purchase of four Duperon self-cleaning trashrack systems at the Ledbetter Dike, Delta, and Charlie Pump Stations to remove debris carried to the pump stations through the stormwater system - Duperon Corporation, lowest responsible bidder of two - Not to exceed $652,900 - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the purchase of two additional and two replacement self-cleaning trashrack systems that are fully assembled and each includes a control package, remote button station, and a remote disconnect station. In addition, these systems are front-raked and back-returned continuous cleaning systems. Self-cleaning trashrack systems will be installed at the Ledbetter Dike, Delta, and Charlie Pump Stations.

Currently, the Flood Control Division of the Street Services Department operates nineteen self-cleaning trashracks and one flex-rake Duperon trashrack system. Trashracks are located at pump stations along the Trinity River and function to remove debris carried to the pump stations via the stormwater system. The trash removal process allows the pump stations to operate at full capacity without the danger of damage from debris and also, helps prevent pollution. Approximately, 3200 cubic yards of trash and debris are removed and diverted from entering the Trinity River annually.

Locations:

District 6
- 1 unit - Delta Station - 4115 N. Hampton, MAPSCO 43H - $201,225.00
  (replacement)
BACKGROUND (Continued)

District 3:
- 1 unit - Charlie Station - 600 1st Street, MAPSCO 45W - $176,225.00 (replacement)
- 2 units - Ledbetter Dyke - 3904 Bernal Drive, MAPSCO 43E - $275,450.00 (new)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 734 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS’ ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women’s Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 8, 2005, City Council authorized the purchase of two Duperon self-cleaning trashrack systems to be installed at the Delta and New Hampton Pump Stations to remove debris carried to the pump stations through the stormwater system by Resolution #05-1743.

FISCAL INFORMATION

$652,900.00 - 2006 Bond Funds

<table>
<thead>
<tr>
<th>Council District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>$451,675.00</td>
</tr>
<tr>
<td>6</td>
<td>$201,225.00</td>
</tr>
<tr>
<td>Total</td>
<td>$652,900.00</td>
</tr>
</tbody>
</table>

M/WBE INFORMATION

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

734 - M/WBE and Non-M/WBE vendors were contacted
MWBE INFORMATION (Continued)

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

ETHNIC COMPOSITION

Duperon Corporation

Hispanic Female 0  Hispanic Male 1
Black Female 0  Black Male 1
Other Female 0  Other Male 0
White Female 13  White Male 15

BID INFORMATION

The following bids were received from solicitation number BP0833 and opened on May 22, 2008. This purchase is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Duperon Corporation</td>
<td>515 N. Washington Avenue</td>
<td>$652,900.00</td>
</tr>
<tr>
<td></td>
<td>Saginaw, MI 48607</td>
<td></td>
</tr>
<tr>
<td>Flood Control Solutions</td>
<td>1930 Meadow Way</td>
<td>$698,715.00</td>
</tr>
<tr>
<td></td>
<td>Terrell, TX 75160</td>
<td></td>
</tr>
</tbody>
</table>

OWNER

Duperon Corporation

Terry L. Duperon, President
Tammy L. Bernier, Vice President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of four Duperon self-cleaning trashrack systems at the Ledbetter Dike, Delta, and Charlie Pump Stations to remove debris carried to the pump stations through the stormwater system - Duperon Corporation, lowest responsible bidder of two - Not to exceed $652,900 - Financing: 2006 Bond Funds

Duperon 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

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$652,900.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$652,900.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on June 8, 2005, City Council authorized the purchase of two Duperon trashrack systems to be installed at the Delta and New Hampton Pump Stations to remove debris carried to the pump stations through the stormwater system by Resolution #05-1743;

NOW, THEREFORE,

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

Section 1. That the purchase of four Duperon self-cleaning trashrack systems at the Ledbetter Dike, Delta, and Charlie Pump Stations to remove debris carried to the pump stations through the stormwater system is authorized with Duperon Corporation (267486) in an amount not to exceed $652,900.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for four Duperon self-cleaning trashrack systems at the Ledbetter Dike, Delta, and Charlie Pump Stations to remove debris carried to the pump stations through the stormwater system. 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 $652,900.00:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>ACTIVITY</th>
<th>AMOUNT</th>
<th>ENCUMBRANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>7T23</td>
<td>PBW</td>
<td>T498</td>
<td>4720</td>
<td>FLDM</td>
<td>$652,900</td>
<td>CTPBW06T498K1</td>
</tr>
</tbody>
</table>

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Public Works & Transportation
Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Streets Services
SUBJECT

Authorize the purchase of one bio-solids distribution vehicle, one combination sewer/vacuum vehicle and two sewer cleaner vehicles - Agco Corp. - Ag Chem Division in the amount of $362,567, Metro Ford Truck Sales, Inc. in the amount of $220,625 and Rush Truck Center-Houston in the amount of $166,338, lowest responsible bids of nine - Total not to exceed $749,530 - Financing: Water Utilities Current Funds

BACKGROUND

The bio-solids distribution vehicle will be used to apply digested (stabilized) sludge in the dedicated sludge disposal fields and the sludge only landfill at the Southside Wastewater Treatment Plant. Sludge is a solid by-product of treated wastewater at the Central and Southside Wastewater Treatment Plants. These solids are separated from the water, producing a clear and clean effluent that is discharged into the Trinity River. The excess sludge is sent through the solids treatment process for final processing and disposal. All sludge disposal operations must meet stringent regulations as required by Texas Commission of 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. Failure to dispose of sludge in a timely manner will result in odor complaints from citizens and possible fines from the regulatory agencies.

Currently, the City has a fleet of five bio-solids distribution vehicles. 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.
BACKGROUND (Continued)

The combination sewer/vacuum truck and two sewer cleaner trucks will be used to perform maintenance on the sanitary sewer system. Preventative inspections and cleanings are important in identifying existing or potential problem areas in the sewer system. Replacement of this equipment will also help in the reduction of sanitary sewer overflows and reduce overtime usage.

DWU maintains over 4,200 miles of wastewater mains, and this equipment will assist in its efforts to decrease the number of sewer backups and overflows by utilizing an aggressive and proactive preventative maintenance program.

Currently, the City has a fleet of ten combination sewer/vacuum and thirteen sewer cleaner trucks. Replacement vehicles have gone through an evaluation process using an established criteria to ensure that only vehicles that have exceeded their regular maintenance program are replaced. The equipment evaluation process uses a criteria that includes life to date maintenance costs, recommended replacement mileage, recommended replacement life, and a point system that includes down time, and number of work orders to determine a vehicles productivity. Before a vehicle is considered or recommended for replacement, the vehicle must meet at least two of four factors. All equipment has met replacement criteria or they are additions to the fleet.

This bid has a 18.4% increase over the bid awarded in 2007 for a biosolids vehicle.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 631 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women’s Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 12, 2007, City Council authorized the purchase of a bio-solids distribution vehicle to be used at the Southside Wastewater Treatment Plant by Resolution #07-2546.

FISCAL INFORMATION

$749,530.00 - Water Utilities Current Funds
M/WBE INFORMATION

83 - Vendors Contacted
82 - No response
1 - Response (bid)
0 - Response (no bid)
0 - Successful

631 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

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

Metro Ford Truck Sales, Inc.

Hispanic Female 2 Hispanic Male 24
Black Female 2 Black Male 10
Other Female 0 Other Male 3
White Female 7 White Male 10

Rush Truck Center-Houston

Hispanic Female 2 Hispanic Male 24
Black Female 2 Black Male 10
Other Female 0 Other Male 3
White Female 7 White Male 104

BID INFORMATION

The following bids were received from solicitation number BP0838 and opened on July 2, 2008. This purchase is being awarded to the lowest responsive and responsible bidders by group.
**BID INFORMATION (Continued)**

*Denotes successful bidders

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Agco Corp. - Ag Chem Division</td>
<td>12891 - 134th Ave. NE Spicer, MN 56288</td>
<td>Group 1 - $362,567.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 2 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 3 - No Bid</td>
</tr>
<tr>
<td>*Metro Ford Truck Sales, Inc.</td>
<td>4000 Irving Blvd. Dallas, TX 75247</td>
<td>Group 1 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 2 - $220,625.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 3 - $195,964.00</td>
</tr>
<tr>
<td>*Rush Truck Center-Houston</td>
<td>10200 North Loop East Houston, TX 77029</td>
<td>Group 1 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 2 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 3 - $166,338.00</td>
</tr>
<tr>
<td>Rush Truck Center-Houston</td>
<td>10200 North Loop East Houston, TX 77029</td>
<td>Group 1 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 2 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 3 - $208,543.00</td>
</tr>
<tr>
<td>Rush Truck Center-Houston</td>
<td>10200 North Loop East Houston, TX 77029</td>
<td>Group 1 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 2 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 3 - $210,850.00</td>
</tr>
<tr>
<td>Rush Truck Center-Houston</td>
<td>10200 North Loop East Houston, TX 77029</td>
<td>Group 1 - No Bid</td>
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<tr>
<td></td>
<td></td>
<td>Group 2 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 3 - $215,400.00</td>
</tr>
<tr>
<td>Southwest International Trucks, Inc.</td>
<td>3722 Irving Blvd. Dallas, TX 75247</td>
<td>Group 1 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 2 - $228,278.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 3 - No Bid</td>
</tr>
<tr>
<td>Romco Equipment Co.</td>
<td>3900 Halifax Dallas, TX 75247</td>
<td>Group 1 - $404,409.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 2 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 3 - No Bid</td>
</tr>
<tr>
<td>Romco Equipment Co.</td>
<td>3900 Halifax Dallas, TX 75247</td>
<td>Group 1 - $416,995.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 2 - No Bid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 3 - No Bid</td>
</tr>
</tbody>
</table>
OWNERS

Agco Corp. - Ag Chem Division
Robert B. Crain, President
Steve Koep, Vice President
Arnie Sinclair, Director of Sales

Metro Ford Truck Sales, Inc.
Eileen Beard, President
D.H. Foley, Jr., Vice President
William Prindible, Secretary

Rush Truck Center-Houston
Rusty Rush, President
Martin Naegelin, Jr., Vice President
Derrek Weaver, Secretary
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of one bio-solids distribution vehicle, one combination sewer/vacuum vehicle and two sewer cleaner vehicles - Agco Corp. - Ag Chem Division in the amount of $362,567, Metro Ford Truck Sales, Inc. in the amount of $220,625 and Rush Truck Center-Houston in the amount of $166,338, lowest responsible bids of nine - Total not to exceed $749,530 - Financing: Water Utilities Current Funds

Agco Corp. - Ag Chem Division and Rush Truck Center - Houston are non-local, non-minority firms, have signed the "Good Faith Effort" documentation, and propose to use their own workforces. Metro Ford Truck Sales, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$220,625.00</td>
<td>29.44%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$528,905.00</td>
<td>70.56%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$749,530.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
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<td>$0.00</td>
<td>0.00%</td>
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<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
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</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
</tr>
</tbody>
</table>
WHEREAS, on September 12, 2007, City Council authorized the purchase of a bio-solids distribution vehicle to be used at the Southside Wastewater Treatment Plant by Resolution #07-2546;

NOW, THEREFORE,

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

Section 1. That the purchase of one bio-solids distribution vehicle, one combination sewer/vacuum vehicle and two sewer cleaner vehicles is authorized with Agco Corp – Ag Chem Division (VS0000020134) in an amount of $362,567.00, Metro Ford Truck Sales, Inc. (512813) in the amount of $220,625.00, and Rush Truck Center – Houston (VS0000004933) in the amount of $166,338.00 for a total amount not to exceed $749,530.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for one bio-solids distribution vehicle, one combination sewer/vacuum vehicle and two sewer cleaner vehicles. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed $749,530.00:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJ</th>
<th>AMOUNT</th>
<th>ENCUMBRANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0100</td>
<td>DWU</td>
<td>7450</td>
<td>4740</td>
<td>$362,567.00</td>
<td>PO DWU 00000057653</td>
</tr>
<tr>
<td>0100</td>
<td>DWU</td>
<td>7410</td>
<td>4740</td>
<td>$220,625.00</td>
<td>PO DWU 00000057655</td>
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<tr>
<td>0100</td>
<td>DWU</td>
<td>7410</td>
<td>4740</td>
<td>$166,338.00</td>
<td>PO DWU 00000057656</td>
</tr>
</tbody>
</table>

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Water Utilities
KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Business Development & Procurement Services

CMO: Dave Cook, 670-7804

MAPSCO: N/A

SUBJECT

Authorize a sixty-month concession contract, with three one-year renewal options, for car rental concession services at Dallas Love Field Airport - The Hertz Corporation, Avis Rent A Car System, LLC, Budget Rent A Car System, Inc., Alamo Rental (US), Inc., Enterprise Leasing Company of DFW dba Enterprise Rent-A-Car, National Rental (US), Inc., DTG Operations, Inc. dba Dollar Rent A Car, and DTG Operations, Inc. dba Thrifty Car Rental, highest responsible bidders of eight - Estimated Annual Revenue: $5,218,810 or 10% of gross sales, whichever is greater

BACKGROUND

This concession contract will provide on-site car rental services to travelers arriving at Dallas Love Field Airport. The airport is a gateway to approximately 8 million travelers who arrive and depart in Dallas each year to visit or conduct business. In order to make the travelers visit fluid and expedient the airport offers its customers a convenient transportation option by offering on-site car rental opportunities where they can rent a vehicle of their choice. The airport will offer travelers 8 car rental agencies located in the lobby, with each making available representatives to assist customers with their car rental needs.

Through the competitive bidding process, the City received eight bids from car rental agencies (Hertz, Avis, Budget, Dollar, Enterprise, National, Alamo and Thrifty) who desire to offer their services through counter customer service representatives from within Dallas Love Field Airport. The contract will be a service contract that will provide car rental services at Dallas Love Field Airport for a base term of sixty months wherein the City will receive a minimum annual guarantee or ten percent of gross sales, whichever is greater and shall be received on a monthly basis throughout the term of the contract. The existing contracts are scheduled to expire September 30, 2008.

This bid has a 71% increase over the revenue contract awarded in 2003.
BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 343 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women’s Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 26, 2008, the Transportation & Environment Committee was briefed.

On June 25, 2003, the City Council authorized a sixty-month service contract for car rental concessions at Dallas Love Field by Resolution #03-1896.

FISCAL INFORMATION

$5,218,809.40 or 10% of gross sales, whichever is greater - Estimated Annual Revenue

M/WBE INFORMATION

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

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

ETHNIC COMPOSITION

The Hertz Corporation

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Black</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>White</td>
<td>7</td>
<td>7</td>
</tr>
</tbody>
</table>
### ETHNIC COMPOSITION (Continued)

**Avis Rent A Car System, LLC**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Female</td>
<td>6</td>
<td>16</td>
</tr>
<tr>
<td>Other Female</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>White Female</td>
<td>2</td>
<td>12</td>
</tr>
</tbody>
</table>

**Budget Rent A Car System, Inc.**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Female</td>
<td>7</td>
<td>13</td>
</tr>
<tr>
<td>Other Female</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>White Female</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

**Alamo Rental (US), Inc.**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Female</td>
<td>7</td>
<td>23</td>
</tr>
<tr>
<td>Other Female</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White Female</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

**Enterprise Leasing Company of DFW dba Enterprise Rent-A-Car**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Female</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>Other Female</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White Female</td>
<td>2</td>
<td>8</td>
</tr>
</tbody>
</table>

**National Rental (US), Inc.**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Female</td>
<td>7</td>
<td>23</td>
</tr>
<tr>
<td>Other Female</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White Female</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

**DTG Operations, Inc. dba Dollar Rent A Car**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Female</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Other Female</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>White Female</td>
<td>3</td>
<td>23</td>
</tr>
</tbody>
</table>
ETHNIC COMPOSITION (Continued)

DTG Operations, Inc. dba Thrifty Car Rental

Hispanic Female  7  Hispanic Male  11
Black Female  14  Black Male  14
Other Female  1  Other Male  6
White Female  3  White Male  23

BID INFORMATION

The following bids were received from solicitation number BT0802 and opened on July 30, 2008. This concession contract is being awarded to the highest responsive and responsible bidders.

*Denotes successful bidders

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*The Hertz Corporation</td>
<td>225 Brae Blvd. Park Ridge, NJ 07656</td>
<td>$6,699,600.00</td>
</tr>
<tr>
<td>*Avis Rent A Car System, LLC</td>
<td>6 Sylvan Way Parsippany, NJ 07054</td>
<td>$5,986,000.00</td>
</tr>
<tr>
<td>*Budget Rent A Car System, Inc.</td>
<td>6 Sylvan Way Parsippany, NJ 07054</td>
<td>$3,959,505.00</td>
</tr>
<tr>
<td>*Alamo Rental (US), Inc.</td>
<td>700 Corporate Park Dr. 3rd Floor St. Louis, MO 63105</td>
<td>$2,638,521.00</td>
</tr>
<tr>
<td>*Enterprise Leasing Company of DFW dba Enterprise Rent-A-Car</td>
<td>8200 John Carpenter Frwy. Dallas, TX 75247</td>
<td>$2,414,996.00</td>
</tr>
<tr>
<td>*National Rental (US), Inc.</td>
<td>700 Corporate Park Dr. 3rd Floor St. Louis, MO 63105</td>
<td>$2,110,425.00</td>
</tr>
<tr>
<td>*DTG Operations, Inc. dba Dollar Rent A Car</td>
<td>5330 E. 31st St. Tulsa, OK 74135</td>
<td>$1,400,000.00</td>
</tr>
<tr>
<td>*DTG Operations, Inc. dba Thrifty Car Rental</td>
<td>5330 E. 31st St. Tulsa, OK 74135</td>
<td>$885,000.00</td>
</tr>
</tbody>
</table>
OWNERS

The Hertz Corporation

Joseph R. Nothwang, President
Lauren S. Babus, Assistant Secretary
Elyse Douglas, Treasurer

Avis Rent A Car System, LLC

F. Robert Salerno, President
Larry De Shon, Executive Vice President
Jean Marie Sera, Secretary
Rochelle Tarlowe, Treasurer

Budget Rent A Car System, Inc.

David D. Blaskey, President
Robert Bouta, Vice President
Paul Gallagher, Assistant Secretary
David B. Wyshner, Treasurer

Alamo Rental (US), Inc.

Gregory R. Stubblefield, President
Jeffery J. Parell, Vice President
Mark I. Litow, Assistant Secretary
Gary W. Cunningham, Vice President Finance

Enterprise Leasing Company of DFW dba Enterprise Rent-A-Car

Andrew C. Taylor, President
William W. Snyder, Vice President/Treasurer
Mark I. Litow, Secretary

National Rental (US), Inc.

Gregory R. Stubblefield, President
Jeffery J. Parell, Vice President
Mark I. Litow, Assistant Secretary
Gary W. Cunningham, Vice President Finance
OWNERS (Continued)

DTG Operations, Inc. dba Dollar Rent A Car

John J. Foley, President
R. Scott Anderson, Vice President
Vicki J. Vaniman, Secretary
Pamela S. Peck, Treasurer

DTG Operations, Inc. dba Thrifty Car Rental

John J. Foley, President
R. Scott Anderson, Vice President
Vicki J. Vaniman, Secretary
Pamela S. Peck, Treasurer
WHEREAS, on June 25, 2003, the City Council authorized a sixty-month service contract for car rental concessions at Dallas Love Field by Resolution #03-1896; and,

WHEREAS, the City publicly advertised and sought bids for car rental concessions from interested companies to provide car rental services at Dallas Love Field Airport for a term of five years, with three one-year renewal options; and,


WHEREAS, it is the recommendation of the Director of Aviation to accept all bids received and enter into contracts with each of the eight companies;

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 sixty-month concession contracts, with three one-year renewal options, with The Hertz Corporation (VC0000005869), Avis Rent A Car System, LLC (503479), Budget Rent A Car System, Inc. (VC0000005870), Alamo Rental (US), Inc. (VC0000005871), Enterprise Leasing Company of DFW dba Enterprise Rent-A-Car (508213), National Rental (US), Inc. (VC0000005872), DTG Operations, Inc. dba Dollar Rent A Car (VC0000005873), and DTG Operations, Inc. dba Thrifty Car Rental (VC0000005874), for car rental concession services at Dallas Love Field for an estimated annual revenue amount of $5,218,809.40 or 10% of gross sales, whichever is greater, upon approval as to form by the City Attorney.

Section 2. That the revenues to be paid to the City for the five-year term, as outlined in the bid, are hereby accepted and approved, minimum guarantee or 10% of gross sales for each of the five years, whichever is greater, payable in monthly installments from:

<table>
<thead>
<tr>
<th>Company</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hertz Corporation</td>
<td>$6,699,600.00</td>
</tr>
<tr>
<td>Avis Rent-A-Car System, LLC</td>
<td>$5,986,000.00</td>
</tr>
<tr>
<td>Budget Rent-A-Car System, Inc.</td>
<td>$3,959,505.00</td>
</tr>
<tr>
<td>Alamo Rental (US), Inc.</td>
<td>$2,638,521.00</td>
</tr>
</tbody>
</table>
Section 2. (Continued)

Enterprise Leasing Company of DFW dba Enterprise Rent-A-Car $2,414,996.00
National Rental (US), Inc. $2,110,425.00
DTG Operation, Inc. dba Dollar Rent-A-Car $1,400,000.00
DTG Operation, Inc. dba Thrifty Rent-A-Car $885,000.00

Section 3. That the City Controller is authorized to deposit all revenues received from The Hertz Corporation, Avis Rent A Car System, LLC, Budget Rent A Car System, Inc., Alamo Rental (US), Inc., Enterprise Leasing Company of DFW dba Enterprise Rent-A-Car, National Rental (US), Inc., DTG Operations, Inc. dba Dollar Rent A Car, and DTG Operations, Inc. dba Thrifty Car Rental as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Dept</th>
<th>Unit</th>
<th>Revenue Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>0130</td>
<td>AVI</td>
<td>7725</td>
<td>7811</td>
</tr>
</tbody>
</table>

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

DISTRIBUTION:

Office of Business Development and Procurement Services, 3FN
Aviation Department
City Attorney’s Office
KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: September 10, 2008

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 twelve-month master agreement for ferrous sulfate - Pencco, Inc., only bidder - Not to exceed $1,989,000 - Financing: Water Utilities Current Funds

BACKGROUND

The master agreement will enable the City to purchase ferrous sulfate which is a chemical used in the wastewater treatment process. Ferrous sulfate is added to the wastewater collection system to protect the water treatment infrastructure against corrosion, improve the quality of wastewater for safer disposal, and to mitigate nuisance odors which may occur at water treatment facilities.

The awardee of this master agreement will provide the chemical, storage tanks, dosing systems and sulfide testing. The ferrous sulfate will be dosed directly into the wastewater collection lines by ten independent dosing systems which will be placed in various locations throughout the City.

Water Utilities provides wastewater treatment services to 1,353, 254 customers in Dallas and surrounding communities. The City treats approximately 69 billion gallons of wastewater per year.

Twelve months was determined to be an appropriate term for this master agreement in view of the instability of raw materials being experienced in the chemical market. Such term also minimizes the City from having to pay inflationary prices long term and allows the market to stabilize before entering into a long term agreement. This bid is 85% higher than the award made in August 2006.
BACKGROUND (Continued)

During the bid process, Business Development and Procurement Services conducted a market analysis which included surveying Houston, San Antonio Water System, Corpus Christi and Laredo, the results indicate that the users contacted purchase their supply from Pencco, which is the recommended vendor for this agreement. Furthermore, our research found that vendors who are suppliers of this chemical are no longer distributing or engaging in long term contracts for the supply of ferrous sulfate due to the instability of raw materials in the current market. Producers of ferrous sulfate are currently battling fluctuating raw material prices, such as sulfuric acid a main component of ferrous sulfate, which has gone from $60.00 to $70.00 per ton a year ago to $350.00 and $410.00 per ton today.

Three bid responses were received for this solicitation, two of which resulted in no bids (Kemira and BWI); Pencco submitted the only responsive and responsible bid. Pencco and Kemira are the manufacturers of this product in Texas and; Kemira is in the process of stopping production of this chemical at its Houston plant. Most of the distributors contacted did not bid because the market situation does not encourage a price agreement beyond a few weeks. As an additional note, the Purchasing Journal of September 13, 2007 has reported that “not only is sulfuric acid tight, but there is scarcity of railcars to deliver the chemical --- roughly 60% of sulfuric acid produced goes into agriculture, primarily in the manufacture of phosphate fertilizer”.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 76 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women’s Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 23, 2006, City Council authorized a twelve-month master agreement for ferrous sulfate by Resolution #06-2209.

On February 25, 2004, City Council authorized a twenty-four-month master agreement for ferrous sulfate by Resolution #04-0757.

FISCAL INFORMATION

$1,989,000.00 - Water Utilities Current Funds
M/WBE INFORMATION

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

76 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

Pencco, Inc.

Hispanic Female  2  Hispanic Male  18
Black Female  0  Black Male  1
Other Female  0  Other Male  0
White Female  4  White Male  24

BID INFORMATION

The following bids were received from solicitation number BC0822 and were opened on May 22, 2008. This master agreement is being awarded in its entirety to the only bidder.

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Pencco, Inc.</td>
<td>831 Bartlett Rd.</td>
<td>$1,989,000.00</td>
</tr>
<tr>
<td></td>
<td>Sealy, TX 77474</td>
<td></td>
</tr>
</tbody>
</table>

Note: Pursuant to Business Development and Procurement Services’ (BDPS) request, the Auditor’s office has reviewed the single bid item and submitted related documentation and has determined BDPS followed Administrative Directive 4-05 provisions for processing this single bid item and made reasonable efforts to increase bid participation. This proposed procurement meets the requirements for a single bid.
OWNER

Pencco, Inc.

Ron L. Horne, President
Aline Horne, Vice President/Secretary
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a twelve-month master agreement for ferrous sulfate - Pencco, Inc., only bidder - Not to exceed $1,989,000 - Financing: Water Utilities Current Funds

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

PROJECT CATEGORY: Goods

<table>
<thead>
<tr>
<th>LOCAL/NON-LOCAL CONTRACT SUMMARY</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$1,989,000.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$1,989,000.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Non-local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richochet Fuel</td>
<td>WFDB35123Y1008</td>
<td>$100,000.00</td>
<td>5.03%</td>
</tr>
<tr>
<td>Total Minority - Non-local</td>
<td></td>
<td>$100,000.00</td>
<td>5.03%</td>
</tr>
</tbody>
</table>

TOTAL M/WBE CONTRACT PARTICIPATION

| 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% | $100,000.00 | 5.03% |
| Total            | $0.00 | 0.00% | $100,000.00 | 5.03% |
COUNCIL CHAMBER

September 10, 2008

WHEREAS, on February 25, 2004, City Council authorized a twenty-four-month master agreement for ferrous sulfate by Resolution #04-0757; and,

WHEREAS, on August 23, 2006, City Council authorized a twelve-month master agreement for ferrous sulfate by Resolution #06-2209;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of ferrous sulfate for the removal of residual chlorine is authorized with Pencco, Inc. (266895) for a term of twelve-months in an amount not to exceed $1,989,000.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for ferrous sulfate. If a written contract is required or requested for any or all purchases of ferrous sulfate 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 $1,989,000.00.

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
Water Utilities
AGENDA ITEM # 9

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Development Services
Water Utilities

CMO: A. C. Gonzalez, 671-8925
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of land containing a total of approximately 331,259 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline (list attached) - $168,100 ($164,070 plus closing costs not to exceed $4,030) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of three tracts of land containing a total of approximately 331,259 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline. The properties will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni Pipeline. The consideration of $164,070 is based on independent appraisals.

This acquisition is part of the Lake Fork Project currently underway by Dallas Water Utilities which will allow the construction of a third pipeline from Lake Tawakoni to the Tawakoni Balancing Reservoir, and then to the Eastside Water Treatment Plant. Ultimately, a new 144-inch pipeline will be placed parallel to the existing 72-inch and 84-inch pipelines. The construction of the third pipeline from Lake Tawakoni to Dallas will allow capacity for Lake Fork to supply water to meet current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $168,100 ($164,070 plus closing costs not to exceed $4,030)
OWNERS

Mann GST Nonexempt Marital Trust
Janice Sue Mann, Trustee

Janice Sue Mann
Thomas J. Shipley
Martha Frazier Shipley
Brenda Shipley Richards
Alvin Morton

MAPS

Attached
## Lake Tawakoni Properties

<table>
<thead>
<tr>
<th>Tract</th>
<th>Owner</th>
<th>Offer Amount</th>
<th>Closing Costs Not to Exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Mann GST Nonexempt Marital Trust, Janice Sue Mann</td>
<td>$2,468.00</td>
<td>$1,132.00</td>
</tr>
<tr>
<td>2.</td>
<td>Thomas J. Shipley, Martha Frazier Shipley &amp; Brenda Shipley Richards</td>
<td>$69,122.00</td>
<td>$1,878.00</td>
</tr>
<tr>
<td>3.</td>
<td>Alvin Morton</td>
<td>$92,480.00</td>
<td>$1,020.00</td>
</tr>
</tbody>
</table>
Tract 3
Parcel 1 of 2
Tract 3
Parcel 2 or 2

CITY OF DALLAS WATER LINE ROW
A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.

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

"CITY": The City of Dallas.

“PROPERTY”: The tracts or parcels of land described in "Exhibit A", attached hereto and made a part hereof for all purposes.

“PROJECT”: Lake Tawakoni 144-inch Raw Water Transmission Pipeline

"PROPERTY INTEREST": Fee Simple

"OFFER AMOUNT"and “OWNER” are described below:

<table>
<thead>
<tr>
<th>TRACT</th>
<th>OWNER</th>
<th>OFFER AMOUNT</th>
<th>CLOSING COSTS NOT TO EXCEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Janice Sue Mann</td>
<td>$2,468.00</td>
<td>$1,132.00</td>
</tr>
<tr>
<td>2.</td>
<td>Thomas J. Shipley, Martha Frazier Shipley &amp; Brenda Shipley Richards</td>
<td>$69,122.00</td>
<td>$1,878.00</td>
</tr>
<tr>
<td>3</td>
<td>Alvin Morton</td>
<td>$92,480.00</td>
<td>$1,020.00</td>
</tr>
</tbody>
</table>

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

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

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

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Development Services Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.
SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, in the OFFER AMOUNT payable out of Water Utilities Capital Construction Fund No. 0102, Department DWU, Unit CW20, Object 4210, Activity RWPT, Program No. 704041.

<table>
<thead>
<tr>
<th>TRACT</th>
<th>AMOUNT</th>
<th>ENCUMBRANCE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>$2,468.00</td>
<td>CTDWU704041BP</td>
</tr>
<tr>
<td>2.</td>
<td>$69,122.00</td>
<td>CTDWU704041BN</td>
</tr>
<tr>
<td>3.</td>
<td>$92,480.00</td>
<td>CTDWU704041BQ</td>
</tr>
</tbody>
</table>

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

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

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

SECTION 8. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.
SECTION 9. That this resolution shall take effect immediately from and after its passage, 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

Assistant City Attorney
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 27

BEING a 0.0987 acre tract of land in the Ruth Peckham Survey, Abstract No. 374, and being located in Kaufman County, Texas, and being a portion of a tract of land described in Warranty Deed to Richard E. Mann and wife, Sue Mann, dated September 17, 1998, as recorded in Volume 1330, Page 62 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

COMMENCING at a 3/4-inch found iron rod for an angle point on the northwest line of a tract of land described in Warranty Deed with Vendor's Lien in Favor of Third Party to Richard E. Mann and Janice Sue Mann, husband and wife, dated April 23, 1996, as recorded in Volume 1208, Page 969, D.R.K.C.T.;

THENCE South 44 degrees 39 minutes 11 seconds West, along said northwest line, a distance of 888.53 feet to a found wood fence post for an angle point;

THENCE South 43 degrees 48 minutes 13 seconds West, continuing along said northwest line, a distance of 1,074.47 feet to a 1/2-inch set iron rod with a red plastic cap stamped "DAL-TECH" (hereinafter referred to as "with cap") for the POINT OF BEGINNING, said point being on the southeast line of a City of Dallas Water Line Right-of-Way as recorded in Volume 439, Page 589, D.R.K.C.T., said point also being South 75 degrees 49 minutes 44 seconds West, a distance of 1,260.19 feet from a found broken concrete monument;


THENCE North 46 degrees 18 minutes 04 seconds West, along the common line between the southwest line of said Mann tract recorded in Volume 1330, Page 62, D.R.K.C.T., and the northeast line of said Kvapil tract, a distance of 73.38 feet to a 1/2-inch set iron rod with cap on the southeast line of said City of Dallas Water Line Right-of-Way;

THENCE North 75 degrees 49 minutes 44 seconds East, departing said common line and along the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 138.38 feet to the POINT OF BEGINNING AND CONTAINING 4,300 square feet or 0.0987 acres of land, more or less.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 27

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.

By: [Signature] Date: 2-23-07

Surveyor's Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
OWNER: RICHARD E. MANN AND WIFE, SUE MANN
VOL. 1330, PG. 62
D.R.K.C.T.

OWNER: KEVIN RAY KVAPIL
VOL. 916, PG. 174
D.R.K.C.T.

PARCEL 27
4,300 S.F.
0.0987 AC.

SCALE: 1"=100'

RUTH PECKHUM SURVEY
ABSTRACT NO. 374

THIS SURVEY WAS PERFORMED BASE UPON
RECORD DATA PROVIDED UNDER TICOR TITLE
INSURANCE COMPANY TITLE COMMITMENT
G.F. NUMBER 20730-KF06, WITH AN EFFECTIVE
DATE OF AUGUST 24, 2006.

EXHIBIT OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
RUTH PECKHUM SURVEY, ABSTRACT NO. 374
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17311 DALLAS PKWY., SUITE 300
DALLAS, TEXAS 75248, TEL (972)250-2707, FAX (972)250-4774

LEGEND:
S.F. SQUARE FEET
C.M. CONTROL MONUMENT
O'FIR FOUND IRON ROD
OFIP FOUND IRON PIPE
O'FIR W/CAP SET IRON ROD
WITH A RED PLASTIC CAP STAMPED "DAL-TECH"
SX SET "X" CUT IN CONCRETE
FPK FOUND PK. NAIL
SPK SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83
TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL
ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN
CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER
CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY
SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE
TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS
DISTRICT WAS USED FOR THIS PROJECT.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 1

BEING a 3.638 acre tract of land in the William Smith Survey, Abstract No. 444, and being located in Kaufman County, Texas, and being a portion of a tract of land described in Special Warranty Deed to Brenda Shipley Richards, dated July 7, 1994, as recorded in Volume 1139, Page 177 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:


THENCE South 46 degrees 14 minutes 39 seconds East, along the common line between the northeast line of said “Tract Two” and the southwest line of said Collins-Newton tract, a distance of 1,102.81 feet to a point on the southeast line of a City of Dallas Water Line Right-of-Way (140-feet wide) as recorded in Volume 436, Page 27, D.R.K.C.T., said point being North 46 degrees 14 minutes 39 seconds West, a distance of 1,229.92 feet from a found wood fence post for an angle point in the northeast line of Tract One of said Terrell Country Club Association Addition;

THENCE North 72 degrees 26 minutes 55 seconds East, departing said common line and along the southeast line of said City of Dallas Water Line Right-of-Way, passing at a distance of 1,474.11 feet a found concrete monument with a brass disk stamped “City of Dallas” and continuing along said southeast line for a total distance of 1,487.00 feet to a 1/2-inch set iron rod with a red plastic cap stamped “DALTECH” (hereinafter referred to as “with cap”) for the POINT OF BEGINNING, said point being on the southwest line of said Richards tract and in Kaufman County Road No. 246, an unrecorded right-of-way;

THENCE North 72 degrees 26 minutes 55 seconds East, departing the southwest line of said Richards tract and along the southeast line of a City of Dallas Water Line Right-of-Way (140-feet wide) described as “Tract A” as recorded in Volume 440, Page 404, D.R.K.C.T., passing at a distance of 27.00 feet, a found concrete monument with a brass disk stamped “City of Dallas”, and continuing along said southeast line for a total distance of 267.54 feet to a 1/2-inch set iron rod with cap for an angle point;

THENCE North 82 degrees 30 minutes 17 seconds East, continuing along said southeast line, passing at a distance of 738.96 feet a found concrete monument with a brass disk stamped “City of Dallas”, and continuing along said southeast line for a total distance of 739.66 feet to a 1/2-inch set iron rod with cap on the west line of a tract of land described as “Tract B” in Warranty Deed to City of Dallas, dated May 3, 1961, as recorded in Volume 440, Page 404, D.R.K.C.T.;

THENCE South 07 degrees 01 minute 02 seconds East, along said west line, a distance of 122.62 feet to a 1/2-inch set iron rod with cap for an angle point;

THENCE South 45 degrees 22 minutes 09 seconds West, continuing along said west line, a distance of 295.30 feet to a corner not set-inaccessible for an angle point; T.O.K.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 1

THENCE North 52 degrees 13 minutes 14 seconds West, departing said west line and crossing said Richards tract, a distance of 240.53 feet to a corner not set-inaccessible for an angle point;

THENCE South 82 degrees 30 minutes 17 seconds West, continuing across said Richards tract and along a line parallel with and 130 feet perpendicularly distant southeast from the southeast line of said "Tract A", a City of Dallas Water Line Right-of-Way, a distance of 322.52 feet to a 1/2-inch set iron rod with cap for an angle point;

THENCE South 72 degrees 26 minutes 55 seconds West, continuing across said Richards tract and along a line parallel with and 130 feet perpendicularly distant southeast from the southeast line of said "Tract A", a City of Dallas Water Line Right-of-Way, a distance of 184.95 feet to a 1/2-inch set iron rod with cap on the common line between the southwest line of said Richards tract and the northeast line of said Collins-Newton tract, said point being in said Kaufman County Road No. 246;

THENCE North 46 degrees 14 minutes 39 seconds West, along said common line, a distance of 148.20 feet to the POINT OF BEGINNING AND CONTAINING 158,463 square feet or 3.638 acres of land, more or less. T. D. K.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.

By: ___________________________ Date: 12-13-07

Surveyor’s Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
This survey was performed base upon record data provided under Stewart Title Insurance Company commitment G.F. number 20066504, with an effective date of August 16, 2006.

All bearings for this tract refer to the NAD 83 Texas State Plane Coordinate System, North Central Zone 4202. According to measurements made at NGS continuously operating reference stations Collins CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation. Dallas District was used for this project.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 338

BEING a 2.188 acre tract of land in the W. Strickland Survey, Abstract No. 498, and being located in Kaufman County, Texas, and being a portion of a tract of land described in Quitclaim Deed to With Life Estate Reserved to Grantors, Alvin Morton and Lennie M. Morton, as Trustees of the Alvin Morton and Lennie M. Morton Revocable Living Trust, dated January 17, 1995, as recorded in Volume 1156, Page 741 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped “DAL-TECH” (hereinafter referred to as “with cap”) set on the westerly line of said Living Trust tract, and the northeast corner of a tract of land described as “Tract One” in Warranty Deed to William Brand and Mary Brand, dated May 18, 2000, as recorded in Volume 1490, Page 26, D.R.K.C.T., said point being on the south right-of-way line of a City of Dallas Water Line Right-of-Way (variable width) as recorded in Volume 508, Page 492, D.R.K.C.T., said point being South 86 degrees 00 minutes 34 seconds West, a distance of 771.16 feet from a found concrete monument with brass disk stamped, “City of Dallas” at the intersection of the southeast line of said City of Dallas Water Line Right-of-Way, and the northwest line of Kaufman County Road No. 331 (unrecorded Right-of-Way);

THENCE North 86 degrees 00 minutes 05 seconds East, departing the common line between the westerly line of said Living Trust tract and the northeast line of said Brand tract, along the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 48.05 feet to a 1/2-inch iron rod with cap set for an angle point;

THENCE South 88 degrees 15 minutes 40 seconds East, continuing along the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 50.20 feet to a 1/2-inch iron rod with cap set for an angle point;

THENCE North 86 degrees 00 minutes 34 seconds East, continuing along the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 622.02 feet to a 1/2-inch iron rod with cap set on the east line of said Living Trust tract, and being the northwest corner of a tract of land described in Special Warranty Deed to Douglas D. Morton and Kimberli A. Morton, dated April 3, 2006, as recorded in Volume 2863, Page 280, D.R.K.C.T.;

THENCE South 04 degrees 31 minutes 03 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way, and along the common line between an east line of said Living Trust tract, and the west line of said Douglas D. Morton and Kimberli A. Morton tract, a distance of 130.01 feet to a 1/2-inch iron rod with cap set for corner;

THENCE South 86 degrees 00 minutes 34 seconds West, departing said common line and crossing said Living Trust tract, along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 629.72 feet to a 1/2-inch iron rod with cap set for an angle point;
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 338

THENCE North 88 degrees 15 minutes 40 seconds West, continuing across said Living Trust tract, along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 50.19 feet to a 1/2-inch iron rod with cap set for an angle point;

THENCE South 86 degrees 00 minutes 05 seconds West, continuing across said Living Trust tract, along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 110.81 feet to a 1/2-inch iron rod with cap set on the common line between a westerly line of said Living Trust tract and the southeast line said Brand tract;

THENCE North 40 degrees 41 minutes 05 seconds East, along said common line, a distance of 137.87 feet to a 1/2-inch iron rod with cap set for an interior corner of said Living Trust tract, and the east corner of said Brand tract;

THENCE North 44 degrees 53 minutes 08 seconds West, continuing along said common line, a distance of 42.29 feet to the POINT OF BEGINNING AND CONTAINING 95,308 square feet or 2.188 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.

By: __________________________ Date: 3-5-08

Surveyor’s Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 339

BEING a 1.680 acre tract of land in the W. Strickland Survey, Abstract No. 498, and being located in Kaufman County, Texas, and being a portion of a tract of land described in Quitclaim Deed to With Life Estate Reserved to Grantors, Alvin Morton and Lennie M. Morton, as Trustees of the Alvin Morton and Lennie M. Morton Revocable Living Trust, dated January 17, 1995, as recorded in Volume 1156, Page 741, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a railroad spike set on the southwest line of said Living Trust tract, the southwest corner of a City of Dallas Water Line Right-of-Way (variable width) as recorded in Volume 508, Page 492, D.R.K.C.T., and the north corner of Tract 3 of Kara Ranch, an addition to the County of Kaufman, as recorded in Cabinet 1, Envelope 764, D.R.K.C.T., said point being in Kaufman County Road No. 331 (unrecorded Right-of-Way);

THENCE North 86 degrees 00 minutes 05 seconds East, departing the southwest line of said Living Trust tract, and said Kaufman County Road No. 331, along the southeast line of said City of Dallas Water Line Right-of-Way, passing at a distance of 34.09 feet, a found concrete monument with brass disk stamped, “City of Dallas”, and continuing a total distance of 684.85 feet to a found 1/2-inch iron rod on the southeast line of said Living Trust tract, said point being the northwest corner of a tract of land described as “Tract One” in Warranty Deed to William Brand and Mary Brand, dated May 18, 2000, as recorded in Volume 1490, Page 26, D.R.K.C.T.;

THENCE South 40 degrees 41 minutes 05 seconds West, departing the southeast line of said City of Dallas Water Line Right-of-Way, along the common line between a southeast line of said Living Trust tract, and the northwest line of said Brand tract, a distance of 182.84 feet to 1/2-inch iron rod with a red plastic cap stamped “DAL-TECH” set for a corner;

THENCE South 86 degrees 00 minutes 05 seconds West, departing said common line and crossing said Living Trust tract, along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 441.12 feet to a railroad spike set on the common line between a southwest line of said Living Trust tract and the northeast line said Kara Ranch, said point being in said Kaufman County Road No. 331;

THENCE North 45 degrees 32 minutes 00 seconds West, along said common line, a distance of 173.67 feet to the POINT OF BEGINNING AND CONTAINING 73,188 square feet or 1.680 acres of land, more or less.
FIELD NOTES
DESCRIPTING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 339

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.

By: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975

Date: 3-5-08
AGENDA ITEM # 10

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of unimproved land containing a total of approximately 4 acres of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline (list attached) - $246,676 ($241,876 plus closing costs not to exceed $4,800) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of three tracts of land containing a total of approximately 4 acres located in Kaufman County for the Lake Tawakoni 144-inch Pipeline. The properties will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni Pipeline. The consideration is based on independent appraisals.

This acquisition is part of the Lake Fork Project currently underway by Dallas Water Utilities which will allow the construction of a third pipeline from Lake Tawakoni to the Tawakoni Balancing Reservoir, and then to the Eastside Water Treatment Plant. Ultimately, a new 144-inch pipeline will be placed parallel to the existing 72-inch and 84-inch pipelines. The construction of the third pipeline from Lake Tawakoni to Dallas will allow capacity for Lake Fork to supply water to meet current City needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $246,676 ($241,876 plus closing costs not to exceed $4,800)
OWNERS

Dick Boyd
Brenda Boyd
Angus Dickson III
Pamela Ormsby Dickson
Angus Dickson Jr.

MAPS

Attached
## Lake Tawakoni Properties

<table>
<thead>
<tr>
<th>Tract</th>
<th>Owner</th>
<th>Offer Amount</th>
<th>Closing Costs Not to Exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Dick Boyd &amp; Brenda Boyd</td>
<td>$180,564.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>2.</td>
<td>Angus Dickson, III &amp; Pamela O. Dickson</td>
<td>$26,000.00</td>
<td>$1,100.00</td>
</tr>
<tr>
<td>3.</td>
<td>Angus Dickson, Jr.</td>
<td>$35,312.00</td>
<td>$1,200.00</td>
</tr>
</tbody>
</table>
A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.

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

"CITY": The City of Dallas.

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

"PROJECT": Lake Tawakoni 144-inch Raw Water Transmission Pipeline

"PROPERTY INTEREST": Fee Simple

"OFFER AMOUNT" and "OWNER" are described below:

<table>
<thead>
<tr>
<th>Tract</th>
<th>Owner</th>
<th>Offer Amount</th>
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<td>Angus Dickson, Jr.</td>
<td>$35,312.00</td>
<td>$1,200.00</td>
</tr>
</tbody>
</table>

provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

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

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

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.
SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Development Services Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, in the OFFER AMOUNT payable out of Water Utilities Construction Fund No. 0102, Department DWU, Unit CW20, Object 4210, Program No. 704041, Activity No. RWPT.

<table>
<thead>
<tr>
<th>Tract</th>
<th>Amount</th>
<th>Closing Costs</th>
<th>Encumberance No.</th>
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</thead>
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<tr>
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<td>$180,564.00</td>
<td>$2,500.00</td>
<td>CTDWU704041BQ</td>
</tr>
<tr>
<td>2.</td>
<td>$26,000.00</td>
<td>$1,100.00</td>
<td>CTDWU704041BW</td>
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<tr>
<td>3.</td>
<td>$35,312.00</td>
<td>$1,200.00</td>
<td>CTDWU704041BV</td>
</tr>
</tbody>
</table>

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

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

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).
SECTION 8. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

SECTION 9. That this resolution shall take effect immediately from and after its passage 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 [Signature]
Assistant City Attorney
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 333

BEING a 22,033 square foot tract of land in the James S. Irvine Survey, Abstract No. 247, and being located in Kaufman County, Texas, and being a portion of a tract of land described in General Warranty Deed (Cash) to Dick Boyd and Brenda Boyd, husband and wife, dated September 12, 2005, as recorded in Volume 2758, Page 248 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being a portion of Lot 8 of Patton Addition Phase I, an addition to Kaufman County, as recorded in Cabinet 2, Envelope 463, D.R.K.C.T., and being more particularly described as follows:

BEGINNING at a found 3/8-inch iron rod with cap for the most easterly northeast corner of said Lot 8, and the northwest corner of Lot 9 of said Patton Addition Phase I, said point on the southeast line of a City of Dallas Water Line Right-of-Way (130 feet wide) as recorded in Volume 495, Page 271, D.R.K.C.T., said point being South 85 degrees 25 minutes 38 seconds West, a distance of 462.20 feet from a found 1/2-inch iron rod with cap for the northeast corner of said Lot 9, and on the northwest right-of-way line of State Highway 34 (160 feet wide);

THENCE South 45 degrees 45 minutes 43 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way, along the common line between the northeast line of said Lot 8, and the southwest line of said Lot 9, a distance of 172.75 feet to a 1/2-inch iron rod with cap set on the common line between the southwest line of said Lot 8, and the northeast line of Lot 7 of said Patton Addition Phase I;

THENCE South 85 degrees 25 minutes 38 seconds West, along said common line and crossing said Lot 8, along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 206.70 feet to a 1/2-inch iron rod with cap set on the common line between the southwest line of said Lot 8, and the northeast line of Lot 7 of said Patton Addition Phase I;

THENCE North 45 degrees 45 minutes 43 seconds West, along said common line, a distance of 80.73 feet to a found 3/8-inch iron rod for the west corner of said Lot 8, and the north corner of said Lot 7, said corner also being on the northwest line of said Patton Addition Phase I;

THENCE North 44 degrees 14 minutes 17 seconds East, along the northwest line of said Lot 8, and the northwest line of said Patton Addition Phase I, a distance of 105.16 feet to a found 3/8-inch iron rod with cap for the northwest corner of said Lot 8, said corner being on the southeast line of said City of Dallas Water Line Right-of-Way;

THENCE North 85 degrees 25 minutes 38 seconds East, along the common line between the north line of said Lot 8, and the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 66.97 feet to the POINT OF BEGINNING AND CONTAINING 22,033 square feet or 0.5058 acres of land, more or less.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 333

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.

By: ___________________________ Date: 3-5-08

Surveyor's Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
EXHIBIT OF A RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
JAMES S. IRVINE SURVEY, ABSTRACT NO. 247
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 11511 DALLAS PKWY., SUITE 300
DALLAS, TEXAS 75243, TEL. (972)267-3707, FAX (972)267-3774

NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER STEWART TITLE GUARANTY COMPANY COMMITMENT G.F. NUMBER 20076949, WITH AN EFFECTIVE DATE OF JULY 2, 2007

PARCEL 333
22,033 S.F.
0.5058 AC.

N44° 14'17"E
105.16'

N45° 45'43"W
80.73'

S85° 25'38"W
206.70'

SCALE: 1"=100'

0 100 200

LEGEND:

S.F. SQUARE FEET
C.M. CONTROL MONUMENT
FIR FOUND IRON ROD
FIP FOUND IRON PIPE
1/2"SIR 1/2" SET IRON ROD
W/CAP WITH A RED PLASTIC CAP STAMPED "DAL-TECH"
SPK SET "X" CUT IN CONCRETE
FPK FOUND PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORR ARP, DALLAS CORR ARP, KAUFMAN CORR ARP, TYLER CORR ARP, AND PARIS CORR ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

REVIEWED BY

7/1/18

MARK D. YALE
PROFESSIONAL LAND SURVEYOR
5975
STATE OF TEXAS
REGISTERED
3-5-08
FIELD NOTES

DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN

KAUFMAN COUNTY, TEXAS

Parcel: 313

BEING a 1.300 acre tract of land in the Thomas Hunt Survey, Abstract No. 201, and the James S. Irvine Survey, Abstract No. 247, and located in Kaufman County, Texas, and being a portion of a tract of land described in Warranty Deed With Vendor’s Lien to Angus Dickson, III and Pamela Ormsby Dickson, dated June 21, 1984, as recorded in Volume 773, Page 229, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped “DAL-TECH” (hereinafter referred to as “with cap”) set on the common line between the northeasterly line of said Dickson tract, and a southwest line of a tract of land described in Cash Warranty Deed to Yvette Patton, dated April 3, 2001, as recorded in Volume 1694, Page 48, D.R.K.C.T., said point being North 46 degrees 12 minutes 09 seconds West, a distance of 1,106.02 feet from a found 1/2-inch iron rod for the south corner of Lot 1 of Patton Addition Phase I, an addition to Kaufman County, as recorded in Cabinet 2, Envelope 463, D.R.K.C.T., and on the northwest right-of-way line of State Highway 34 (160 feet wide);

THENCE South 77 degrees 24 minutes 47 seconds West, departing said common line, and crossing said Dickson tract, along a line parallel with and 130 feet perpendicularly distant south from the southeast line of a City of Dallas Water Line Right-of-Way (variable width) as recorded in Volume 436, Page 269, D.R.K.C.T., a distance of 342.61 feet to a 1/2-inch iron rod with cap set on the common line between the southwesterly line of said Dickson tract, and the northeast line of a tract of land described as “Tract 4” in Warranty Deed (Long Form) to Angus Dickson, Jr., dated June 15, 1984, as recorded in Volume 772, Page 823, D.R.K.C.T.;

THENCE North 45 degrees 39 minutes 27 seconds West, along said common line, a distance of 155.13 feet to a 1/2-inch iron rod with cap set for the intersection of the southwesterly line of said Dickson tract, with the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 436, Page 269, said point being the north corner of said Tract 4, said point being North 77 degrees 24 minutes 47 seconds East, a distance of 610.18 feet from a found concrete monument with brass disk stamped, “City of Dallas” for the west corner of Tract 4, and the north corner of a tract of land described as “Tract 3” in Warranty Deed (Long Form) to Angus Dickson, Jr., dated June 15, 1984, as recorded in Volume 772, Page 823, D.R.K.C.T.;

THENCE North 77 degrees 24 minutes 47 seconds East, departing said common line, along the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 436, Page 269, a distance of 536.78 feet to a 1/2-inch iron rod with cap set for an angle point;
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 313

THENCE North 76 degrees 42 minutes 24 seconds East, continuing along the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 436, Page 269, a distance of 30.86 feet to a 1/2-inch iron rod with cap set on the common line between the northerly southeast line of said Dickson tract, and the northwest line of said Patton tract, said point being the southeast corner of said City of Dallas Water Line Right-of-Way as recorded in Volume 436, Page 269, and the southwest corner of a City of Dallas Water Line Right-of-Way (130 feet wide) as recorded in Volume 495, Page 271, D.R.K.C.T.;

THENCE South 42 degrees 29 minutes 38 seconds West, departing the southeast lines of said City of Dallas Water Line Right-of-Ways, along the common line between a southeast line of said Dickson tract, and a northwest line of said Patton tract, a distance of 189.14 feet to a found 1/2-inch iron rod with cap for an interior corner of the northeasterly line of said Dickson tract, and west corner of said Patton tract;

THENCE South 46 degrees 12 minutes 09 seconds East, continuing along said common line, a distance of 26.56 feet to the POINT OF BEGINNING AND CONTAINING 56,634 square feet or 1.300 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.
By: Date: 3-5-08

Surveyor’s Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
NOTICE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TICOR TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 21497-KF06. WITH AN EFFECTIVE DATE OF JANUARY 3, 2007.

EXHIBIT OF A RIGHT-OF-WAY ACQUISITION

STATED IN THE
THOMAS HUNT SURVEY, ABSTRACT NO. 201 AND
JAMES S. IRVINE SURVEY ABSTRACT NO. 247
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS

BY
DAL-TECH ENGINEERING, INC., 17011 DALLAS PKWY., SUITE 300
DALLAS, TEXAS 75248, TEL. (972)250-2727, FAX (972)250-4774

NOTE: THIS SURVEY REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM. NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION. DALLAS DISTRICT WAS USED FOR THIS PROJECT.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 314

BEING a 2.207 acre tract of land in the Thomas Hunt Survey, Abstract No. 201, and located in Kaufman County, Texas, and being a portion of a tract of land described as “Tract 3” and “Tract 4” in Warranty Deed (Long Form) to Angus Dickson, Jr., dated June 15, 1984, as recorded in Volume 772, Page 823, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a found concrete monument with brass disk stamped, “City of Dallas” for the north corner of said Tract 3, the west corner of said Tract 4, the southeast line of a tract of land described as “Second Tract” in Gift Deed to Larry Douglas Lane and wife, Teri Lianne Lane, dated December 30, 1994, as recorded in Volume 1154, Page 316, D.R.K.C.T., and Gift Deed to Larry Douglas Lane and wife, Teri Lianne Lane, dated December 19, 1996, as recorded in Volume 1238, Page 318, D.R.K.C.T., and the southwest corner of a City of Dallas Water Line Right-of-Way, as recorded in Volume 436, Page 269, D.R.K.C.T., said point being North 77 degrees 23 minutes 54 seconds East, a distance of 2,504.29 feet from a found concrete monument with brass disk stamped, “City of Dallas” on the southeast line of a City of Dallas Water Line Right-of-Way, as recorded in Volume 473, Page 242, D.R.K.C.T., and on the northeast line of Kaufman County Road No. 324 (unrecorded Right-of-Way);

THENCE North 77 degrees 24 minutes 47 seconds East, along the northwest line of said Tract 4 and the southeast line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 436, Page 269, a distance of 610.18 feet to a 1/2-inch iron rod with a red plastic cap stamped “DAL-TECH” (hereinafter referred to as “with cap”) set for the north corner of said Tract 4, and the southwest corner of a tract of land described in Warranty Deed With Vendor’s Lien to Angus Dickson, III and Pamela Ormsby Dickson, dated June 21, 1984, as recorded in Volume 773, Page 229, D.R.K.C.T.;

THENCE South 45 degrees 39 minutes 27 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 436, Page 269, along the common line between the northeast line of said Tract 4, and the southwesterly line of said Dickson tract, a distance of 155.13 feet to a 1/2-inch iron rod with cap set for corner;

THENCE South 77 degrees 24 minutes 47 seconds West, departing said common line and crossing said Tract 4 along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 436, Page 269, passing at a distance of 578.42 feet, the common line between the southwest line of said Tract 4, and the northeast line of said Tract 3, and continuing across said Tract 3, a total distance of 694.81 feet to a 1/2-inch iron rod with cap set for an angle point;
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 314

THENCE South 77 degrees 23 minutes 54 seconds West, continuing across said Tract 3 along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 473, Page 242, a distance of 174.26 feet to a 1/2-inch iron rod with cap set on the common line between the northwest line of said Tract 3, and the southeast line said Lane tract;

THENCE North 40 degrees 40 minutes 38 seconds East, along said common line, a distance of 217.42 feet to the POINT OF BEGINNING AND CONTAINING 96,151 square feet or 2.207 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.
By: [Signature] Date: 3-5-08

Surveyor's Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
EXHIBIT OF A RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
THOMAS HUNT SURVEY, ABSTRACT NO. 201
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS

NOTE: THIS SURVEY WAS PERFORMED BASE UPON
RECORD DATA PROVIDED UNDER TICOR TITLE
INSURANCE COMPANY COMMITMENT G.F. NUMBER
21497-KF68. WITH AN EFFECTIVE DATE OF JANUARY 3, 2007

LEGEND:

S.F. SQUARE FEET
C.M. CONTROL MONUMENT
FIR FOUND IRON ROD
PIP FOUND IRON PIPE
W/CAP WITH A RED PLASTIC
CAP STAMPED "DAL-TECH"
SX SET "X" CUT IN CONCRETE
FPK FOUND PK. NAIL
SPK SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83
TEXAS STATE PLANE COORDINATE SYSTEM. NORTH CENTRAL
ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN
CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER
CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY
SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE
TEXAS DEPARTMENT OF TRANSPORTATION. DALLAS
DISTRICT WAS USED FOR THIS PROJECT.
AGENDA ITEM # 11

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Development Services
Water Utilities

CMO: A. C. Gonzalez, 671-8925
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of land containing a total of approximately 543,308 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $320,649 ($312,449 plus closing costs not to exceed $8,200) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of eight tracts of land containing a total of approximately 543,308 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline. The properties will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni Pipeline. The consideration of $312,449 is based on independent appraisals.

This acquisition is part of the Lake Fork Project currently underway by Dallas Water Utilities which will allow the construction of a third pipeline from Lake Tawakoni to the Tawakoni Balancing Reservoir, and then to the Eastside Water Treatment Plant. Ultimately, a new 144-inch pipeline will be placed parallel to the existing 72-inch and 84-inch pipelines. The construction of the third pipeline from Lake Tawakoni to Dallas will allow capacity for Lake Fork to supply water to meet current City needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.
FISCAL INFORMATION

Water Utilities Capital Construction Funds - $320,649 ($312,449 plus closing costs not to exceed $8,200)

OWNERS

Larry Douglas Lane
Teri Lianne Lane
Robert W. Williams, Sr.
Yvette Patton

MAPS

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

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

"CITY": The City of Dallas.

“PROPERTY”: The tracts or parcels of land described in "Exhibit A", attached hereto and made a part hereof for all purposes.

“PROJECT": Lake Tawakoni 144-inch Raw Water Transmission Pipeline

"PROPERTY INTEREST": Fee Simple

"OFFER AMOUNT" and “OWNER” are described below:

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<th>TRACT</th>
<th>OWNER</th>
<th>OFFER AMOUNT</th>
<th>CLOSING COSTS NOT TO EXCEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Larry Douglas Lane</td>
<td>$114,752.00</td>
<td>$2,200.00</td>
</tr>
<tr>
<td></td>
<td>Teri Lianne Lane</td>
<td></td>
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<tr>
<td>2.</td>
<td>Robert W. Williams, Sr.</td>
<td>$  84,560.00</td>
<td>$3,000.00</td>
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<tr>
<td>3</td>
<td>Yvette Patton</td>
<td>$113,137.00</td>
<td>$3,000.00</td>
</tr>
</tbody>
</table>

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

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

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

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Development Services Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.
SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, in the OFFER AMOUNT payable out of Water Utilities Capital Construction Fund No. 0102, Department DWU, Unit CW20, Object 4210, Activity RWPT, Program No. 704041.

<table>
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<tr>
<th>TRACT</th>
<th>AMOUNT</th>
<th>NOT TO EXCEED</th>
<th>CLOSING COSTS</th>
<th>ENCUMBRANCE NO.</th>
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<td>$113,137.00</td>
<td>$ 3,000.00</td>
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<td>CTDWU704041BS</td>
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</table>

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

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

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

SECTION 8. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.
SECTION 9. That this resolution shall take effect immediately from and after its passage, 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
FIELD NOTES

DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 315

BEING a 7.172 acre tract of land in the Thomas Hunt Survey, Abstract No. 201, and located in Kaufman County, Texas, and being a portion of a tract of land described as “Second Tract” in Gift Deed to Larry Douglas Lane and wife, Teri Lianne Lane, dated December 30, 1994, as recorded in Volume 1154, Page 316, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and in Gift Deed to Larry Douglas Lane and wife, Teri Lianne Lane, dated December 19, 1996, as recorded in Volume 1238, Page 318, D.R.K.C.T., and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped “DAL-TECH” (hereinafter referred to as “with cap”) set on the southwest line of said Lane tract, the northeast line of a tract of land described in Warranty Deed With Vendor’s Lien to Wayne Williams and Wife, Evelyn Williams, dated July 6, 1990, as recorded in Volume 995, Page 674, D.R.K.C.T., and the southwest corner of a City of Dallas Water Line Right-of-Way, as recorded in Volume 473, Page 242, D.R.K.C.T., and being in Kaufman County Road No. 324 (unrecorded Right-of-Way), said point being North 77 degrees 23 minutes 54 seconds East, a distance of 21.90 feet from a found concrete monument with brass disk stamped, “City of Dallas”;

THENCE North 77 degrees 23 minutes 54 seconds East, departing said Kaufman County Road No. 324 and along the southeast line of said City of Dallas Water Line Right-of-Way, passing at a distance of 27.32 feet, a found concrete monument with brass disk stamped, “City of Dallas”, and continuing a total distance of 2,531.61 feet to a found concrete monument with brass disk stamped, “City of Dallas” on the southeast line of said Lane tract, said point being the southeast corner of said City of Dallas Water Line Right-of-Way, and the north corner of a tract of land described as “Tract 3” in Warranty Deed (Long Form) to Angus Dickson, Jr., dated June 15, 1984, as recorded in Volume 772, Page 823, D.R.K.C.T.;

THENCE South 40 degrees 40 minutes 38 seconds West, departing the southeast line of said City of Dallas Water Line Right-of-Way, along the common line between the southeast line of said Lane tract, and the northwest line of said Dickson tract, a distance of 217.42 feet to a 1/2-inch iron rod with cap set for corner;

THENCE South 77 degrees 23 minutes 54 seconds West, departing said common line and crossing said Lane tract along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 2,274.41 feet to a pk nail set on the common line between the southwest line of said Lane tract, and the northeast line of said Williams, said point being in said Kaufman County Road No. 324;

THENCE North 45 degrees 08 minutes 05 seconds West, along said common line, and said Kaufman County Road No. 324, a distance of 154.20 feet to the POINT OF BEGINNING AND CONTAINING 312,392 square feet or 7.172 acres of land, more or less.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 315

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.
By: [Signature] Date: 3-5-08

Surveyor’s Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TICO TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 21496-KF06, WITH AN EFFECTIVE DATE OF DECEMBER 5, 2006

LEGEND:

- S.F. SQUARE FEET
- C.M. CONTROL MONUMENT
- FIR FOUND IRON ROD
- FIP FOUND IRON PIPE
- \( \frac{1}{2} \) SIR \( \frac{1}{2} \) SET IRON ROD
- W/CAP WITH A RED PLASTIC CAP STAMPED "DAL-TECH"
- SX SET "X" CUT IN CONCRETE
- FPK FOUND PK, NAIL
- SPK SET PK, NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM: NORTH CENTRAL ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORP. ARPS, DALLAS CORP. ARPS, KAUFMAN CORP. ARPS, TYLER CORP. ARPS, AND PARIS CORP. ARPS. THE KAUFMAN COUNTY SCALE FACTOR OF 1.00014077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION. DALLAS DISTRICT WAS USED FOR THIS PROJECT.

REVIEWED BY: MARK D. YALE, C.P.S., R.G.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 312

BEING a 4.228 acre tract of land in the James S. Irvine Survey, Abstract No. 247, and being located in Kaufman County, Texas, and being a portion of a tract of land described in Cash Warranty Deed to Yvette Patton, dated April 3, 2001, as recorded in Volume 1694, Page 48 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a found 3/8-inch iron rod with cap on the southeast line of said Patton tract, and on the southeast line of a City of Dallas Water Line Right-of-Way (130 feet in width) as recorded in Volume 495, Page 271, D.R.K.C.T., said point being the northwest corner of Lot 8 of Patton Addition Phase I, an addition to Kaufman County, as recorded in Cabinet 2, Envelope 463, D.R.K.C.T., said point being South 85 degrees 25 minutes 38 seconds West, a distance of 529.17 feet from a found 1/2-inch iron rod with cap for the northeast corner of said Patton Addition Phase I, and on the northwest right-of-way line of State Highway 34 (160 feet in width);

THENCE South 44 degrees 14 minutes 17 seconds West, departing the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 495, Page 271, along the northwest line of said Patton Addition Phase I, a distance of 197.40 feet to a 1/2-inch iron rod with a red plastic cap stamped “DAL-TECH” (hereinafter referred to as “with cap”) set for corner;

THENCE South 85 degrees 25 minutes 38 seconds West, departing the northwest line of said Patton Addition Phase I, and crossing said Patton tract, along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 495, Page 271, a distance of 110.29 feet to a 1/2-inch iron rod with cap set for an angle point;

THENCE South 76 degrees 42 minutes 24 seconds West, continuing across said Patton tract, along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 495, Page 271, a distance of 1,163.32 feet to a 1/2-inch iron rod with cap set for an angle point;

THENCE South 77 degrees 24 minutes 47 seconds West, continuing across said Patton tract, along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 495, Page 271, a distance of 110.32 feet to a 1/2-inch iron rod with cap set on the common line between the southwest line of said Patton tract, and the northeast line of a tract of land described in Warranty Deed With Vendor’s Lien to Angus Dickson, III and Pamela Ormsby Dickson, dated June 21, 1984, as recorded in Volume 773, Page 229, D.R.K.C.T., said point being on the southwest line of said Irvine Survey and the northeast line of the Thomas Hunt Survey, Abstract No. 201;
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 312

THENCE North 46 degrees 12 minutes 09 seconds West, along said common line, a distance of 26.56 feet to a found 1/2-inch iron rod for an exterior corner of said Patton tract, and an interior corner of said Dickson tract;

THENCE North 42 degrees 29 minutes 38 seconds East, continuing along said common line, a distance of 189.14 feet to a 1/2-inch iron rod with cap set for the southwest corner of said City of Dallas Water Line Right-of-Way as recorded in Volume 495, Page 271, and the southeast corner of a City of Dallas Water Line Right-of-Way (variable width) as recorded in Volume 436, Page 269, D.R.K.C.T.;

THENCE North 76 degrees 42 minutes 24 seconds East, departing said common line, and along the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 495, Page 271, a distance of 1,141.57 feet to a 1/2-inch iron rod with cap set for an angle point;

THENCE North 85 degrees 25 minutes 38 seconds East, continuing along the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 495, Page 271, a distance of 268.76 feet to the POINT OF BEGINNING AND CONTAINING 184,158 square feet or 4.228 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.
By: Mark D. Yale
Date: 3-5-08
Surveyor’s Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
EXHIBIT OF A RIGHT-OF-WAY ACQUISITION SITUATED IN THE JAMES S. IRVINE SURVEY, ABSTRACT NO. 247 KAUFMAN COUNTY, TEXAS FOR THE CITY OF DALLAS BY DAL-TECH ENGINEERING, INC. 17311 DALLAS PKWY., SUITE 300 DALLAS, TEXAS 75248, TEL. (972)250-2727, FAX (972)250-4774 SHEET 3 OF 3 01-08

NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 21495-KF06, WITH AN EFFECTIVE DATE OF DECEMBER 20, 2006

STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR 5975 MARK D. YALE 3-5-08

NOTE: ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP, THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION DISTRICT WAS USED FOR THIS PROJECT.

LEGEND:

S.F. SQUARE FEET
C.M. CONTROL MONUMENT
FIR FOUND IRON ROD
FIP FOUND IRON PIPE
SIR 1/2 SET IRON ROD W/CAP WITH A RED PLASTIC CAP STAMPED "DAL-TECH"
X SET "X" CUT IN CONCRETE
FPX FOUND PK. NAIL
SPX SET PK. NAIL

SCALE: 1"=300'
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 332

BEING a 43,035 square feet tract of land in the the James S. Irvine Survey, Abstract No. 247, and located in Kaufman County, Texas, and being a portion of a tract of land described in Cash Warranty Deed to Yvette Patton, dated April 3, 2001, as recorded in Volume 1694, Page 48 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being a portion of Lot 9 of Patton Addition Phase I, an addition to Kaufman County, as recorded in Cabinet 2, Envelope 463, D.R.K.C.T., and being more particularly described as follows:

BEGINNING at a found 1/2-inch iron rod with cap for the northeast corner of said Lot 9, said corner on the southeast line of a City of Dallas Water Line Right-of-Way (130 feet) as recorded in Volume 495, Page 271, D.R.K.C.T., and being on the northwest right-of-way line of State Highway 34 (160 feet in width);

THENCE South 44 degrees 14 minutes 17 seconds West, departing the southeast line of said City of Dallas Water Line Right-of-Way, along the common line between the southeast line of said Lot 9, and the northwest right-of-way line of said State Highway 34, a distance of 197.40 feet to a 1/2-inch iron rod with a red plastic cap stamped “DAL-TECH” (hereinafter referred to as “with cap”) set for corner;

THENCE South 85 degrees 25 minutes 38 seconds West, departing said common line and crossing said Lot 9 along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 199.88 feet to a 1/2-inch iron rod with cap set on the common line between the southwest line of said Lot 9, and the northeast line of Lot 8 of said Patton Addition Phase I;

THENCE North 45 degrees 45 minutes 43 seconds West, along said common line, a distance of 172.75 feet to a found 3/8-inch iron rod for the northwest corner of Lot 9, and the northeast corner of said Lot 8, said corner being on the southeast line of said City of Dallas Water Line Right-of-Way;

THENCE North 85 degrees 25 minutes 38 seconds East, along the common line between the north line of said Lot 9, and the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 462.20 feet to the POINT OF BEGINNING AND CONTAINING 43,035 square feet or 0.9879 acres of land, more or less.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 332

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.

By: ___________________________ Date: 3-5-08

Surveyor's Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE JAMES S. IRVINE SURVEY, ABSTRACT NO. 247
KAUFMAN COUNTY, TEXAS
FOR THE CITY OF DALLAS
BY OAL-TECH ENGINEERING, INC.
17311 DALLAS PKWY., SUITE 300
DALLAS, TEXAS 75248, TEL. (972)250-2727, FAX (972)250-4774

PARCEL 332
43,035 S.F.
0.9879 AC.

POINT OF BEGINNING

SCALE: 1"=100'

NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TICOR TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 21495-KF06, WITH AN EFFECTIVE DATE OF DECEMBER 28, 2006

EXHIBIT OF A RIGHT-OF-WAY ACQUISITION
SITUATED IN THE JAMES S. IRVINE SURVEY, ABSTRACT NO. 247
KAUFMAN COUNTY, TEXAS
FOR THE CITY OF DALLAS
BY OAL-TECH ENGINEERING, INC.
17311 DALLAS PKWY., SUITE 300
DALLAS, TEXAS 75248, TEL. (972)250-2727, FAX (972)250-4774

LEGEND:

S.F. SQUARE FEET
C.M. CONTROL MONUMENT
FIR FOUND IRON ROD
FIP FOUND IRON PIPE
1/2SIR 1/2 SET IRON ROD
W/CAP WITH A RED PLASTIC CAP STAMPED "DAL-TECH"
SET "X" CUT IN CONCRETE
SX FOUND PK.
SPX SET PK.

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.
FIELD NOTES
DEscribing A Tract Of Land To Be Acquired For The Right-Of-Way For The Lake Tawakoni Raw Water Transmission Main
Kaufman County, Texas
Parcel: 334

BEING a 3,723 square foot tract of land in the James S. Irvine Survey, Abstract No. 247, and being located in Kaufman County, Texas, and being a portion of a tract of land described in Cash Warranty Deed to Yvette Patton, dated April 3, 2001, as recorded in Volume 1694, Page 48 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being a portion of Lot 7 of Patton Addition Phase I, an addition to Kaufman County, as recorded in Cabinet 2, Envelope 463, D.R.K.C.T., and being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod with cap for the northeast corner of Lot 9 of said Patton Addition Phase I, and for the intersection of the southeast line of a City of Dallas Water Line Right-of-Way (130 feet wide) as recorded in Volume 495, Page 271, D.R.K.C.T., with the northwest right-of-way line of State Highway 34 (160 feet wide);

THENCE South 85 degrees 25 minutes 38 seconds West, departing the northwest right-of-way line of said State Highway 34, along the common line between the north line of said Lot 9, and the southeast line of said City of Dallas Water Line Right-of-Way, passing at a distance of 462.20 feet, a found 3/8-inch iron rod with cap for the northwest corner of said Lot 9, and the northeast corner of Lot 8 of said Patton Addition Phase I, and continuing a total distance of 529.17 feet to a found 3/8-inch iron rod with cap for the northwest corner of said Lot 8, also being on the northwest line of said Patton Addition Phase I;

THENCE South 44 degrees 14 minutes 17 seconds West, departing the southeast line with said City of Dallas Water Line Right-of-Way, along the northwest line of said Lot 8, and the northwest line of said Patton Addition Phase I, a distance of 105.16 feet to a found 3/8-inch iron rod with cap for the POINT OF BEGINNING for the north corner of said Lot 7, and the west corner of Lot 8 of said Patton Addition Phase I;

THENCE South 45 degrees 45 minutes 43 seconds East, departing the southeast line of said Patton tract along the common line between the northeast line of said Lot 7, and the southwest line of said Lot 8, a distance of 80.73 feet to a 1/2-inch iron rod with a red plastic cap stamped “DAL-TECH” (hereinafter referred to as “with cap”) set for corner;

THENCE South 85 degrees 25 minutes 38 seconds West, departing said common line, and crossing said Lot 7, along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 122.58 feet to a 1/2-inch iron rod with cap set on the northwest line of said Lot 7, and the northwest line of said Patton Addition Phase I;

THENCE North 44 degrees 14 minutes 17 seconds East, along the northwest line of said Lot 7, and the northwest line of said Patton Addition Phase I, a distance of 92.25 feet to the POINT OF BEGINNING AND CONTAINING 3,723 square feet or 0.0855 acres of land, more or less.
FIELD NOTES

DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 334

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.
By: Mark D. Yale
Surveyor’s Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975

Date: 3-5-08
AGENDA ITEM # 12

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 10, 2008
COUNCIL DISTRICT(S): 7
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 46T

SUBJECT

A resolution authorizing the sale of approximately 6,250 square feet of unwanted and unneeded City-owned land located near the intersection of Latimer Street and Pennsylvania Avenue to Martin Wiggins, the only bidder - Revenue: $4,001

BACKGROUND

This item authorizes the acceptance of the only bid received from Martin Wiggins for approximately 6,250 square feet of unwanted and unneeded City-owned land located near the intersection of Latimer Street and Pennsylvania Avenue. This land was advertised for sale on April 16 and 17, 2006 in the Dallas Morning News at a minimum bid of $7,500 and no bids were received. On September 13, 2006, the minimum bid requirement was reduced to $3,750 by Resolution No. 06-410. This property was re-advertised for sale on October 15 and 16, 2006 in the Dallas Morning News at a minimum bid of $3,750. Bids were opened on December 15, 2006 and 1 bid was received from Duc Huy Pham and Andy Pham in the amount of $7,010. The bid was accepted on February 14, 2007 by Resolution No. 07-0483. This bid was subsequently voided due to the bidder’s failure to consummate the transaction within 90 days following Council acceptance. This property was re-advertised for sale on July 13 and 14, 2007 in the Dallas Morning News at a minimum bid of $3,750. Bids were opened on September 18, 2007 and 2 bids were received, the highest bid in the amount of $9,999.99 from Laird Barron Trust. The proposer refused to consummate the transaction prior to Council acceptance and the deposit was retained by the City of Dallas as liquidated damages. This property was re-advertised for sale on April 27 and 28, 2008 in the Dallas Morning News at a minimum bid of $3,750. Bids were opened on July 1, 2008 and 1 bid was received in the amount of $4,001 from Martin Wiggins.

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

This land will be conveyed with a restriction prohibiting the placement of industrialized housing and a reservation of all oil, gas and other minerals in and under the property. The current zoning for this property is R-5(A) and the tax value is $6,000. This land will return to the tax rolls upon conveyance.

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

Council accepted the bid received from Duc Huy Pham and Andy Pham on February 14, 2007, by Resolution No. 07-0483.

Council authorized the reduction of the minimum bid requirement on September 13, 2006, by Resolution No. 06-2401.

Council declared this property unwanted and unneeded on February 8, 2006, by Resolution No. 06-0524.

**FISCAL INFORMATION**

Revenue: $4,001

**OWNER**

Martin Wiggins

**MAPS**

Attached
WHEREAS, the City of Dallas is the owner of a tract of land containing approximately 6,250 square feet of land located at 2508 Pennsylvania Avenue, Block 31/1307, Dallas County, Texas, ("the Property"); and

WHEREAS, the Property was declared surplus to the City’s needs by Resolution No. 06-0524 on February 8, 2006, with a minimum bid of $7,500.00 specified; and

WHEREAS, no bids were received at the bid opening on June 20, 2006; and

WHEREAS, the minimum bid was reduced to $3,750.00 by Resolution No. 06-2410 on September 13, 2006; and

WHEREAS, on December 15, 2006, the City received 1 bid from Duc Huy Pham and Andy Pham in the amount of $7,010; and

WHEREAS, on February 14, 2007 by Resolution No. 07-0483, the City Council of the City of Dallas approved said bid for the Property; and

WHEREAS, Duc Huy Pham and Andy Pham failed to consummate the transaction within 90 days following City Council acceptance of the bid; and

WHEREAS, the property was re-advertised for sale at a minimum bid of $3,750.00; and

WHEREAS, on September 18, 2007, the City received 2 bids, the highest bid from Laird Barron Trust in the amount of $9,999.99; and

WHEREAS, Laird Barron Trust forfeited said bid prior to City Council acceptance; and

WHEREAS, the property was re-advertised for sale at a minimum bid of $3,750.00; and

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

WHEREAS, on July 1, 2008 the City received 1 bid from Martin Wiggins in the amount of $4,001 and has found that this bid complies with all legal requirements and is acceptable; Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:
SECTION 1. That upon receipt of **FOUR THOUSAND ONE AND NO/100 ($4,001.00) DOLLARS** from Martin Wiggins, an individual, the City Manager or designee is authorized to execute a Deed Without Warranty, to be attested by the City Secretary upon approval as to form by the City Attorney for approximately 6,250 square feet of land located at 2508 Pennsylvania Avenue, Block 31/1307, Dallas County, Texas and located near the intersection of Latimer Street and Pennsylvania Avenue. The Deed Without Warranty is subject to the conditions contained in Section 2.

SECTION 2. That the Deed Without Warranty shall provide that the conveyance to Martin Wiggins ("GRANTEE") is subject to the following:

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

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

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

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

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

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

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

SECTION 3. That the sale proceeds shall be deposited into the General Fund 0001, Dept DEV, Bal Sheet 0519 and Department of Development Services, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Dept DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Dept BMS, Unit 8888, Revenue Source 8118.
SECTION 4. That if a title policy is desired by GRANTEE, same shall be at the expense of GRANTEE.

SECTION 5. That the sale shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by GRANTEE.

SECTION 6. That this Resolution shall take effect immediately from and after its passage, as provided by the Charter of the City of Dallas and it is accordingly so resolved.

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

BY
Assistant City Attorney
SUBJECT

A resolution authorizing the sale of approximately 37,539 square feet of unwanted and unneeded City-owned land located near the intersection of Beckley Avenue and Clarendon Drive to Pablo Torres, the only bidder - Revenue: $90,000

BACKGROUND

This item authorizes the acceptance of the only bid received from Pablo Torres for approximately 37,539 square feet of unwanted and unneeded City-owned land located near the intersection of Beckley Avenue and Clarendon Drive. This property was advertised for sale on April 27 and 28, 2008 in the Dallas Morning News at a minimum bid of $75,000. Bids were opened on July 1, 2008 and 1 bid was received in the amount of $90,000.

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

This property will be conveyed with a restriction prohibiting the placement of industrialized housing and a reservation of all oil, gas and other minerals in and under the property. The current zoning for this property is regional retail and the tax value is $75,000. This land will return to the tax rolls upon conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council declared this property unwanted and unneeded on April 9, 2008, by Resolution No. 08-1047.

FISCAL INFORMATION

Revenue: $90,000
OWNER

Pablo Torres

MAPS

Attached
WHEREAS, the City of Dallas is the owner of a tract of land containing approximately 37,539 square feet of land located at 1125 S. Beckley Avenue, Tract 8, Block 3768, Dallas County, Texas, ("the Property"); and

WHEREAS, the Property was declared surplus to the City’s needs by Resolution No. 08-1047 on April 9, 2008, with a minimum bid of $75,000 specified; and

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

WHEREAS, on July 1, 2008, the City received 1 bid from Pablo Torres in the amount of $90,000 and has found that this bid complies with all legal requirements and is acceptable; Now Therefore,

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

SECTION 1. That upon receipt of NINETY THOUSAND AND NO/100 ($90,000.00) DOLLARS from Pablo Torres, an individual, the City Manager or designee is authorized to execute a Deed Without Warranty, to be attested by the City Secretary upon approval as to form by the City Attorney for approximately 37,539 square feet of land located at 1125 S. Beckley Avenue, Tract 8, Block 3768, Dallas County, Texas and located near the intersection of Beckley Avenue and Clarendon Drive. The Deed Without Warranty is subject to the conditions contained in Section 2.

SECTION 2. That the Deed Without Warranty shall provide that the conveyance to Pablo Torres ("GRANTEE") is subject to the following:

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

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

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

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

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

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

SECTION 3. That the sale proceeds shall be deposited into the General Fund 0001, Dept DEV, Bal Sheet 0519 and Department of Development Services, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Dept DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Dept BMS, Unit 8888, Revenue Source 8118.

SECTION 4. That if a title policy is desired by GRANTEE, same shall be at the expense of GRANTEE.

SECTION 5. That the sale shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by GRANTEE.

SECTION 6. That this Resolution shall take effect immediately from and after its passage, as provided by the Charter of the City of Dallas and it is accordingly so resolved.

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

BY
Assistant City Attorney
SUBJECT

An ordinance granting a private license to Rivendell Matilda, L.P. for the use of approximately 300 square feet of land to install and maintain pedestrian street lights on portions of Lewis, Hope, and La Vista Streets rights-of-way, located near the intersection of Lewis and Matilda Streets - Revenue: $1,000 annually plus the $20 ordinance publication fee

BACKGROUND

This item grants a private license for the construction, installation, use and maintenance of 14 pedestrian street lights on portions of Lewis, Hope, La Vista and Matilda Streets rights-of-way. The use of this area for street lights will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $1,000 annually plus the $20 ordinance publication fee

OWNER

Rivendell Matilda, L.P.

Meek GP, LLC, General Partner
Stephen Meek, Manager
MAPS

Attached
N
LA VISTA STREET

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3:

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8/1474
ren 0
£T1
£T1
£T1

LEWIS STREET


HOPE STREET

MATILDA STREET

B/1474

License area

Street Lamps 14 locations
ORDINANCE NO. _____

An ordinance granting a private license to Rivendell Matilda, L.P. to occupy, maintain, and utilize a portion of Lewis Street, Hope Street and La Vista Street rights-of-way located near the intersection of Lewis Street and Matilda Street adjacent to City Block B/1474 within the limits hereinafter more fully described, for the purpose of installing, utilizing and maintaining 14 pedestrian street lights; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

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

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

SECTION 3. That GRANTEE shall pay to the City of Dallas the sum of ONE THOUSAND AND NO/100 ($1,000.00) DOLLARS annually for the license herein granted, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of ONE THOUSAND AND NO/100 ($1,000.00) DOLLARS shall become due and payable upon the final passage of this ordinance and shall cover the consideration for 2008. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by GRANTEE. Should GRANTEE fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Development Services, or designee, may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the City Controller of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1180, Revenue...
Source 8200. In the event **GRANTEE**'s check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

**SECTION 4.** That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Development Services of the City of Dallas: installing, utilizing and maintaining 14 pedestrian street lights.

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

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

**SECTION 7.** That the license is subject to the following conditions, terms and reservations:

a) **GRANTEE** shall obtain a street cut permit prior to any activity involving cutting or digging in the public right of way. Contact cut control at 214-948-4042.
b) **GRANTEE** shall maintain, for existing and/or proposed improvement, a minimum horizontal distance of 7.5 feet from the outer diameter of the water or wastewater mains and shall maintain vertical distance of 3.5 feet from the outer diameter of the improvements and the outer diameter of water or wastewater mains.

**GRANTEE** must contact Dallas Water Utilities Utility Coordination at 214-948-4584 at least 15 working days prior to construction to obtain as-built maps and plans of existing water and wastewater mains and to coordinate the **GRANTEE's** proposed construction plans. Where the stated distance is not possible, the contractor must submit any variations in writing to Engineering Services along with a set of plans for review and approval by the appropriate Division. **GRANTEE's** must contact Dallas Water Utilities at 214-670-5111 at least 2 working days prior to construction to have the existing water and wastewater mains located in the field.

c) **GRANTEE** shall maintain minimum 3' clear sidewalk at all locations.

SECTION 8. That this license is subject to the requirements of all other applicable City of Dallas Codes and Ordinances.

SECTION 9. That the license granted hereby shall not become effective until and unless **GRANTEE** files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Development Services and said written acceptance shall be forwarded to the City Secretary of the City of Dallas. In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Development Services, or designee, may terminate this license.

SECTION 10. That upon receipt of **GRANTEE's** final written acceptance, the Director of Development Services, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Development Services, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.
SECTION 11. That the terms and conditions contained in this ordinance shall be binding upon GRANTEE, its successors and assigns.

SECTION 12. That this license may not be assigned without prior written approval from the Director of Development Services, or designee. Such assignment shall recite that it is subject to the terms, restrictions, and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Development Services within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should GRANTEE fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Development Services, or designee, may terminate this license.

SECTION 13. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the fee for the year 2008, an acceptable certificate of insurance, and the fee for publishing this ordinance which GRANTEE shall likewise pay, the Director of Development Services, or designee, shall deliver to GRANTEE the certified copy of this ordinance. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.
SECTION 14. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

[THERESA O’DONNELL
Director of Development Services]

BY
Assistant City Attorney

BY
Interim Assistant Director

Passed
To all parties interested in premises surveyed:
That, I, Paul E. Mannel, do hereby certify that this survey was made on the ground by me or under my personal supervision and the plat hereon is a true, correct and accurate representation of the property as determined by survey, and conforms to the Minimum Standards of Practice adopted by the Texas Board of Professional Land Surveyors effective September 1, 1992. This property is subject to all easements of record.

Paul E. Mannel
Registered Professional Land Surveyor, No. 5533
Job No.: 805-2
Date: MAY 11, 2007

BASIS OF BEARING:
1. The basis of bearing for this survey is the south right of way line of La Vista Drive as defined by Ross Avenue Heights Addition, an addition to the City of Dallas, Dallas County, Texas and recorded in Volume 118, Page 63 Map Records, Dallas County, Texas.

NOTE: Surveyor has not abstracted subject property. All easements are by plat unless otherwise noted.
To all parties interested in premises surveyed:
That, I, Paul E. Mannel, do hereby certify that this survey was made on the ground by me or under my personal supervision and the plat hereon is a true, correct and accurate representation of the property as determined by survey, and conforms to the Minimum Standards of Practice adopted by the Texas Board of Professional Land Surveyors effective September 1, 1992. This property is subject to all easements of record.

Paul E. Mannel  
Registered Professional Land Surveyor, No. 5533  
Job No.: 805-2  
Date: MAY 11, 2007

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

VILBIG & ASSOCIATES, INC.  
Consulting Engineers & Surveyors  
10132 Monroe Drive  
Dallas, Texas 75229  
214-352-7333

NOTE: Surveyor has not abstracted subject property. All easements are by plat unless otherwise noted.
14 LOCATIONS
4 FOOT WIDE LICENSE AREAS
ADJACENT TO BLOCK B/1474
LEWIS COURT TOWNHOMES ADDITION,
D.C.C.F.No. 200600098079

VICINITY MAP — N.T.S.
MAPSCO 36-X

Job No.: 805-2
Date: MAY 11, 2007

VILBIG & ASSOCIATES, INC.
Consulting Engineers & Surveyors
10132 Monroe Drive  Dallas, Texas  75229
214-352-7333
EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

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

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

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

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

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

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

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

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

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

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

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

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City’s negligence, or from any other cause whatsoever.

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

Authorize (1) approval of the Deep Ellum Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 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 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; 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 17, 2008, the Deep Ellum Foundation provided City staff with the proposed District Service Plan for 2009 and the proposed Assessment Rate for 2008.
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 Deep Ellum Public Improvement District (District) is to enhance security and public safety within the District, provide park improvements and landscaping, 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, two hundred twenty-one thousand, dollars ($1,221,000). The estimated average annual cost is approximately one hundred seventy-four thousand, four hundred twenty-eight dollars ($174,428). 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 attached 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 2008 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. 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 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 the renewal of the District by Resolution No. 06-2951.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On September 26, 2007, the City Council authorized the assessment rate for 2007 by Resolution No. 07-2814 and Ordinance No. 26948.

On September 2, 2008, a memo was submitted to the Economic Development Committee regarding the Assessment Rate for 2008 and Service Plan for 2009 for all seven of the City’s public improvement districts.

FISCAL INFORMATION

No cost consideration to the City

MAP

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

WHEREAS, on April 1, 2006, owners of real property located within the Deep Ellum area, delivered to the City of Dallas a petition to re-establish the Deep Ellum Public Improvement District, in accordance with the parameters of Chapter 372 of the Texas Local Government Code. City staff verified 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 signed the petition, in accordance with the necessary thresholds for the City Council to consider re-establishing the District; 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 July 17, 2008, the Deep Ellum Foundation provided City staff with the proposed District Service Plan for 2009 and the proposed Assessment Rate for 2008; and

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

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 24, 2008 at 1:00 P.M. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the proposed 2008 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 considering the Service Plan for 2009 for the Deep Ellum Public Improvement District hereby approves the Service Plan for 2009 (Exhibit A).
The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements 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 park improvements and landscaping, 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, two hundred twenty-one thousand, dollars ($1,221,000). The estimated average annual cost is approximately one hundred seventy-four thousand, four hundred twenty-eight dollars ($174,428). 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 2.** That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.
Section 3. That a public hearing shall be held at 1:00 p.m. on September 24, 2008 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 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 improvements.

Section 4. 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 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 and adopting the 2008 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 2009; 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 provisions of 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 Hasib
## Public Improvement District
### Budget and Service Plan, 2009 - 2014

### Revenues

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### Service Plan by class

1. All items required by the PID contract
2. Mail, weed control, litter control, graffiti removal
3. Maps, rendering, neighborhood planning
4. Promotional materials, coordinators, website, directors, promotional activities
5. Signage, paint and sidewalk programs, Dog Park, Lighting, etc.
6. Office management and coordination, office utilities, supplies, public notice costs and mailings
7. Potential cameras, lighting, etc.

### Reserves

- Capital Improvement grants, ie. Patios, sidewalk repair, landscaping
- Security grants for cameras, Gateway Light project, air conditioning cages
- Future Dog Park maintenance funds
- Admin. costs not to exceed 15% of PID funds
PROPOSED 2008 ASSESSMENT PLAN
Deep Ellum Public Improvement District

The cost of the services and improvements provided by the Deep Ellum Public Improvement District (DEPID) 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 $0.12 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. DEPID 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 DEPID assessment by any exempt owners must be established by contract.

DEPID's assessments will be collected by Dallas County for the City of Dallas, in accordance with the management contract between the City of Dallas and The Deep Ellum Foundation, the non-profit corporation that manages the District.
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

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 2009; (2) a public hearing to be held on September 24, 2008 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 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 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 17, 2008, DOWNTOWNDALLAS (formerly known as Dallas CBD Enterprises, Inc.) provided City staff with the proposed Dallas Downtown Improvement District (District) Service Plan for 2009 and the proposed Assessment Rate for 2008.
BACKGROUND (continued)

The public improvement district proposed 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 improvement of streets, sidewalks and landscaping, provide 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 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 five year period is approximately thirty-three million, one hundred ninety-four thousand, eight hundred, fifty-one dollars ($33,194,851). The average annual cost for the five-year period is approximately six million, six hundred thirty-eight thousand, nine hundred, seventy dollars ($6,638,970). 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 attached 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 2008 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 2008-2009, the estimated City participation is approximately $300,000. 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 26, 2007, the City Council authorized the Downtown Improvement District 2007 assessment rate by Resolution No. 07-2815 and Ordinance No. 26949.

On September 2, 2008, a memo was submitted to the Economic Development Committee regarding the Assessment Rate for 2008 and Service Plan for 2009 for all seven of the City's public improvement districts.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
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 17, 2008, DOWNTOWNDALLAS (formerly known as Dallas CBD Enterprises, Inc.,) presented City staff with the proposed District Service Plan for 2009 and the proposed Assessment Plan for 2008; and

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

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 24, 2008 at 1:00 P.M. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2008 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 Service Plan for 2009 for the Dallas Downtown Improvement District hereby approves the Service Plan for 2009, attached herein as Exhibit A.

The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements 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 improve security, supplement the improvement 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 existing City services.

(c) **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 thirty-three million, one hundred ninety-four thousand, eight hundred, fifty-one dollars ($33,194,851). The average annual cost for the five-year period is approximately six million, six hundred thirty-eight thousand, nine hundred, seventy dollars ($6,638,970). 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 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 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 2008 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.
Section 1. (continued)

(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.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That a public hearing shall be held at 1:00 p.m. on September 24, 2008, 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 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; 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 2008; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; 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 and adopting the 2008 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 2009; 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 provisions of 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 Hasib
## DOWNTOWN DALLAS Improvement District

*Five Year Budget Forecast*

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<tr>
<th>REVENUES &amp; RESERVES</th>
<th>2009 Budget</th>
<th>2010 Budget</th>
<th>2011 Budget</th>
<th>2012 Budget</th>
<th>2013 Budget</th>
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<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
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<td><strong>$6,507,443</strong></td>
<td><strong>$6,699,316</strong></td>
<td><strong>$6,892,531</strong></td>
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</tbody>
</table>

| FUND BALANCE/RESERVES | $647 | $1,902 | $3,158 | $3,109 | $5,546 |
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 $0.1190 per $100 of appraised value. Dependent upon future District property values and the changing needs of the District, the assessment rate stated above is not anticipated to change in the next five years. 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.
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 9, 10

DEPARTMENT: Office of Economic Development

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 27 B C E F G H J K N P S T & 26 Z V

SUBJECT

Authorize (1) approval of the Lake Highlands Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 to receive comments concerning the annual assessment rate for the Lake Highlands Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Lake Highlands 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 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 June 25, 2008, the City Council authorized the creation of the Lake Highlands Public Improvement District (District) by Resolution No. 08-1866, in accordance with the provisions of Chapter 372 of the Texas Local Government Code and designated Lake Highlands Improvement District Corporation as the management entity of the District.
BACKGROUND (continued)

On July 1, 2008, the Lake Highlands Improvement District Corporation provided City staff with the proposed District Service Plan for 2009 and the proposed Assessment Plan for 2008. Staff reviewed the proposed 2009 Service Plan and found the plan to be advisable and recommended approval.

The public improvement district 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, promotion of the District, design and construct public infrastructure improvements, litter and graffiti management, landscape enhancement and linkages that are authorized by the Act.

(b) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided by the District for the seven (7) year term is approximately five million, five hundred thirty-nine thousand, seven hundred forty-two dollars ($5,539,742). The estimated annual average cost for the services and improvements provided by the District is approximately seven hundred ninety-one thousand, three hundred ninety-two dollars ($791,392). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The boundaries of the District are as shown on the attached 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 determined by the Dallas Central Appraisal District. The proposed, estimated 2008 assessment rate for the District is $0.13 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 District and 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.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2008, the City Council authorized the establishment of the Lake Highlands Public Improvement District for a period of seven-years and named the Lake Highlands Improvement District Corporation as the management entity for the District by Resolution No. 08-1866.

On September 2, 2008, a memo was submitted to the Economic Development Committee regarding the Assessment Rate for 2008 and Service Plan for 2009 for all seven of the City's public improvement districts.

FISCAL INFORMATION

No cost consideration to the City

MAP

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

WHEREAS, on June 25, 2008, the City Council held and closed a public hearing and authorized the creation of the Lake Highlands Public Improvement District (the "District") and designated Lake Highlands Improvement District Corporation, as the management entity of the District by Resolution No. 08-1866; and

WHEREAS, on July 1, 2008, the Lake Highlands Improvement District Corporation provided City staff with the proposed District Service Plan for 2009 and the proposed assessment rate for 2008 as shown in Exhibits A and B; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Lake Highlands Improvement District 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 Service Plan and Assessment Plan must be presented to the City Council for review and approval and a public hearing shall be held at 1:00 P.M. on September 24, 2008, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2008 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 pursuant to the requirements of the Act, the City Council, after reviewing the Service Plan for 2009 for the Lake Highlands Public Improvement District hereby approves the Service Plan for 2009, attached herein as Exhibit A.

The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) Advisability of the Services Proposed for the District. It is advisable to continue the District to provide the services and improvements 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, promotion of the District, design and construct public infrastructure improvements, litter and graffiti management, landscape enhancement and linkages that are authorized by the Act.

(c) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided by the District for the seven (7) year term is approximately five million, five hundred thirty-nine thousand, seven hundred forty-two dollars ($5,539,742). The estimated annual average cost for the services and improvements provided by the District is approximately seven hundred ninety-one thousand, three hundred ninety-two dollars ($791,392). 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 determined by the Dallas Central Appraisal District. The proposed, estimated 2008 assessment rate for the District is $0.13 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 Cost Between District and 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 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.
Section 3. That a public hearing shall be held at 1:00 p.m. on September 24, 2008, 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 2008 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 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 Lake Highlands Public Improvement District; approving and adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date.

Section 4. 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 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 and adopting the 2008 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 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date.

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 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
## Lake Highlands Public Improvement District - Seven-Year Budget

### INCOME

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<td>$1,192,045</td>
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### EXPENDITURES

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<td><strong>TOTAL EXPENDITURES</strong></td>
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<td>$1,192,045</td>
<td>$1,227,807</td>
<td>$1,264,641</td>
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The cost of the services and improvements provided by the Lake Highlands Public Improvement District will be paid primarily by assessments against real properties within the Lake Highlands 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 2008 assessment rate for the property in the Lake Highlands is proposed at $0.13 per $100.00 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 including City rights-of-way and parks. Property owners already receiving and qualifying for the 65-or-older homestead exemption (under Section 11.13(c) or (d) of the Texas Property Tax Code) are exempt. Payment of assessment by other tax-exempt owners must be established by contract. No such contracts are in place at present.

The Lake Highlands PID’s assessments will be collected by the 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 Lake Highlands Improvement District Corporation.
Lake Highlands PID Boundary Map
Subject: Authorize (1) approval of the Prestonwood Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 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 Prestonwood 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 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 11, 2004, the City Council authorized the renewal of the Prestonwood Public Improvement District (District) by Resolution No. 04-2328, in accordance with the provisions of Chapter 372 of the Texas Local Government Code and designated Prestonwood Homeowner's Association as the management entity of the District.
BACKGROUND (continued)

On July 1, 2008, the Prestonwood Homeowner's Association presented City staff with the proposed Service Plan for 2009 and the proposed Assessment Plan for 2008. Staff reviewed the proposed 2009 Service Plan and found the services and improvements to be advisable and recommended approval.

The public improvement district proposed 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 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 during next three years of the seven-year period by the District is approximately one million, two thousand, nine hundred eighty-six dollars ($1,002,986). The estimated average annual cost is approximately three hundred thirty-four thousand, three hundred twenty-eight dollars ($334,328). 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 attached 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 2008 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.

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

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 2, 2008, a memo was submitted to the Economic Development Committee regarding the Assessment Rate for 2008 and Service Plan for 2009 for all seven of the City's public improvement districts.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
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 held and closed a public hearing and authorized the establishment of the Prestonwood Public Improvement District (District) and designated 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 held and closed a public hearing and authorized the renewal of the District and designated Prestonwood Homeowners Association, Inc., as the management entity for the Public Improvement District by Resolution No. 04-2328; and

WHEREAS, on September 26, 2007, the City Council authorized the 2007 assessment rate for the District by Resolution No. 07-2816 and Ordinance No. 26950; and

WHEREAS, on July 1, 2008, the Prestonwood Homeowners Association presented City staff with the proposed District Service Plan for 2009 and the proposed Assessment Rate for 2008, 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 service plan to determine whether the services should be made as proposed by the service plan and found the services and improvements to be advisable; and

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 24, 2008 at 1:00 P.M. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2008 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 Service Plan for 2009 for the Prestonwood Public Improvement District hereby approves the Service Plan for 2009, attached herein as Exhibit A.
The City Council makes the following findings concerning the Service Plan for the public improvement district:

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

(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 and Improvements.** The total estimated cost of services and improvements provided during next three years of the seven-year period by the District is approximately one million, two thousand, nine hundred eighty-six dollars ($1,002,986). The estimated average annual cost is approximately three hundred thirty-four thousand, three hundred twenty-eight dollars ($334,328). 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 2008 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.
Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That a public hearing shall be held at 1:00 p.m. on September 24, 2008, 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 2008 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 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 Prestonwood Public Improvement District; approving and adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date.

Section 4. 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 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 and adopting the 2008 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 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date.

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 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
## Exhibit A

**Prestonwood Public Improvement District Service Plan 2008-2011**

<table>
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<tr>
<th></th>
<th>2008 12/31/2008</th>
<th>2009 Budget</th>
<th>2010 Budget</th>
<th>2011 Budget</th>
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Exhibit B
PRESTONWOOD PUBLIC IMPROVEMENT DISTRICT
2008 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 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 2008 assessment rate for the property in the Prestonwood PID is proposed at $0.09 per $100.00 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 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.

The Prestonwood PID’s assessments will be collected by the 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.
SUBJECT

Authorize (1) approval of the South Side Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 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 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; and, approving and adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; and, providing for the collection of the 2008 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 10, 2005, the City Council authorized the creation of the South Side Public Improvement District (District) by Resolution No. 05-2230, 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.
BACKGROUND (continued)

On July 1, 2008, the South Side Quarter Development Corporation provided City staff with the proposed District Service Plan for 2009 and the proposed Assessment Plan for 2008.

The public improvement district 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, landscaping and sanitation services, improve pedestrian amenities and linkages 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 four years of the seven-year term of the District is approximately six hundred twenty eight thousand dollars ($628,000). The estimated annual average cost for the services and improvements is approximately one hundred fifty-seven thousand dollars ($157,000). 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 attached 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 2008 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.

(e) **Method of Assessment (continued).** The actual assessment rate for 2008 will be established by City Council after the close of an assessment rate public hearing on September 24, 2008. The annual assessment rate, during the seven-year life of the PID, 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 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. 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.

On September 2, 2008, a memo was submitted to the Economic Development Committee regarding the Assessment Rate for 2008 and Service Plan for 2009 for all seven of the City's public improvement districts.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
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 South Side Public Improvement District (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, 2008, the South Side Quarter Development Corporation provided City staff with the proposed District Service Plan for 2009 and the proposed assessment rate for 2008; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the South Side Quarter Development Corporation evaluated the 2008 service plan to determine whether the services should be made as proposed by the service plan and found the services and improvements to be advisable; and

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 24, 2008 at 1:00 P.M. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2008 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 pursuant to the requirements of the Act, the City Council, after reviewing the Service Plan for 2009 for the South Side Public Improvement District hereby approves the Service Plan for 2009, attached herein as Exhibit A.

The City Council makes the following findings concerning the public improvement district Service Plan:

(a) Advisability of the Services Proposed for the District. It is advisable to continue the District to provide the services and improvements 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, cultural enhancements, landscaping and sanitation services, improve pedestrian amenities and linkages that are authorized by the Act.

(c) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided during the next four years of the seven-year term of the District is approximately six hundred twenty eight thousand dollars ($628,000). The estimated annual average cost for the services and improvements is approximately one hundred fifty-seven thousand dollars ($157,000) (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 attached 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 2008 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 2008 will be established by City Council after the close of an assessment rate public hearing on September 24, 2008. 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. 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.
Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That a public hearing shall be held at 1:00 p.m. on September 24, 2008, 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 2008 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 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 2008 assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment.

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: 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 Hasib
### South Side/Cedars Public Improvement District

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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 2008 assessment rate for the property in the premium service area is proposed at $0.15 per $100.00 of value. The 2008 assessment rate for the property in the standard service area is proposed at $0.12 per $100.00. 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. No such contracts are in place at present.

The South Side PID’s assessments will be collected by the 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 South Side Quarter Development Corporation.
Subject

Authorize (1) approval of the Uptown Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 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 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 2008 assessment roll with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; 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 17, 2008, the Uptown, Inc., provided City staff with the proposed Service Plan for 2009 and the proposed Assessment Plan for 2008.
BACKGROUND (continued)

The public improvement district 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 infrastructure, park improvements, landscaping and lighting, produce pedestrian amenities and linkages that are authorized by the Act. The District is to supplement and enhance services within the District, but not replace 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 term of the District is approximately eight million, two hundred forty-four thousand, two hundred fifty-six dollars ($8,244,256). The estimated annual average cost is approximately one million, three hundred seventy-four thousand, forty-two dollars ($1,374,042). 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 attached 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 26, 2007, the City Council authorized the 2007 assessment rate for the Uptown Public Improvement District by Resolution No. 07-2818 and Ordinance No. 26952.

On September 2, 2008, a memo was submitted to the Economic Development Committee regarding the Assessment Rate for 2008 and Service Plan for 2009 for all seven of the City’s public improvement districts.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
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 July 17, 2008, Uptown, Inc., presented City staff with the proposed District Service Plan for 2009 and the proposed Assessment Plan for 2008; and

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

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 24, 2008 at 1:00 P.M. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2008 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 Service Plan for 2009 for the Uptown Public Improvement District hereby approves the Service Plan for 2009 (Exhibit A).
Section 1. (continued)

The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements 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, park improvements, landscaping and lighting, produce pedestrian amenities and linkages 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 for the seven year term of the District is approximately eight million, two hundred forty-four thousand, two hundred fifty-six dollars ($8,244,256). The estimated annual average cost is approximately one million, three hundred seventy-four thousand, forty-two dollars ($1,374,042). 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 attached 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.
Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That a public hearing shall be held at 1:00 p.m. on September 24, 2008, 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 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.

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 and adopting the 2008 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 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2008 assessment; and providing an effective date.

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: 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 Hasib
## 2009 SERVICE PLAN

Uptown Public Improvement District

**Exhibit A**

### INCOME

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<td><strong>1,391,010</strong></td>
<td><strong>1,409,842</strong></td>
<td><strong>1,476,086</strong></td>
<td><strong>1,545,640</strong></td>
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### EXPENDITURES

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<th>2011</th>
<th>2012</th>
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<td><strong>1,409,842</strong></td>
<td><strong>1,476,086</strong></td>
<td><strong>1,545,640</strong></td>
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PROPOSED 2008 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 2009, 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.
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 9, 13

DEPARTMENT: Office of Economic Development

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 26 F K-I P-Q T-Y

SUBJECT

Authorize (1) approval of the Vickery Meadow Public Improvement District Service Plan for 2009; (2) a public hearing to be held on September 24, 2008 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 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 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; 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 17, 2008, the Vickery Meadow Management Corporation provided City staff with the proposed District Service Plan for 2009 and the Assessment Plan for 2008.
BACKGROUND (continued)

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

(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 services, promotion and economic development marketing services in support of the new Park Lane and Valencia developments, 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 seven year period is approximately nine million, six hundred thirty-seven thousand dollars ($9,637,000). The average annual cost of services for the District is approximately one million, three hundred seventy-six thousand, seven hundred fourteen dollars ($1,376,714). 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 attached 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 2008 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 2008 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. 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.

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, 2007, the City Council authorized the 2007 assessment rate for the District by Resolution No. 07-2819 and Ordinance No. 26953.

On September 2, 2008, a memo was submitted to the Economic Development Committee regarding the Assessment Rate for 2008 and Service Plan for 2009 for all seven of the City's public improvement districts.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
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 July 17, 2008, the Vickery Meadow Management Corporation provided City staff with the proposed District Service Plan for 2009 and the proposed assessment rates for 2008; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Vickery Meadow Management Corporation evaluated the 2008 service plan to determine whether the services should be made as proposed by the service plan and found the services and improvements to be advisable; and

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 24, 2008 at 1:00 P.M. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2008 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 Service Plan for 2009 for the Vickery Meadow Public Improvement District hereby approves the service plan for 2009, attached herein as Exhibit A.

The City Council makes the following findings concerning the public improvement district Service Plan:

(a) Advisability of the Services Proposed for the District. It is advisable to continue the District to provide the services and improvements described in this Resolution.
Section 1. (continued)

(b) **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 services, promotion and economic development marketing services in support of the new Park Lane and Valencia developments, community services, and property standards enforcement activities that are authorized by the Act. 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 period is approximately nine million, six hundred thirty-seven thousand dollars ($9,637,000). The average annual cost of services for the District is approximately one million, three hundred seventy-six thousand, seven hundred fourteen dollars ($1,376,714). *(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 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 2008 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 2008 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.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.
Section 3. That a public hearing shall be held at 1:00 p.m. on September 24, 2008 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 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; 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 2008 assessment roll; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; 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 2009; 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 provisions of 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
City Attorney's Office – Sarah Hasib
## VICKERY MEADOW IMPROVEMENT DISTRICT BUDGET PROJECTIONS (2009-2015)

### REVENUES:

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### DISBURSEMENTS:

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<td>$1,566,850</td>
<td>$1,636,750</td>
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### CURRENT YEAR NET

- **Prior Year Surplus / Deficit**: $24,083

**Surplus Deficit Carried Forward**: $27,915

**Current Year Net**: $3,832

**Prior Year Surplus / Deficit**: $4,082

**Surplus Deficit Carried Forward**: $48,507
The costs 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 2009 for properties in the premium service area will be $0.10 per $100 of appraised value. The anticipated assessment to be levied in 2009 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.
Vickery Meadow PID Boundary Map
SUBJECT

Authorize a 70 percent real property tax abatement agreement for eight-years with EDC Industrial, LP on the added value resulting from the development of a new 345,600 square foot cross-dock warehouse facility located in a Texas Enterprise Zone at 5220 South Westmoreland Road - Revenue: First-year revenue estimated at $26,924; eight-year revenue estimated at $215,395; (Estimated revenue foregone for eight-year abatement estimated at $502,589)

BACKGROUND

Over the past several months, City staff has negotiated with Holt Lunsford Commercial (Holt) as General Partner for EDC Industrial, LP to construct a speculative 345,600 square foot cross-dock warehouse facility at 5220 South Westmoreland Road in southern Dallas. To support the development and the creation of new job opportunities to this area, the City Council is asked to consider authorizing a real property tax abatement of 70 percent for a period of eight years on the value of new real property improvements.

With the project, Holt will invest a minimum of $12,000,000 on improvements and related project costs. Forgone revenue from the proposed tax abatement is estimated to be $502,589 while tax revenue from the new facility for the City of Dallas is estimated at $215,395 over the eight-year period of the abatement. For tax year 2008, the site is appraised at $375,280 by the Dallas Central Appraisal District resulting in annual tax revenue of an estimated $9,437.38.

Holt Lunsford Commercial is a real estate developer headquartered in Addison, Texas. The company is the second largest commercial real estate provider in the Metroplex, overseeing approximately 32 million square feet in Dallas, Forth Worth, and Houston for private and institutional owners. The proposed abatement will allow Holt to offer competitive lease rates to other developments in neighboring suburban cities.
BACKGROUND (continued)

This project exceeds the $1,000,000 minimum eligibility criteria established for the Public/Private Partnership Program for consideration of economic incentives at this location.

ESTIMATED SCHEDULE OF PROJECT

Substantial Completion December 31, 2009

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was submitted to the Economic Development Committee on September 2, 2008.

FISCAL INFORMATION

No cost consideration to the City

OWNER

EDC Industrial,LP

Holt Lunsford, General Partner/Managing Member

DEVELOPER

Holt Lunsford Commercial

Albert Jarrell, Senior Vice President - Development

MAP

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

WHEREAS, on April 9, 2008, the City Council authorized the continuation of its participation in tax abatement and established by Resolution No. 08-1050 as amended, appropriate Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act"); and

WHEREAS, pursuant to Section 32.2011, the Property Redevelopment and Tax Abatement act provides that the designation of an area as an enterprise zone under the Texas Enterprise Zone Act constitutes designation of an area as a reinvestment zone without further hearing or other procedural requirements; and

WHEREAS, the City desires to enter into a new real property tax abatement with EDC Industrial, LP on the value of new real property improvements at the property located at 5220 South Westmoreland Road, Dallas, Texas 75237, located in a designated Texas Enterprise Zone.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute a 70 percent real property tax abatement for a period of eight-years with EDC Industrial, LP on new real property improvements to the property located at 5220 South Westmoreland Road in accordance with the Act and the City's Public/Private Partnership Guidelines and Criteria.

Section 2. That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

Section 3. That the real property which will be described in the tax abatement agreement, attached hereto as Exhibit A (Metes and Bounds) and depicted on the attached site map as Exhibit B (Map - the "Property"), is located within the Dallas city limits.

Section 4. That the tax abatement agreement shall provide, among other provisions, the following:

A. The Property subject to tax abatement shall be located entirely within a designated Texas Enterprise Zone in the City of Dallas, Texas.
Section 4. (continued)

B. None of the Property subject to tax abatement is owned or leased by a member of the City Council or by a member of the City Plan Commission.

C. That the development of the Property will conform to all requirements of the City's zoning ordinance, and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the enterprise zone during the period the tax abatement is in effect.

D. The City will grant EDC Industrial, LP a 70 percent tax abatement for a period of eight-years beginning on or before January 1, 2010 on the added value of real property improvements at the site.

E. That EDC Industrial, LP will invest a minimum of $12,000,000 in real property improvements and associated project costs with substantial completion by December 31, 2009.

F. That access to the Property will be provided to allow for the inspection by City inspectors and officials to ensure that the improvements or repairs are made according to the specification and terms of the tax abatement agreement.

G. That Property tax revenue lost as a result of the tax abatement agreement will be recaptured by the City if the owner of the property fails to make the improvements or repairs as provided by the tax abatement agreement.

H. A requirement that the owner of the Property certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement.

I. That the Dallas City Council may terminate or modify the agreement if the property owner fails to comply with the agreement.

J. That the tax abatement agreement shall be personal to EDC Industrial, LP and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

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

Distribution: Office of Economic Development - Tenna Kirk, 5CS
             Office of Economic Development - Christopher O'Brien, 5CS
             Office of Economic Development – Hammond Perot, 5CS
             City Attorney's Office - Barbara Martinez
EXHIBIT "A"

LEGAL DESCRIPTION

BEING a parcel or tract of land situated in the McKinney and Williams Survey, Abstract No. 1053, in the City of Dallas, Dallas County, Texas, being a part of Block F/6050, Red Bird Business Center Phase II Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 86141, Page 4249, Map Records, Dallas County, Texas, being all of Tract 2 as described to Holt Redbird Land, L.P., a Texas limited partnership by deed recorded in Volume 2004234, Page 11040, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a one-half inch iron rod found for corner in the Easterly line of South Westmoreland Road (a 100 foot Right-of-Way), said point also being at the Northwesterly corner of a tract of land described to Cobalt Industrial Boone by deed recorded in Clerk's File Number 20070027680, Deed Records, Dallas County, Texas;

THENCE North 00 deg. 56 min. 12 sec. West, departing the Northerly line of said Cobalt Industrial Boone, following the Easterly line of said South Westmoreland Road, a distance of 1049.79 feet to a point for corner at the beginning of a curve to the right whose chord bears North 54 deg. 02 min. 15 sec. East, 57.40 feet, said point also being at the intersection of the Easterly line of said South Westmoreland Road and the Southerly line of Redbird Center Drive (a 60 foot Right-of-Way) and from which a one-half inch iron rod with yellow cap found bears North 41 deg. 56 min. 33 sec. West, a distance of 0.22 feet;

THENCE in a Northerly, Northeasterly and Easterly direction along said curve to the right having a central angle of 70 deg. 03 min. 33 sec., a radius of 50.00 feet, and an arc length of 61.14 feet to a one-half inch iron rod with yellow cap marked "Half" found for corner;

THENCE North 89 deg. 03 min. 48 sec. East, along the Southerly line of said Redbird Center Drive, a distance of 15.34 feet to a one-half inch iron rod with yellow cap marked "Half" found for corner at the beginning of a curve to the left whose chord bears North 82 deg. 27 min. 47 sec. East, 76.82 feet;

THENCE in an Easterly direction along the Southerly line of said Redbird Center Drive and said curve to the left having a central angle of 13 deg. 12 min. 23 sec, a radius of 334.00 feet, and an arc length of 76.99 feet to a one-half inch iron rod with yellow cap found for corner at the beginning of a curve to the right whose chord bears North 82 deg. 27 min. 42 sec. East, 66.68 feet;

THENCE in an Easterly direction along said curve to the right having a central angle of 13 deg. 12 min. 13 sec., a radius of 290.00 feet, and an arc length of 66.83 feet to a point for corner at the beginning of a curve to the right whose chord bears South 45 deg. 56 min. 12 sec. East, 707.11 feet, from which a one-half inch iron rod found bears North 48 deg. 49 min. 15 sec. East, a distance of 0.24 feet;

THENCE in an Easterly, Southeasterly and Southerly direction along the Westerly line of said Redbird Center Drive and along said curve to the right having a central angle of 90 deg. 00 min. 00 sec., a radius of 500.00 feet, and an arc length of 785.40 feet to a one-half inch iron rod with yellow cap found for corner;
THENCE South 00 deg. 56 min. 12 sec. East, following the Westerly line of said Redbird Drive, a distance of 704.23 feet to a one-half inch iron rod with yellow cap found for corner at the Northeasterly corner of a tract of land described to Cobalt Industrial Reit by deed recorded in County Clerk’s File Number 200600021816, Deed Records, Dallas County, Texas, said point also being the Northeasterly corner of Block B/6050, of Redbird Business Center Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 85087, Page 4601, Map Records, Dallas, Texas;

THENCE South 89 deg. 03 min. 48 sec West, departing the Westerly line of said Redbird Center Drive, following the Northerly line of said Cobalt Industrial Reit tract and the Northerly line of said Block B/6050, a distance of 304.89 feet to a one-half inch iron rod with yellow cap found for corner at the Southeasterly corner of said Cobalt Industrial Boone tract;

THENCE North 00 deg. 56 min. 12 sec. West, departing the Northerly line of said Cobalt Industrial Reit tract and the Northerly line of said Block B/6050, a distance of 105.00 feet to a one-half inch iron rod with yellow cap found for corner;

THENCE South 89 deg. 03 min. 48 sec. West, following the Northerly line of said Cobalt Industrial Boone tract, a distance of 400.00 feet to the POINT OF BEGINNING and containing 17.230 acres of land, more or less.
SUBJECT

Authorize (1) the third twelve-month renewal option to the contract with the Southern Dallas Development Corporation to administer the Southern Dallas Economic Development Program's Business Revolving Loan Program, for the purpose of servicing and making loans to area businesses and creating and retaining jobs for low-to-moderate income persons; and (2) any unexpended balances of program income and allocations from prior contracts be rolled over to continue the Business Revolving Loan Program - Financing: No cost consideration to the City.

BACKGROUND

On March 8, 1989, the City Council authorized the restructuring and transferring of Community Development Grant Funds in the amount of $1,780,534, from the Housing and Economic Development Corporation of Dallas (HEDCD) to the Southern Dallas Development Corporation (SDDC), for program administration and implementation by Resolution No. 89-0815.

On May 22, 1991, the City Council authorized a seventeen-month contract, with two one-year renewal options, with the Southern Dallas Development Corporation by Resolution No. 91-1589.

On September 14, 1994, the City Council authorized a one-year contract, with four one-year renewal options, with the Southern Dallas Development Corporation by Resolution No. 94-0334.

On December 13, 1995, the City Council authorized an amendment to the first renewal option with the Southern Dallas Development Corporation by adding $50,000 to be used by the SDDC to provide technical assistance to the five Business Assistance Centers (BACs) by Resolution No. 95-4184.
BACKGROUND (continued)

On September 22, 1999, the City Council authorized a contract with an initial one year term and four one-year renewal options with SDDC by Resolution No. 99-3068.

On September 27, 2000, the City Council authorized the first renewal option to the contract with SDDC and added an additional $100,000 to continue administering loan programs by Resolution No. 00-2943.

On December 12, 2001, the City Council authorized a public hearing to receive citizens' comments on the proposed change to the City of Dallas Housing and Urban Development (HUD) Action Plan to reflect the Revolving Loan Program in the appropriate Action Plan activity by Resolution No. 01-3684.

On January 9, 2002, a public hearing was held before City Council to receive citizens' comments on the proposed change to the HUD Action Plan to reflect the Revolving Loan Program in the appropriate Action Plan activity by Resolution No. 02-0123.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

In January 2005, a Request for Competitive Sealed Proposals (RFCSP) for the Southern Dallas Economic Development Revolving Loan Program was advertised in the Dallas Morning News. SDDC was the only organization that responded to the RFCSP.

On August 10, 2005, the City Council authorized the adoption of the FY 2005-06 Consolidated Plan Budget, which included program income estimated at $600,000 to be retained by SDDC and any unexpended balances from prior years and an additional $566,000 to continue the management and operations of the Business Revolving Loan Program by Resolution No. 05-2233.

On September 28, 2005, the City Council authorized a contract for one year and four one-year renewal options with SDDC by Resolution No. 05-2788.

On June 28, 2006, the City Council authorized the adoption of the FY 2006-07 Consolidated Plan Budget which included program income estimated at $600,000 to be retained by SDDC and any unexpended balances from prior years to continue the management and operations of the Business Revolving Loan Program by Resolution No. 06-1739.

On August 9, 2006 the City Council authorized the first one-year renewal option with SDDC by Resolution No. 06-2020.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On June 27, 2007, the City Council authorized the adoption of the FY 2007-08 Consolidated Plan Budget, which included program income estimated at $600,000 to be retained by SDDC and any unexpended balances from prior years to continue the management and operations of the Business Revolving Loan Program by Resolution No. 07-1978.

On August 22, 2007 the City Council authorized the second one-year renewal option with SDDC by Resolution No. 07-2359.

On June 25, 2008, the City Council authorized the adoption of the FY 2007-08 Consolidated Plan Budget, which included program income estimated at $600,000 to be retained by SDDC and any unexpended balances from prior years to continue the management and operations of the Business Revolving Loan Program by Resolution No. 08-1807.

On September 2, 2008, a memo was submitted to the Economic Development Committee regarding the third twelve-month renewal option to the contract with the Southern Dallas Development Corporation.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Southern Dallas Development Corporation

Loren Montgomery, Board Chair

MAP

Attached.
12th ST W

EFFERSON BLVD W

351 West Jefferson Boulevard

Scale 1:7,989
WHEREAS, on March 8, 1989, the City Council authorized the restructuring and transferring of Community Development Grant Funds in the amount of $1,780,534 from the Housing and Economic Development Corporation of Dallas (HEDCD) to the Southern Dallas Development Corporation (SDDC), for program administration and implementation by Resolution No. 89-0815; and

WHEREAS, the SDDC administers loan programs and other services for the City of Dallas which provide access to capital for entrepreneurs, job opportunities, community and economic development, and revitalization within Southern Dallas; and

WHEREAS, the SDDC is to provide loans within the Dallas federally-approved U.S. Department of Housing and Urban Development (HUD) census tracts; and

WHEREAS, on August 10, 2005, the City Council authorized the adoption of the FY 2005-06 Consolidated Plan Budget which included program income estimated at $600,000 to be retained by SDDC and any unexpended balances from prior years and an additional $566,000 are to be used to fund the Revolving Loan Program and program delivery and administrative costs by Resolution No. 05-2233; and

WHEREAS, on September 28, 2005, the City Council authorized the execution of a contract with an initial one-year term and four one-year renewal options with SDDC by Resolution No. 05-2788; and

WHEREAS, on June 28, 2006, the City Council authorized the adoption of the FY 2006-07 Consolidated Plan Budget, which included program income estimated at $600,000 to be retained by SDDC and any unexpended balances from prior years to continue the management and operations of the Business Revolving Loan Program by Resolution No. 06-1739; and

WHEREAS, on June 27, 2007, the City Council authorized the adoption of the FY 2007-08 Consolidated Plan Budget, which included program income estimated at $600,000 to be retained by SDDC and any unexpended balances from prior years to continue the management and operations of the Business Revolving Loan Program by Resolution No. 07-1978; and

WHEREAS, the SDDC has a proven track record in administering loan programs and other services by providing approximately 163 business loans in the Southern Dallas community totaling an estimated $16,445,000 from CDBG funds, leveraging an estimated $42,350,000 in private investment and creating/retaining 1,796 jobs; and

WHEREAS, funding under the FY 2007-08 Community Development Block Grant for the SDDC program will be contingent upon the U. S. Department of Housing and Urban Development’s approval of the City’s FY 2007-08 Action Plan and Budget and execution of the grant agreement; and
WHEREAS, the FY 2007-08 Community Development Block Grant funds are available beginning October 1, 2007; and

WHEREAS, the FY 2008-09 Community Development Block Grant funds are available beginning October 1, 2008; and

WHEREAS, funding under the FY 2008-09 Community Development Block Grant for the SDDC program will be contingent upon the U. S. Department of Housing and Urban Development’s approval of the City’s FY 2008-09 Action Plan and Budget and execution of the grant agreement.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney hereby authorizes (1) the third twelve-month renewal option to the contract with the Southern Dallas Development Corporation to administer the Southern Dallas Economic Development Program's Business Revolving Loan Program, for the purpose of servicing and making loans to area businesses and creating and retaining jobs for low-to-moderate income persons; and (2) any unexpended balances of program income and allocations from prior contracts be rolled over to continue the Business Revolving Loan Program.

Section 2. That SDDC will make loans within the Dallas federally-approved HUD census tracts.

Section 3. That unexpended balances and program income from prior approved contracts be retained and rolled over to continue the management and operations of the programs.

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: Office of Economic Development – Tenna Kirk - 5CS
Budget and Management Services/Community Development - 4FS
City Attorney's Office - Michael Bostic - 7BN
AGENDA ITEM # 24

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

MAPSCO: N/A

SUBJECT

Authorize a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for women, infants, and children for the period October 1, 2008 through September 30, 2009 - Not to exceed $12,059,045 - Financing: Department of State Health Services Grant Funds

BACKGROUND

Since 1974, the Department of State Health Services has funded a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in Dallas. The WIC Program provides nutritious food, nutrition education, breastfeeding promotion and support, and referrals to health and social services. The program serves infants, children under age 5, and pregnant, postpartum and breastfeeding women. The WIC program is a United States Department of Agriculture program administered in Texas by the Department of State Health Services. In Dallas County, the WIC Program is administered by the City of Dallas, Environmental and Health Services Department.

The WIC Program was established in 1972, following a national nutrition survey that found anemia and inadequate growth to be common among American children in low-income families. The survey also found that many women from low-income families have poor pregnancy outcomes because of inadequate nutrition. WIC's primary mission is to give the most vulnerable children the best possible start by providing nutrition education, nutritious foods, and access to other health programs during the critical stages of fetal and early childhood development and to achieve optimal nutritional status for children before they start school.

The WIC Program provides services at 21 sites throughout Dallas County. The WIC Program has extended weekday and Saturday hours of service available to serve working families and students.
BACKGROUND (Continued)

Studies have shown that each dollar spent on WIC saves at least three dollars in medical expenses for infants who may have been premature or had other medical problems if their mothers had not benefited from participating in WIC Program services.

Funds are available to serve 101,000 participants per month for FY 2008-09. The City of Dallas is reimbursed for all expenses required to operate the WIC Program. Reimbursements are specified in the contract and are, in part, based on the number of WIC participants who are served each month. Approval of this contract will authorize reimbursement to the City of Dallas WIC Program for FY 2008-09 in the amount of $12,059,045.

PERFORMANCE MEASURES

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*Thru June 30, 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract for the City of Dallas WIC Program for FY 2007-08 on August 22, 2007, by Resolution No. 07-2369.

Authorized a contract for the City of Dallas WIC Program for FY 2006-07 on September 27, 2006, by Resolution No. 06-2606.

Authorized a contract for the City of Dallas WIC Program for FY 2005-06 on September 14, 2005, by Resolution No. 05-2641.

Authorized a contract for the City of Dallas WIC Program for FY 2004-05 on September 8, 2004, by Resolution No. 04-2570.

Authorized a contract for the City of Dallas WIC Program for FY 2003-04 on September 10, 2003, by Resolution No. 03-2463.

FISCAL INFORMATION

$12,059,045 - Department of State Health Services Grant Funds
WHEREAS, the Department of State Health Services Special Supplemental Nutrition Program for women, infants, and children has awarded $12,059,045 to the City of Dallas for fiscal year 2008-09; and

WHEREAS, there is a continued need for the Special Supplemental Nutrition Program for women, infants and children, 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 enter into a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for women, infants, and children for the period October 1, 2008 through September 30, 2009, and execute any and all documents required by the contract.

Section 2. That the City Manager is hereby authorized to establish appropriations in Fund F209, Dept. EHS, Unit 1615, Revenue Source 6509 according to the attached Schedule in an amount not to exceed $12,059,045.

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 $12,059,045.

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  
Special Supplemental Nutrition Program for women, infants, and children  
October 1, 2008 through September 30, 2009  
Fund F209, Dept. EHS, Unit 1615, Revenue Source 6509

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<td>Temporary Services</td>
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<tr>
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<td>Minor Tools</td>
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<td>2140</td>
<td>Light &amp; Power</td>
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<td>2160</td>
<td>Fuel Supplies</td>
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<td>2170</td>
<td>Water &amp; Sewage</td>
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<td>2181</td>
<td>Fleet Fuel &amp; Lube</td>
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<td>2200</td>
<td>Chem/Med/Surgical</td>
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<td>2252</td>
<td>Meter Postage Fund</td>
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<td>2261</td>
<td>Educational &amp; Recreational Supplies</td>
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<td>Furniture &amp; Fixtures</td>
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**Total**  $12,059,045
AGENDA ITEM # 25

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

SUBJECT

Authorize a contract with the Department of State Health Services to continue the operations of a training center for the Special Supplemental Nutrition Program for women, infants, and children for the period October 1, 2008 through September 30, 2009 - Not to exceed $87,365 - Financing: Department of State Health Services Grant Funds

BACKGROUND

In October 1996, the Department of State Health Services (DSHS) provided funds to establish and operate a Women, Infants and Children (WIC) training center in Dallas. The DSHS also provides funding to operate the regional WIC training center. The training center is housed in the Dallas County Health and Human Services building at 2377 North Stemmons Freeway, Suite 400. The center is designed to provide training to Dallas WIC staff and staff from all programs in the Public Health Regions 2/3. The training center includes a distance-based learning environment, classrooms, conference rooms, and a WIC clinic. The WIC program is a United State Department of Agriculture program administered in Texas by the Department of State Health Services.

The City of Dallas will be reimbursed for all costs associated with the training center and clinic. The contract amount ($87,365) represents rental fees paid to Dallas County Health and Human Services for the use of the training center. Approval of this contract will authorize DSHS reimbursements to the City of Dallas WIC Program for FY 2008-09 in the amount of $87,365 for continued operation of the training center and clinic. The grant is 100% funded through the DSHS.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract for operation of a training center for the City of Dallas WIC Program for FY 2007-08 on August 22, 2007, by Resolution No. 07-2369.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Authorized a contract for operation of a training center for the City of Dallas WIC Program for FY 2006-07 on September 27, 2006, by Resolution No. 06-2605.

Authorized a contract for operation of a training center for the City of Dallas WIC Program for FY 2005-06 on September 14, 2005, by Resolution No. 05-2640.

Authorized a contract for operation of a training center for the City of Dallas WIC Program for FY 2004-05 on September 8, 2004, by Resolution No. 04-2571.

Authorized a contract for operation of a training center for the City of Dallas WIC Program for FY 2003-04 on September 10, 2003, by Resolution No. 03-2462.

FISCAL INFORMATION

$87,365 - Department of State Health Services Grant Funds
WHEREAS, the Department of State Health Services, Bureau of Nutrition Services, Special Supplemental Nutrition Program for women, infants, and children has awarded $87,365 to the City of Dallas for fiscal year 2008-09; and

WHEREAS, there is a continued need for a training center and clinic for the Special Supplemental Nutrition Program for women, infants and children, 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 enter into a contract with the Department of State Health Services to continue the operations of a training center for the Special Supplemental Nutrition Program for women, infants, and children for the period October 1, 2008 through September 30, 2009, and execute any and all documents required by the contract.

Section 2. That the City Manager is hereby authorized to establish appropriations in Fund F216, Dept. EHS, Unit 1623, Revenue Source 6509 according to the attached Schedule in an amount not to exceed $87,365.

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 $87,365.

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

Department of State Health Services
Special Supplemental Nutrition Program for women, infants, and children
Training Center

October 1, 2008 through September 30, 2009
Fund F216, Dept. EHS, Unit 1623, Revenue Source 6509

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<th>Description</th>
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<td>Rent</td>
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Total $87,365
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

MAPSCO: N/A

SUBJECT

Authorize the acceptance of a grant from the Department of State Health Services for the Childhood Lead Poisoning Prevention Program for the period July 1, 2008 through June 30, 2009 - Not to exceed $90,000 - Financing: Department of State Health Services Grant Funds

BACKGROUND

The Environmental and Health Services Department was notified on July 10, 2008 that the Department of State Health Services has awarded federal grant funds for FY08-09 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 2,000 children in FY08-09. 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.

The Childhood Lead Poisoning Prevention Program grant is a Federal grant administered by the Centers for Disease Control and Prevention, Department of Health and Human Services through the Texas Department of State Health Services. Acceptance of these federal 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 September 12, 2007, by Resolution No. 07-2565.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

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

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.

FISCAL INFORMATION

$90,000 - Department of State Health Services Grant Funds
WHEREAS, the Department of State Health Services has awarded grant funds in the amount of $90,000 for FY 2008-09 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 2,000 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 accept a grant from the Department of State Health Services for the Childhood Lead Poisoning Prevention Program for the period July 1, 2008 through June 30, 2009, and execute any and all documents required by the grant agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations in Fund F215, Dept. EHS, Unit 1618, Revenue Source 6506 according to the attached Schedule in an amount not to exceed $90,000.

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 $90,000.

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

Childhood Lead Poisoning Prevention Program
July 1, 2008 through June 30, 2009

Fund F215, Dept. EHS, Unit 1618, Revenue Source 6506

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<td>1301</td>
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<tr>
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<td>Life Insurance</td>
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<tr>
<td>1306</td>
<td>FICA</td>
<td>784</td>
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<tr>
<td>3363</td>
<td>Reimbursement for use of vehicle</td>
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Total                                                 $90,000
KEY FOCUS AREA: A Cleaner, Healthier City Environment
AGENDA DATE: September 10, 2008
COUNCIL DISTRICT(S): All
DEPARTMENT: Environmental & Health Services
CMO: David O. Brown, 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, 2008 through August 31, 2009 - Not to exceed $376,386 Financing: Department of State Health Services Grant Funds

BACKGROUND
The Environmental and Health Services Department has received this federal grant for 14 years. The federal grant funds assist in the implementation of a comprehensive immunization program. One of the major goals of this project is to increase immunity levels for preschool children (targeting ages birth through two years) for measles, mumps, rubella, haemophilus influenzae type B, diphtheria, tetanus, pertussis, hepatitis B, varicella, and polio vaccines. The federal Healthy People 2010 national goal for childhood immunizations is to reach 90% immunization levels among 2 year old children.

The Immunization Initiative Program grant is a Federal grant administered by the Centers for Disease Control and Prevention, Department of Health and Human Services through the Texas Department of State Health Services.

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 Fiscal Year 2006-07, City clinics administered 111,003 doses of vaccine. Approximately 41,317 clients who received immunizations can be attributed to the support provided by the Department of State Health Services immunization initiative.

This federal grant allows the City of Dallas to maintain immunization services provided in the health clinics and in the community by providing funds for staff to administer immunizations and provide education to parents regarding the importance of vaccinations.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of grant funds for the City of Dallas Immunization Initiative Program for FY 07-08 on September 12, 2007, by Resolution No. 07-2566.

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.

FISCAL INFORMATION

$376,386 - Department of State Health Services Grant Funds
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 $376,386 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, 2008 through August 31, 2009, and execute any and all documents required by the grant agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations in Fund F214, Dept. EHS, Unit 1617, Revenue Source 6506 according to the attached Schedule in an amount not to exceed $376,386.

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 $376,386.

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, 2008 through August 31, 2009

Fund F214, Dept. EHS, Unit 1617, Revenue Source 6506

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Total $376,386
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

MAPSCO: N/A

SUBJECT

Authorize the acceptance of a grant from the Department of State Health Services for the continuation of local public health services for the period September 1, 2008 through August 31, 2009 - Not to exceed $196,600 - Financing: Department of State Health Services Grant Funds

BACKGROUND

The Department of State Health Services and the Office of Local Public Health Services has authorized funding for public health services to the City of Dallas Environmental and Health Services Department. The funds will be used to address public health issues through essential public health services. Community members will receive education and information on risks of smoking, diabetes, and the importance of immunizations.

Acceptance of these funds will allow continuation of the education and outreach services offered to the citizens in the Dallas community.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract for the continuation of local health services for FY 2007-2008 on September 12, 2007, by Resolution No. 07-2567.

Authorized a contract for the continuation of local health services for FY 2006-07 on August 23, 2006, by Resolution No. 06-2225.

Authorized a contract for the continuation of local health services for FY 2005-06 on November 9, 2006, by Resolution No. 05-3261.

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

Authorized contracts for the continuation of local health services for FY 2003-04 on August 27, 2003, by Resolution No. 03-2312.

FISCAL INFORMATION

$196,600 - Department of State Health Services Grant Funds
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 2008-09; 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 local public health services for the period September 1, 2008 through August 31, 2009, and execute any and all documents required by the grant agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations in Fund S197, Dept. EHS, Unit 1619, Revenue Source 6508 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 grant funds for these services 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
Office of Local Public Health Services
September 1, 2008 through August 31, 2009
Fund S197, Dept. EHS, Unit 1619, Revenue Source 6508

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AGENDA ITEM # 29

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

MAPSCO: 45 G K L O P R

SUBJECT

Authorize (1) the acceptance of a grant from the Dallas Downtown Improvement District to provide outreach services for hard-to-reach and chronically homeless individuals who reside within the Central Business District for the period October 1, 2008 through September 30, 2009; and (2) execution of the grant agreement - Not to exceed $283,374 - Financing: Downtown Improvement District Homeless Outreach Funds

BACKGROUND

There are 5,869 homeless people residing within the City of Dallas. This population figure is based upon last year's Homeless Head Count conducted under the direction of the Metro Dallas Homeless Alliance and the City of Dallas Crisis Intervention Division. The overwhelming majority of those who are homeless currently reside in shelters, treatment centers, or supportive housing programs. Ten percent of the homeless are shelter resistant. They consume the majority of community resources (calls for police, ambulance and hospital emergency room services) without receiving the necessary mental health and substance abuse treatment to help them to become self-sufficient.

There are 611 chronically homeless individuals identified in last year's Homeless Census. The U.S. Department of Housing and Urban Development defines chronic homelessness as, "single persons who have been homeless for more than one year and have a mental illness or addiction to drugs and alcohol." The unsheltered 10 percent (587) of homeless are the group that tends to draw the attention of downtown businesses, restaurant customers, developers, police, and homeless service providers.

Many mentally ill/substance abusing shelter-resistant homeless people are too ill to seek services on their own and often remain on the streets where they rely upon panhandling, or engage in criminal activities as sources for their continued lifestyles. Concentrations of unsheltered homeless people cause citizens to assume that the City has become insensitive/ineffective to the plight of the homeless population.
BACKGROUND (Continued)

The mission of the Crisis Intervention Division's homeless outreach case workers is to aggressively address the small, but very visible chronic homeless individuals in an effort to identify and reduce the numbers of those who are shelter resistant as a result of mental health disorders and long-term drug abuse. Outreach is done one-on-one on a daily basis to engage in rapport-building and professional assessments.

Field diagnoses and personal referrals are made to appropriate social services agencies and treatment facilities. If necessary, Mental Illness and/or Chemical Dependency Warrants are obtained for the people who are in imminent danger because of their severe disorders. Follow-ups are necessary to ensure delivery of services and that the client has been properly accepted into a treatment facility and/or a supportive housing program.

Outreach workers will target areas and locations where the unsheltered homeless are known to congregate on a daily basis. This information will be provided by two current daytime outreach staff as well as from citizens, the police and other city departments. The workers will engage and conduct assessments to determine critical needs of homeless clients. They will then encourage clients to receive services. Caseworkers will also coordinate with the various shelters to provide overnight services pending the arrival of the daytime caseworkers who will continue the treatment plan. Two additional evening caseworkers will also be more readily available to facilitate transport of clients experiencing a medical crisis to hospitals including mental health treatment facilities. This expansion of services will create a more persistent, assertive and consistent outreach that will greatly contribute to the reduction of chronic homelessness citywide.

The funding for 2008-09 includes a total of four caseworker positions whose focus will be implementation of a program focused primarily on frequent users from the Central Business District of services (mental health, jail, hospital, etc.).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorize the acceptance of a grant from the Dallas Downtown Improvement District to provide outreach services for hard-to-reach and chronically homeless individuals on September 26, 2007, by Resolution No. 07-2826.

Authorized the acceptance of a grant from the Dallas Downtown Improvement District to provide outreach services for hard-to-reach and chronically homeless individual on November 10, 2004, by Resolution No. 04-3192.
FISCAL INFORMATION

$283,374 - Dallas Downtown Improvement District Funds

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<td>$141,687</td>
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<td>Total</td>
<td>$283,374</td>
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</table>
WHEREAS, there are more than 5,869 homeless people in the City of Dallas, and of which more than 611 are considered chronically homeless; and

WHEREAS, shelter-resistant homeless individuals typically are chronic substance abusers, often with an underlying mental illness or personality disorder; and

WHEREAS, many of these individuals have co-occurring disorders of substance abuse and mental illness; and

WHEREAS, the best practices of the homeless outreach workers is to aggressively address chronic homeless individuals in an effort to identify and reduce the numbers of those who are shelter resistant as a result of mental health disorders and long-term drug abuse; and

WHEREAS, this population also has a criminal element hiding within it, perpetrators and fugitives tend to hide in the homeless ranks, often victimizing the innocent homeless; and

WHEREAS, the unsheltered homeless not only is a clinical problem, but also a public safety risk, harassing and panhandling patrons in the downtown business district, having a negative and damping effect on present business operations and planned future developments;

NOW, THEREFORE;

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to (1) accept a grant from the Dallas Downtown Improvement District to provide outreach services for hard-to-reach and chronically homeless individuals who reside within the Central Business District for the period October 1, 2008 through September 30, 2009; and (2) execution of any and all documents required by the agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations in Fund P103, Dept. EHS, Unit 1084, Revenue Source 8411 according to the attached Schedule in an amount not to exceed $283,374.

Section 3. That the City Controller is hereby authorized to receive, deposit and disburse grant funds from the Dallas Downtown Improvement District according to the attached Schedule in an amount not to exceed $283,374.
Section 4. That the City Manager is hereby authorized to reimburse the Dallas Downtown Improvement District any expenditure identified as ineligible.

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
<table>
<thead>
<tr>
<th>Object Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1101</td>
<td>Salaries</td>
<td>$235,727</td>
</tr>
<tr>
<td>1301</td>
<td>Pension</td>
<td>21,479</td>
</tr>
<tr>
<td>1303</td>
<td>Life Insurance</td>
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</tr>
<tr>
<td>1306</td>
<td>FICA</td>
<td>3,418</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$283,374</strong></td>
</tr>
</tbody>
</table>
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 2

DEPARTMENT: Equipment & Building Services
Library

CMO: David O. Brown, 670-3390

MAPSCO: 45Q

SUBJECT

Authorize a contract for installation of the existing roll filters and electronic filters for the heating, ventilation and air conditioning system at the J. Erik Jonsson Central Library located at 1515 Young Street - Polk Mechanical, Inc., lowest responsible bidder of three - $307,200 - Financing: Capital Construction Funds ($247,760); 2003 Bond Funds ($59,440)

BACKGROUND

Currently the J. Erik Jonsson Library has roll filters and electronic filters. This project is for the replacement of the existing electronic filters. In order to improve the existing indoor air quality and filter efficiency. Existing roll and electronic filters are not working properly and need to be replaced. This project will be completed in a sequential process to not impact the Library's operating schedules. This action also authorizes demolishing existing roll filters, if warranted. An evaluation will be made after the installation of the electronic filters to determine if the roll filters provide additional efficiency.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

This item has no prior action.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2008
Complete Construction March 2009

FISCAL INFORMATION

Capital Construction Funds - $247,760
2003 Bond Funds - $59,440
**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Polk Mechanical, Inc.

<table>
<thead>
<tr>
<th>Category</th>
<th>Hispanic</th>
<th>African American</th>
<th>Other</th>
<th>White</th>
</tr>
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<tr>
<td>Hispanic Female</td>
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<td>Hispanic Male</td>
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<td>African American Female</td>
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<tr>
<td>White Female</td>
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</tr>
<tr>
<td>White Male</td>
<td>134</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**BID INFORMATION**

Eight vendors picked up plans or called inquiring about the project, and the following three bids were received and opened on May 12, 2008:

*Denotes successful bidder

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID AMOUNT</th>
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</thead>
<tbody>
<tr>
<td>*Polk Mechanical, Inc.</td>
<td>$312,440</td>
</tr>
<tr>
<td>2425 Dillard Street</td>
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<tr>
<td>Grand Prairie, TX 75051</td>
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</tr>
<tr>
<td>United Mechanical</td>
<td>$429,640</td>
</tr>
<tr>
<td>Decker Mechanical, Inc.</td>
<td>$459,939</td>
</tr>
</tbody>
</table>

**OWNER**

Polk Mechanical, Inc.

Ken Polk, President

**MAP**

See attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for installation of the existing roll filters and electronic filters for the heating, ventilation and air conditioning system at the J. Erik Jonsson Central Library located at 1515 Young Street - Polk Mechanical, Inc., lowest responsible bidder of three - $307,200 - Financing: Capital Construction Funds ($247,760); 2003 Bond Funds ($59,440)

Polk Mechanical, 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

<table>
<thead>
<tr>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$307,200.00</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

TOTAL CONTRACT $307,200.00 100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Hispanic American</td>
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<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Total $0.00 0.00% $0.00 0.00%
WHEREAS, three bids were received and opened on May 12, 2008 for installation of electronic filter replacement project at the J. Erik Jonsson Central Library located at 1515 Young Street with Polk Mechanical, Inc., lowest responsible bidder of three, as follows:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID AMOUNT</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Polk Mechanical, Inc.</em></td>
<td>$307,200</td>
<td>$307,200</td>
</tr>
<tr>
<td>United Mechanical</td>
<td>$429,640</td>
<td>$429,640</td>
</tr>
<tr>
<td>Decker Mechanical, Inc.</td>
<td>$459,939</td>
<td>$459,939</td>
</tr>
</tbody>
</table>

*Denotes the successful bidder

WHEREAS, it has been determined that acceptance of the low bid for the installation of the roll and electronic filters in the amount of $307,200 for the heating, ventilation and air conditioning system at the J. Erik Jonsson Central Library located at 1515 Young Street with Polk Mechanical, Inc., is most advantageous to the City of Dallas.

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 Polk Mechanical, Inc., for installation of the existing roll filters and electronic filters at the J. Erik Jonsson Central Library located at 1515 Young Street in the amount of $307,200.

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

Capital Construction Funds
Fund: 0671, Department: EBS, Unit: P329, Activity: MMCF
Object: 3210, Job#07DC051, CT#EBS08P329CT35
Vendor #VS0000002520 in an amount not to exceed $247,760

2003 Bond Funds
Fund: 3R42, Department: PBW, Unit: R662, Activity: MMCF
Object: 3210, Job#07DC051, CT#EBS08P329CT35
Vendor #VS0000000250 in an amount not to exceed $59,440

Total in an amount not to exceed $307,200
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
SUBJECT

Authorize a loan in the amount of $500,000 at 0% interest to City Wide Community Development Corporation for the acquisition of improved and unimproved properties bounded by Lancaster Road between Illinois Avenue and Ledbetter Drive and predevelopment expenses, environmental assessments, and demolition costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment as part of the Economic Development Plan for the Lancaster Corridor – Not to exceed $500,000 - Financing: 2006 Bond Funds

BACKGROUND

The Lancaster Corridor is a vital main street for South Central Dallas and is a high City Council priority for economic development and redevelopment options that will improve communities along the corridor. City Wide Community Development Corporation (CWCDC) is a 501 (c) 3 non-profit corporation engaged in development and redevelopment along the Lancaster Corridor.

On August 4, 2008, the Housing Committee was presented with a recommendation for City Wide Community Development Corporation (CWCDC), a city certified Community Housing Development Organization (CHDO), to work with the City of Dallas to undertake the Lancaster Corridor Mixed-Use Redevelopment Project, which is a component of the economic development master plan. CWCDC is already working on projects along the Lancaster Corridor and has engaged in development and redevelopment activity throughout the city and has focused on Southeast Oak Cliff (zip code 75216).
BACKGROUND (continued)

CWCDC will begin acquisition of improved and unimproved properties, and predevelopment expenses for appraisals, surveys, and environmental assessments, and demolition of existing improvements in order to begin redevelopment efforts. If private sector funding is available and certain intermediate benchmarks are met, CWCDC will redevelop the properties in accordance with the master plan or another City of Dallas approved use.

City Council approval of this agenda item from FY06 Bond proceeds will provide a loan in the amount of $500,000 at 0% interest to CWCDC for the acquisition of improved and unimproved properties bounded by Lancaster Road between Illinois Avenue and Ledbetter Drive and predevelopment expenses, environmental assessments, and demolition costs. Sites are to be acquired for the purpose of constructing residential, retail, commercial, or mixed-use projects as part of the Economic Development Plan for the Lancaster Corridor.

CWCDC’s loan will carry zero interest with a five-year term subject to acceleration for failure to expend the $500,000 within two years of execution of the note or redevelop the properties with residential, retail, commercial, or mixed-use structures within five years. CWCDC will be required to file deed restrictions and liens on acquired properties in order to assure their redevelopment in accordance with Bond Program requirements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2006, City Council approved an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2006, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvements.

On December 12, 2007, City Council approved an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas.

On April 7, 2008, the Housing Committee was briefed on the Lancaster Corridor as a possible Neighborhood Investment Program area.

On May 28, 2008, City Council approved a Chapter 380 economic development forgivable loan agreement with City Wide Community Development Corporation for $850,000 to redevelop properties at 4343 Lancaster Road.

On August 4, 2008, the Housing Committee was briefed on the Lancaster Corridor Mixed-Use Project.
FISCAL INFORMATION

2006 Bond Funds - $500,000

Council District 4 - $500,000
Council District 5 - $0
Council District 8 - $0

Additional funding will be distributed to Council District 5 and Council District 8 as project progresses.

OWNERS

City Wide Community Development Corporation (CWCDC)

Sherman L. Roberts, Executive Director

MAP(S)

Attached
WHEREAS, the City of Dallas seeks to increase the supply of new affordable workforce housing in order to attract and retain economic growth; and

WHEREAS, the City of Dallas seeks to split acquisition and redevelopment of certain areas in the Southern sector of the City in order to foster the public purpose of economic development; and

WHEREAS, on February 26, 2003, the City Council approved the designation of five (5) census tracts, (CT 25.00, CT 39.02, CT 49.00, CT 89.00, and CT 101.01) as Neighborhood Investment Program (NIP) target areas for two years beginning October 1, 2003; and

WHEREAS, on September 28, 2005, the City Council approved the redesignation and expansion of three of the existing five NIP targeted areas as follows: CT 25.00 expanded to include CT 27.01 and CT 27.02; CT 39.02 expanded to include CT 115.00 (part); and CT 101.01 expanded to include CT 101.02. These census tracts were designated for a minimum of three years, beginning October 1, 2005; and

WHEREAS, on August 9, 2006, the City Council approved an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2006, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvements; and

WHEREAS, On November 7, 2006, the voters of Dallas approved a $1.35 billion General Obligation Bond Program of which $41,495,000 was set aside for the purpose of providing funds for promoting economic development in the Southern area of the city, and promoting economic development in other areas of the city in connection with transit-oriented development; and

WHEREAS, on December 12, 2007, the City Council approved an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas; and

WHEREAS, on May 28, 2008, the City Council approved a Chapter 380 economic development forgivable loan agreement with City Wide Community Development Corporation for $850,000 to redevelop properties at 4343 Lancaster Road; and

WHEREAS, on August 4, 2008, the Housing Committee of the City Council was briefed on the Lancaster Corridor Mixed-Use Redevelopment Project which includes the Lancaster Corridor Neighborhood;

WHEREAS, City Wide Community Development Corporation (CWCDC) proposes to work with the City of Dallas for the Lancaster Corridor Mixed Use Redevelopment Project; and
WHEREAS, the City Council has determined that the Lancaster Corridor Mixed-Use Redevelopment Project will foster the public purpose of economic development in accordance with the City Council goals as outlined in its Economic Development GO Bond Program for Southern Dallas; NOW THEREFORE,

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

SECTION 1. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute loan documents for the City’s loan in the amount of $500,000 at 0% interest to City Wide Community Development Corporation (CWCDC) (“Borrower”). Loan funds may be used for the acquisition of improved and unimproved properties bounded by Lancaster Road between Illinois Avenue and Ledbetter Drive and predevelopment expenses, environmental assessments, and demolition costs for the purpose of constructing residential, retail, commercial, and mixed-use redevelopment.

SECTION 2. That some of the terms of the loan documents include:

a. Borrower’s note payable to the City of Dallas will have a maturity date of five (5) years; provided, however, if Borrower fails to expend all of the Loan proceeds within two years of execution of the Note or to redevelop the acquired properties with residential, retail, commercial, or mixed-use structures and within five years of execution of the Note, then the remaining funds will be relinquished and fee simple title to the acquired properties will be conveyed to the City of Dallas. To be considered “redeveloped,” the properties must be either residential units that have all been constructed and sold or rented or all the construction for the retail, commercial, or mixed-use redevelopment structures and projects on the acquired properties have all been completed, as evidenced by a certificate of occupancy having been obtained from the City of Dallas for each unit in all the structures or projects.

b. If Borrower fails to timely comply with the expenditure or construction requirements in Section 2(a) hereof, the City of Dallas has the option to require Borrower to convey fee simple title to the properties acquired with the bond funds under the loan to the City of Dallas, free of any liens or encumbrances not acceptable to the City.

c. Borrower shall execute deed restrictions and a first lien deed of trust on each property acquired for which acquisition, and predevelopment expenses for appraisals, surveys, and environmental assessments or demolition costs have been expended from loan proceeds.
SECTION 2. (continued)

d. For Borrower to receive approval from the City to purchase a property or expend funds for other allowable costs, Borrower must provide a property survey, title commitment, environmental assessment, and appraisal performed by an independent fee appraiser, acceptable to the City in the City’s sole discretion. The City retains the right to conduct a review appraisal of the property for which approval is sought, and in no event will the City loan in excess of the appraised value of the property as determined by the City. Leases for the non-residential structures of projects must be provided to the City for approval in the City’s sole discretion prior to construction commencing on those structures or projects.

e. No approval by the City of the expenditure of any loan funds shall bind or obligate the City to approve any zoning or replat change that Borrower may request for the properties.

f. Borrower shall obtain approval from the City for the permitted uses of the properties. Residential units must be sold or rented. “Permitted uses” includes those uses that are permitted under the Dallas Development Code on the property, but in no event may they include any use that requires a sexually oriented business license under Chapter 41A of the Dallas City Code, or a liquor store, a pawn shop, a body piercing studio, or a tattoo studio, as those terms are defined by the Dallas Development Code.

g. As each property is sold or fully leased for a residential project on a property or a certificate of occupancy has been obtained for a constructed non-residential structure or project on a property, Borrower will be released from the indebtedness on the note for the corresponding loan proceeds advanced and the Deed Restrictions thereon shall be terminated on that property.

h. Intermediate benchmarks for progress acceptable to the City of Dallas will be established in the loan documents.

i. If borrower obtains an acquisition loan for the remainder of acquisition costs, the City and lender will share a pro-rata lien position in proportion to actual expenditures.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a subordination of lien to a lender who is providing interim construction financing on the property and an intercreditor agreement with a lender who is providing acquisition or interim construction financing, if necessary.

SECTION 4. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute lien releases of liens and terminate deed restrictions on the properties upon compliance with the terms.
SECTION 5. That the Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the contracts as follows:

City Wide Community Development Corporation Vendor # VS0000026872

Fund 7T52, Dept HOU, Unit T807, Obj 3015, ACTV H098,
Program # HOULANC01 CT HOUT807K101 - in an amount not to exceed $500,000

SECTION 6. That the City Controller is hereby authorized to set up receivable balance sheet account (033F) and an allowance for uncollectible debt (0224) in fund 7T52 for the amount of the loan.

SECTION 7. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available bond funding, and there will be no liability or obligation on the City until final contract documents are approved, executed, and final closing completed.

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

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FN
Authorize an amendment to Resolution No. 07-3305, previously approved on November 12, 2007, authorizing an economic development loan agreement with Kaminski Holdings, Inc. adding the following addresses for development: 5433 Bexar Street, 5501 Bexar Street, 2432 Hooper Street, 2434 Hooper Street, 2438 Hooper Street, 2442 Hooper Street; and, deleting the following addresses: 5502 Bexar Street and 5504 Bexar Street - Financing: No cost consideration to the City

BACKGROUND

The Bexar Street Redevelopment project is being implemented under the City’s Neighborhood Investment Program (NIP) and is located within NIP target area CT 39.02/115.00. The project is being undertaken in two phases. Phase I (Brigham to CF Hawn Freeway along Bexar Street) will be redeveloped to include a mix of residential, retail, office and neighborhood-serving uses. Master planning is underway for Phase II (CF Hawn Freeway to dead end/Trinity River Forest).

The Bexar Street Redevelopment Project includes retail, residential, and mixed-use development. Private developers and nonprofit developers are involved in the overall development.

On November 12, 2007, City Council Resolution No. 07-3305 authorized the execution of an economic development loan agreement with Kaminski Holdings, Inc. for partial development financing to facilitate the construction of two mixed-use buildings within the Bexar Street Redevelopment Project Area. Since that time, Kaminski Holdings, Inc. has executed a note and contract with the City of Dallas in the amount of $300,000 for the development of two new buildings which will result in new retail space and housing units. One building will include the following addresses: 2500 Macon Street, 2506 Macon Street, 5208 Bexar Street, 5212 Bexar Street, and 5216 Bexar Street.
BACKGROUND (continued)

The second building was to include the following addresses: 5502 Bexar Street and 5504 Bexar Street. The amendment to the loan contract would allow for the second building to include the following addresses: 5433 Bexar Street, 5501 Bexar Street, 2432 Hooper Street, 2434 Hooper Street, 2438 Hooper Street, and 2442 Hooper Street.

This exchange of development sites will result in a two-story building to contain approximately 4000 sq. ft. of ground level retail space and 4000 sq. ft. of second floor office space. This property is located within the Neighborhood Investment Program (NIP) Bexar Street Redevelopment corridor and is part of the master plan ("development plan") for the area. Both buildings are expected to be completed by 2010.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS COMMISSIONS)

On June 26, 2002, City Council approved the FY 2002-2003 Consolidated Plan budget which included an appropriation of $714,000 for the redevelopment of Bexar Street by Resolution No. 02-1980.

On February 26, 2003, City Council approved five target areas to receive focused housing and public improvements, and code enforcement under the Neighborhood Investment Program (NIP) by Resolution No. 03-0830.

On May 26, 2004, City Council authorized a professional services contract for the design of sidewalk, curb & gutter, street, and landscape improvements for the Bexar Street Redevelopment Project to facilitate redevelopment activities by Resolution No. 04-1684.

On September 28, 2005, City Council authorized the re-designation and expansion of three of the original five NIP target areas by Resolution No. 05-2795.

On October 25, 2006, the City Council approved the FY 2005-2006 Consolidated Plan Reprogramming Budget #3 which included an additional appropriation of $350,000 for the redevelopment of Bexar Street by Resolution No. 06-2991.

On November 12, 2007, City Council authorized the execution of an economic development loan agreement with Kaminski Holdings, Inc. for partial development financing to facilitate the construction of two mixed-use buildings within the Bexar Street Redevelopment Project Area by Resolution No. 07-3305.

On June 25, 2008, City Council declared 6 properties unwanted and unneeded and authorized their conveyance to Kaminski Holdings, Inc. for mixed-use development by Resolution No. 08-1799.
FISCAL INFORMATION

No cost consideration to the City.

OWNERS(S)

Kaminski Holdings, Inc.

Bruce Kaminski, President

MAP(s)

Attached
WHEREAS, on June 26, 2002, the City Council approved by Resolution No. 02-1980, the FY 2002-2003 Consolidated Plan budget which included an appropriation of $714,000 for the redevelopment of Bexar Street; and

WHEREAS, on February 26, 2003, the City Council approved by Resolution No. 03-0830, five target areas (delineated by census tracts) to receive focused housing and public improvements, and code enforcement under the Neighborhood Investment Program (NIP). The Bexar Street Redevelopment Project is located in target area CT 39.02/115.00; and

WHEREAS, on May 26, 2004, the City Council awarded by Resolution No. 04-1684, a design and engineering contract to Williams-Russell and Johnson for sidewalk, curb & gutter, street, and landscape improvements for the Bexar Street Redevelopment Project to facilitate redevelopment activities; and

WHEREAS, on January 26, 2004, the City of Dallas by Administrative Action No. 04-0262, entered into a contract with Good Fulton & Farrell Architects for development of a Master Plan for the Bexar Street Phase I Redevelopment Project which includes the subject property; and

WHEREAS, on September 28, 2005, the City Council authorized the re-designation and expansion of three of the original five NIP target areas by Resolution No. 05-2795; and

WHEREAS, On November 12, 2007, City Council Resolution No. 07-3305 authorized the execution of an economic development loan agreement with Kaminski Holdings, Inc. for partial development financing to facilitate the construction of two mixed-use buildings within the Bexar Street Redevelopment Project Area; and,

WHEREAS, On June 25, 2008, the City Council declared 6 properties unwanted and unneeded and authorized their conveyance to Kaminski Holdings, Inc. for mixed-use development by Resolution No. 08-1799 ;and,

WHEREAS, Kaminski Holdings, Inc., has executed a note and contract with the City of Dallas in the amount of $300,000 for the development of two new buildings which will result in new retail space and housing units; NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to execute an amendment to Resolution No. 07-3305 approved on November 12, 2007 the economic development loan agreement with Kaminski Holdings, Inc. adding the following addresses for development: 5433 Bexar Street, 5501 Bexar Street, 2432 Hooper Street, 2434 Hooper Street, 2438 Hooper Street, 2442 Hooper Street; and, deleting the following addresses: 5502 Bexar Street and 5504 Bexar Street.
September 10, 2008

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:

Housing Department
City Attorney’s Office – Michael Bostic
Office of Financial Services/Community Development, 4FS
SUBJECT

Authorize approval of the 2008-09 Dallas-Fort Worth International Airport Board Annual Budget – Financing: No cost consideration to the City

BACKGROUND

In accordance with the Contract and Agreement between the owner cities of Dallas and Fort Worth, dated April 15, 1968, as amended, the Dallas-Fort Worth International Airport Board is required to submit its annual budget to the owner cities by August 15th for approval by September 30th of each year.

PRIOR ACTIONS/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Dallas City Council was briefed on September 3, 2008.

The Finance, Audit and Accountability Committee of the Dallas City Council was briefed on August 26, 2008.

FISCAL INFORMATION

No cost consideration to the City
WHEREAS, The Dallas-Fort Worth International Airport ("the Airport") serves the aviation needs of the owner cities of Dallas and Fort Worth; and

WHEREAS, the Dallas-Fort Worth International Airport Board ("the Board") presented the 2008-09 Annual Budget to the City Council of the City of Dallas for its approval in accordance with the Contract and Agreement between the cities of Dallas and Fort Worth, dated April 15, 1968, as amended, which established the Board as the operating Board of Directors for the Airport;

Now, Therefore,

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

SECTION 1. That the City Council hereby approves the 2008-09 Dallas-Fort Worth International Airport Board Annual Budget.

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.
SUBJECT

Authorize a resolution adopted concurrently by the City Councils of the Cities of Dallas and Fort Worth authorizing the Dallas/Fort Worth International Airport Board to redeem Dallas-Fort Worth Regional Airport Braniff Special Facilities Revenue Bonds Series 1979 – Financing: No cost consideration to the City

BACKGROUND

In 1979, the Cities of Dallas and Fort Worth issued $5,000,000 of special facilities bonds for additional work on the Braniff Facilities. This was the final bond issue of several earlier issues. After the Braniff bankruptcy, GTE (now Verizon) assumed the facility lease in exchange for paying debt service on all the outstanding Braniff bonds. Currently, $2,000,000 of the 1999 Bonds are outstanding with a mandatory redemption of $1,000,000 on 11-01-08 and a final mandatory redemption of $1,000,000 on 11-01-09, which is currently callable.

Because of the existing debt service reserve fund, DFW Airport has sufficient funds to make the 11-01-08 payment and the 11-01-09 payment. It is in the best financial interest of the Airport to call and redeem the 11-01-09 bonds on 11-01-08, because the interest rate on the bonds is 7.2%. Bond Counsel has advised that it is necessary to get the approval of the Owner Cities to call the $1,000,000 of bonds maturing 11-01-09 on 11-01-08.

PRIOR ACTIONS/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Dallas City Council was briefed on September 3, 2008.

The Finance, Audit and Accountability Committee of the Dallas City Council was briefed on August 26, 2008.

FISCAL INFORMATION

No cost consideration to the City.
RESOLUTION NO. ______
of the City of Dallas

RESOLUTION NO. ______
of the City of Fort Worth

A RESOLUTION ADOPTED CONCURRENTLY BY THE CITY COUNCILS OF THE CITIES OF DALLAS AND FORT WORTH AUTHORIZING THE DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD TO REDEEM DALLAS-FORT WORTH REGIONAL AIRPORT BRANIFF SPECIAL FACILITIES REVENUE BONDS SERIES 1979

WHEREAS, the Cities of Dallas and Fort Worth, Texas (the "Cities"), on the dates of May 2, 1979 and May 1, 1979 approved Ordinance No. 16204 and 7905, respectively, which approved the issuance of the Dallas-Fort Worth Regional Airport Braniff Special Facilities Revenue Bonds, Series 1979 (the “Bonds”) in the original aggregate principal amount of $5,000,000 for the purpose of acquiring and constructing a flight training simulator building, terminal and catering facilities, and other improvements for Braniff Airways, Incorporated;

WHEREAS, the Bonds, which are currently outstanding in the aggregate principal amount of $2,000,000, are secured solely by payments made under a lease agreement between the Dallas/Fort Worth International Airport Board (the “Airport”) and Verizon Communications Inc., (successor lessee to Braniff Airways, Incorporated);

WHEREAS, pursuant to the terms of the lease agreement a Debt Service Reserve Fund was established and will have on November 1, 2008, $1,000,000 on deposit after payment of the regularly scheduled debt service payment;

WHEREAS, the Airport wishes to have the authority to redeem the remaining $1,000,000 of outstanding Bonds prior to maturity with funds on deposit in the Debt Service Reserve Fund outstanding after the payment of the regularly scheduled redemption of $1,000,000 due on November 1, 2008;

WHEREAS, the Airport has requested the Cities, by concurrent action, to authorize it to redeem the Bonds prior to maturity.
THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

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

SECTION 1. The Dallas/Fort Worth International Airport Board (the "Airport") is authorized to take any and all actions necessary to redeem the Bonds as set forth in the recitals.

SECTION 2. That this Resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

(Verification Pages Follow)
PASSED BY THE FORT WORTH CITY COUNCIL THIS ________, 2008

_______________________________
Mayor, City of Fort Worth, Texas

(SEAL)

ATTEST:

_______________________________
City Secretary,
City of Fort Worth, Texas

APPROVED AS TO FORM AND LEGALITY:

_______________________________
City Attorney,
City of Fort Worth, Texas
THE STATE OF TEXAS:
COUNTY OF DALLAS:
CITY OF DALLAS:

I, Deborah Watkins, City Secretary of the City of Dallas, Texas, do hereby certify:

1. That the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, held in regular meeting, _______, 2008, confirming the passage of resolution approving the redemption of the described bonds which resolution is duly of record in the minutes of said City Council.

2. That said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this _____ day of _________, 2008.

City Secretary,
City of Dallas, Texas

(SEAL)
I, Marty Hendrix, City Secretary of the City of Fort Worth, Texas, do hereby certify:

1. That the above and foregoing is a true and correct copy of an Ordinance, duly presented and passed by the City Council of the City of Fort Worth, Texas, at a regular meeting held on ______, 2008, as same appears of record in the Office of the City Secretary.

2. That said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and the Official Seal of the City of Fort Worth, Texas, this _____ day of ________, 2008.

City Secretary,
City of Fort Worth, Texas

(SEAL)
An ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2008-06-124, which amends Chapter 2 and Appendix I of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended; to (1) remove the phrase “or he gains access by means of a control mechanism” from Section 4 of Chapter 2; (2) add a regulation that prohibits the parking of vehicles or storage of property within 10 feet of an Air Operations Area (AOA) to Section 6.IV of Chapter 2; (3) remove the violation “Unattended Vehicle Zone” from Section 12.XI.A of Chapter 2; and (4) add the new extension of West Walnut Hill Lane, the new extension of Mustang Drive, and the realignment of North Airfield Drive to include revisions to the block numbering system to Appendix I - Financing: No cost consideration to the City

BACKGROUND

Section 22.082 of the Texas Transportation Code, as amended, and Section 8.F. of the 1968 Contract and Agreement, as amended, provide that Dallas-Fort Worth International Airport Board Resolution No. 2008-06-124, which amends Chapter 2 and Appendix 1 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board becomes effective only upon approval of the governing bodies of the Cities of Dallas and Fort Worth and proper publication.

On June 5, 2008, the Dallas-Fort Worth International Airport Board passed, approved, and ordered Resolution No. 2008-06-124 to amend Chapter 2 and Appendix 1 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board to add the new extension of West Walnut Hill Lane, the new extension of Mustang Drive, the re-alignment of North Airfield Drive to include revisions to the block numbering system in accordance with the 2007 DFW Airport address map.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

The Transportation and Environment Committee was briefed on September 8, 2008.
FISCAL INFORMATION

No cost consideration to the City
ORDINANCE NO.__________

An ordinance by the City Council of the City of Dallas, Texas, approving Resolution No. 2008-06-124 adopted by the Dallas-Fort Worth International Airport Board on June 5, 2008, for the purpose of amending Chapter 2 and Appendix I of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended; removing the phrase “or he gains access by means of a control mechanism” from Section 4 of Chapter 2; adding a regulation that prohibits the parking of vehicles or storage of property within 10 feet of an Air Operations Area (AOA) to Section 6.IV of Chapter 2; removing the violation “Unattended Vehicle Zone” from Section 12.XI.A of Chapter 2; and adding the new extension of West Walnut Hill Lane, the new extension of Mustang Drive, and the realignment of North Airfield Drive to include revisions to the block numbering system to Appendix I; providing a penalty not to exceed $500: providing a severability clause; and providing an effective date.

WHEREAS, Section 8.F. of the 1968 Contract and Agreement, as amended, between the City of Dallas, Texas and the City of Fort Worth, Texas, provides that the Dallas-Fort Worth International Airport Board shall have the power, by a duly adopted order, to adopt and enforce rules and regulations for the orderly, safe, efficient, and sanitary operation of the airport and to prescribe reasonable penalties for the breach of any rule or regulation not to exceed the maximum fines authorized by state law; and

WHEREAS, state law currently authorizes fines of up to $500 for all violations of the airport's rules and regulations, except for those violations relating to fire safety, public health and sanitation, or the dumping of refuse, for which the maximum fine is $2,000, and except when another fine is fixed by state law; and

WHEREAS, Sections 22.082 of the Texas Transportation Code, as amended, and Section 8.F. of the 1968 Contract and Agreement, as amended, provide that such rules, regulations or orders by the Dallas-Fort Worth International Airport Board will become effective only upon approval of the governing bodies of the Cities of Dallas and Fort Worth and proper publication; and

WHEREAS, on June 5, 2008, the Dallas-Fort Worth International Airport Board passed, approved, and ordered Resolution No. 2008-06-124 which amends Chapter 2 and Appendix I of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, to remove the phrase “or he gains access by means of a control mechanism”; add a regulation that prohibits the parking of vehicles or storage of property within 10 feet of an Air Operations Area (AOA); remove the violation “Unattended Vehicle Zone” from civil fine schedule; add the new extension of West Walnut Hill Lane, the New extension of Mustang Drive, and the realignment of North Airfield Drive to include revisions to the block numbering system; and
WHEREAS, in accordance with Section 3 of Chapter 9 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended, the Dallas-Fort Worth International Airport Board has requested that the City Councils of the Cities of Dallas and Fort Worth approve its Resolution No. 2008-06-124 in order that it may become effective; Now Therefore,

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

SECTION 1. That all of the declarations and findings contained in the preambles of this ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this ordinance.

SECTION 2. That Resolution No. 2008-06-124 of the Dallas-Fort Worth International Airport Board, a duly certified copy of which is attached hereto as Exhibit A and made a part of this ordinance by reference, is hereby approved.

SECTION 3. That after publication of a substantive statement relating to the contents of Resolution No. 2008-06-124 of the Dallas-Fort Worth International Airport Board in a newspaper of general circulation in each of the counties of Dallas and Tarrant, stating that a breach of any provision of Resolution No. 2008-06-124 will subject the violator to a penalty and stating that the full text of Resolution No. 2008-06-124 and any attachments to it are on file in the principal office of the Dallas-Fort Worth International Airport Board to be read by any interested party, Resolution No. 2008-06-124 shall thereafter have the same force and effect within the boundaries of the Dallas-Fort Worth International Airport as an ordinance by the City Council of the City of Dallas would have in the City of Dallas, and the penalty shall be enforced in the same manner in which penalties prescribed by other ordinances of the City of Dallas are enforced.

SECTION 4. That the sections, paragraphs, sentences, clauses, and phrases of this ordinance and Resolution No. 2008-06-124 are severable, and if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance or Resolution No. 2008-06-124, since the same would have been enacted without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.
SECTION 5. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS JR., City Attorney

BY __________________________
   City Attorney

Passed________________________
June 12, 2008

STATE OF TEXAS

COUNTY OF DALLAS
COUNTY OF TARRANT

I, Donna J. Schnell, Board Secretary of the Dallas-Fort Worth International Airport Board, do hereby certify that the attached is a true and correct copy of Resolution No. 2008-06-124 approved by the Dallas-Fort Worth International Airport Board of Directors at its Board Meeting held on June 5, 2008.

WITNESS MY HAND AND SEAL OF THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD, this the 12th day of June, 2008.

[Signature]
Donna J. Schnell
Board Secretary

DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD
OFFICIAL BOARD ACTION/RESOLUTION

Date
06/05/2008

Committee Subject
Operations Code of Rules & Regulations

Resolution #
2008-06-124

Action
That the Airport Board approve an amendment to Chapter 2 of the Code of Rules & Regulations of the Dallas/Fort Worth International Airport Board and Appendix I.

Description

- This action will approve revisions to the Dallas/Fort Worth International Airport Board Code of Rules & Regulations, Chapter 2 and Appendix I to: add the new extension of West Walnut Hill Lane, and the new extension of Mustang Drive, the realignment of North Airfield Drive to include revisions to the block numbering system in accordance with the 2007 DFW Airport Address map.

Justification

- The Dallas/Fort Worth International Airport Board opened the new extension of West Walnut Hill Lane in the Spring of 2008. This new roadway replaces the majority of Carbon Road that was demolished as a result of the Perimeter Taxiway project. Only two short segments of Carbon Road remain and consist of one segment adjacent to the taxi queue and the other being adjacent to the DFW warehouse.
- The Dallas/Fort Worth International Airport Board plans to extend Mustang Drive from South Main Street in Grapevine where it will connect with West & North Airfield Drive. Additionally, North Airfield Drive will be realigned to accommodate for the Perimeter Taxiway project between Texan Trail and Freeport Parkway.
- Appendix I of the Dallas/Fort Worth International Airport Board Code of Rules & Regulations is the official street numbering document used for enforcement of traffic laws by the Airport's Department of Public Safety and was last amended on May 5, 2005.
- Chapter 2, Section 4 Employee Parking Areas: remove the phrase "or he gains access by means of a control mechanism". This phase implies that a person could park in an employee lot without a permit so long as access was gained by use of a Signal Control Device (SRD) or authorization by a gate guard thus, hindering enforcement.

D/M/WBE Information

- N/A

Contract # Agreement # Purchase Order # Action Amount Revised Amount

$0 $0

For Information contact
Fund Project # External Funding Source Amount

Alan Black 4–8481
**Justification continued:**

- Chapter 2, Section 12, X1, A; Civil Fine Schedule: Remove the violation "Unattended Vehicle Zone". The fine schedule includes the violation of "No Parking Zone" therefore, the Unattended Vehicle Zone violation is redundant. The airport has installed "No Parking" signs in accordance with all applicable laws.
- Chapter 2, Section 6, IV; Air Operations Areas: add a regulation that prohibits the parking of vehicles or storage of property within 10 feet of an Air Operations Area (AOA) fence. This action is necessary to maintain airfield security by means of enforcement. Specifically, "A person commits an offense if the person parks a vehicle or equipment, or places, deposits or stores property or materials within ten (10) feet of an AOA fence."

**Additional Information:**

Per State law and the 1968 Contract and Agreement, this amendment will also need to be approved by Dallas and Fort Worth City Councils and will become effective upon such approval being obtained.

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**BE IT RESOLVED BY THE DALLAS–FORT WORTH INTERNATIONAL AIRPORT BOARD**

BE IT RESOLVED BY THE DALLAS–FORT WORTH INTERNATIONAL AIRPORT BOARD: Section 1. That the attached Chapter 2 and Appendix I to the Code of Rules and Regulations of the Dallas–Fort Worth International Airport Board be and are hereby approved. Section 2. That the Chief Executive Officer, or Designee, be and is hereby directed to forward the attached amended Code of Rules and Regulations to the Dallas–Fort Worth International Airport Board to the cities of Dallas and Fort Worth, along with a request that their respective city councils take action to approve same. Section 3. That the Chief Executive Officer, or Designee, be and is hereby authorized to take such further action as he deems necessary to see to the passage and enforceability of the attached amended Code of Rules and Regulations of the Dallas–Fort Worth International Airport Board. This resolution shall take effect immediately upon its passage.

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**SIGNATURE REQUIRED FOR APPROVAL**

Approved by

[Signature]  
Department Head  
Public Safety  
May 28, 2008 2:05 pm

Chief Executive Officer  
Date  
Jun 6, 2008 2:20 pm
## Appendix I

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<tr>
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<tr>
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</tr>
<tr>
<td>East 28th St.</td>
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<tr>
<td>East 31st St.</td>
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<tr>
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<tr>
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<tr>
<td>Freeport Pkwy.</td>
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<td>Mid-Cities Blvd.</td>
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<td>1650 - 1850 E</td>
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<td>Royal Lane</td>
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<td>725 - 1375 S</td>
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<tr>
<td>Texan Trail</td>
<td>N &amp; S</td>
<td>1400 - 1600 S</td>
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<tr>
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<td>E &amp; W</td>
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<tr>
<td>Street</td>
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<td>Hundred Block</td>
<td>Speed Limit (Mph)</td>
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<tr>
<td>------------------------------</td>
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<tr>
<td>South Garage Dr.</td>
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<tr>
<td>Bus Entry/RCC</td>
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<td>Bus Exit/RCC</td>
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<td>Center Garage Dr.</td>
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<td>North Garage Dr.</td>
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<td>Passport Ave.</td>
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<td>20</td>
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<td>S. W. Construction Rd.</td>
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<td>3175 - 3425 S</td>
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<td>S. W. Construction Rd.</td>
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<td>Minters Chapel Rd.</td>
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<td>Carbon Rd.</td>
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<td>Glade Rd.</td>
<td>E &amp; W</td>
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<td>35</td>
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<td>S. Main St.</td>
<td>N &amp; S</td>
<td>1650 - 1700 S</td>
<td>30</td>
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<td>Esters Rd.</td>
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<td>30</td>
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<td>W. Walnut Hill Ln.</td>
<td>E &amp; W</td>
<td>2325 - 3075 E</td>
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<tr>
<td>Mustang Drive</td>
<td>E &amp; W</td>
<td>1125 - 1450 E</td>
<td>45</td>
</tr>
</tbody>
</table>
Section 3. Parking

I. A person commits an offense, if he stops, stands, or parks a vehicle within the boundaries of the Airport except at such places and for such periods of time, and upon payment of such parking fees and charges as may from time to time be prescribed by the Airport Board. Any vehicle which is disabled or which is parked in violation hereof or which represents an operational hazard at the Airport may be removed or towed away and impounded, all at the operator’s or owner’s expense and without liability for any damage to the vehicle which may ensue from such removal or towing. Such expense shall be a lien against the vehicle and payment in full therefor shall be a prerequisite to the reclaiming of the vehicle by the operator or owner.

II. A person commits an offense if the person:

A. is neither a disabled person nor transporting a disabled person and stops, stands, or parks a vehicle displaying a registration insignia or identification card in a parking space or area designated specifically for the disabled;

B. stops, stands, or parks a vehicle displaying neither a registration insignia nor an identification card in a parking space or area designated specifically for the disabled; or

C. stops, stands, or parks a vehicle in such a manner that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled.

III. The method of disposition of abandoned or junked motor vehicles or other vehicles shall be as set forth in the Transportation Code Chapter 683, insofar as same may be applied to the operation of the Airport.

Section 4. Employee Parking Areas

A person commits an offense if he operates, parks or stands a motor vehicle within a parking area designated for employee parking unless a permit, decal, or other authorization therefor is prominently displayed on the vehicle. For the purposes of this section, prominent display of an authorized permit, decal or other authorization may be accomplished by clearly displaying said permit, decal or other authorization in plain view in the front windshield of the motor vehicle.

Section 5. Restricted Areas

I. The Air Operations Area is expressly declared a “Restricted Area.” The Airport Board may designate additional Areas or Zones at the Airport as “Restricted Areas” by posting signs to that effect. A person commits an offense if the person:

A. operates, parks, stops or stands any vehicle in a “Restricted Area” without:

1. displaying on the vehicle an approved valid decal issued by the Airport;

2. displaying on the vehicle an approved valid placard issued by the Airport;

3. the prior approval of the Executive Director;

4. a lawful escort; or

5. complying with requirements established by the Airport Security Program.
B. enters or remains on or in property designated a "Restricted Area" without:
   1. displaying an appropriate Airport-issued identification badge;
   2. the prior approval of the Executive Director;
   3. a lawful escort; or
   4. complying with requirements established by the Airport Security Program.

II. The Department of Public Safety shall be authorized to immediately remove any vehicle
    parked in violation of this section or where such vehicle represents an operational hazard
    in or impedes the efficient operations of the Air Operations Area.

Section 6. Air Operations Areas

I. A person commits an offense if the person operates a vehicle on the Air Operations Area:
   A. in excess of 20 miles per hour, except on the ARFF service roads where the speed
      limit is 45 miles per hour;
   B. operates a vehicle in willful and wanton disregard of the safety of persons or property;
   C. without a valid driver’s license; or
   D. refuses to present a driver’s license upon demand by a Peace Officer.

II. A person commits an offense if the person operates a vehicle on the Air Operations Area
    and fails to:
   A. yield the right of way to any aircraft immediately approaching or moving within the
      person’s path of travel;
   B. present a driver’s license upon demand of a Peace Officer; or
   C. stop and wait until the Air Operations Area gate is closed before driving away.

III. A person commits an offense if the person is in possession of or consumes an alcoholic
     beverage within the confines of the Air Operations Area, except if the alcoholic beverage
     is being consumed by a ticketed passenger on an aircraft where alcoholic beverages are
     served to customers by airline personnel.

IV. A person commits an offense if the person parks a vehicle or equipment, or places,
    deposits or stores property or materials within ten (10) feet of an AOA fence.

Section 7. Passenger Loading Zones

The Airport Board may establish zones for loading or unloading passengers to or from designated
vehicles at the Airport. Such zones shall be designated with appropriate control devices, signs, signals,
markings or insignia, and a person commits an offense if the person parks, stops, or stands any vehicle
in any such Passenger Loading Zone except to load or unload passengers, and then only if it is a vehicle
authorized in such zone and only for the time limit established by the Board and posted in such zone.
B. Within 7 calendar days after filing an order of liability issued under this section, a hearing officer shall notify the registered owner or operator of the vehicle in writing of the order. The notice must be sent by first class mail to the last address of the registered owner on record with the Texas Department of Transportation, or to the address of the registered owner or operator last known to the hearing officer. The notice must include a statement:

1. of the amount of civil fines, penalties, and costs assessed;
2. of the right to appeal to municipal court; and
3. that failure to pay can result in immobilization and impoundment of the vehicle and the debt being placed on the debtor’s credit report for seven years or until such time as the debt is paid.

XI. Civil Fine Schedule

A. The following is the schedule of civil fines for parking violations under this section of this Code that are made civil offenses under this section:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Civil Fine</th>
</tr>
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<tbody>
<tr>
<td>No Parking Zone</td>
<td>$28.00</td>
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<tr>
<td>Unattended Vehicle Zone</td>
<td>$28.00</td>
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<tr>
<td>Double Parking</td>
<td>$28.00</td>
</tr>
<tr>
<td>Blocking Cross Walk</td>
<td>$28.00</td>
</tr>
<tr>
<td>Blocking Roadway</td>
<td>$28.00</td>
</tr>
<tr>
<td>Limited Parking</td>
<td>$28.00</td>
</tr>
<tr>
<td>Unauthorized Zone</td>
<td>$28.00</td>
</tr>
<tr>
<td>Failed to Park in Marked Space</td>
<td>$28.00</td>
</tr>
<tr>
<td>Boot Fee</td>
<td>$25.00</td>
</tr>
<tr>
<td>Fire Lane</td>
<td>$38.00</td>
</tr>
<tr>
<td>Handicap Space</td>
<td>$63.00</td>
</tr>
<tr>
<td>Other</td>
<td>$28.00</td>
</tr>
</tbody>
</table>

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

C. An additional penalty in an amount equal to the original civil fine will be assessed if a vehicle owner or operator or the agent of the owner or operator fails to:

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

D. A penalty assessed under subsection (C) of this section may be waived by a hearing officer, or by a municipal court on appeal, if the vehicle owner or operator, or agent of the vehicle owner or operator, can establish that:
An ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2008-06-122, which amends Chapter 4 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended; to (1) establish a formula for determining the total number of taxicabs required by public convenience and necessity for the issuance, renewal, amendment, or temporary amendment of taxicab operating authority in Section 2-3; (2) establish a formula for determining the total number of taxicab driver permits required by public convenience and necessity for the issuance of a taxicab driver permit in Section 3-1; and (3) remove Subsection 3-2.II from Section 3.2 and add it to Section 3.1 - Financing: No cost consideration to the City

BACKGROUND

Section 22.082 of the Texas Transportation Code, as amended, and Section 8.F. of the 1968 Contract and Agreement, as amended, provide that Dallas-Fort Worth International Airport Board Resolution No. 2008-06-122, which amends Chapter 4 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board becomes effective only upon approval of the governing bodies of the Cities of Dallas and Fort Worth and proper publication.

On June 5, 2008, the Dallas-Fort Worth International Airport Board passed, approved, and ordered Resolution No. 2008-06-122 to amend Chapter 4 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board to establish a methodology to control future taxicab industry growth at DFW Airport.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Transportation and Environment Committee was briefed on September 8, 2008.

FISCAL INFORMATION

No cost consideration to the City.
An ordinance by the City Council of the City of Dallas, Texas, approving Resolution No. 2008-06-122 adopted by the Dallas-Fort Worth International Airport Board on June 5, 2008, for the purpose of amending Chapter 4 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended; to establish a formula for determining the total number of taxicabs required by public convenience and necessity for the issuance, renewal, amendment, or temporary amendment of taxicab operating authority in Section 2-3; to establish a formula for determining the total number of taxicab driver permits required by public convenience and necessity for the issuance of a taxicab driver permit in Section 3-1; and to remove Subsection 3-2.II from Section 3.2 and add it to Section 3.1; providing a penalty not to exceed $500; providing a severability clause; and providing an effective date.

WHEREAS, Section 8.F. of the 1968 Contract and Agreement, as amended, between the City of Dallas, Texas and the City of Fort Worth, Texas, provides that the Dallas-Fort Worth International Airport Board shall have the power, by a duly adopted order, to adopt and enforce rules and regulations for the orderly, safe, efficient, and sanitary operation of the airport and to prescribe reasonable penalties for the breach of any rule or regulation not to exceed the maximum fines authorized by state law; and

WHEREAS, state law currently authorizes fines of up to $500 for all violations of the airport’s rules and regulations, except for those violations relating to fire safety, public health and sanitation, or the dumping of refuse, for which the maximum fine is $2,000, and except when another fine is fixed by state law; and

WHEREAS, Sections 22.082 of the Texas Transportation Code, as amended, and Section 8.F. of the 1968 Contract and Agreement, as amended, provide that such rules, regulations or orders by the Dallas-Fort Worth International Airport Board will become effective only upon approval of the governing bodies of the Cities of Dallas and Fort Worth and proper publication; and

WHEREAS, on June 5, 2008, the Dallas-Fort Worth International Airport Board passed, approved, and ordered Resolution No. 2008-06-122 which amends Chapter 4 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, to establish a formula for determining the total number of taxicabs required by public convenience and necessity for the issuance, renewal, amendment, or temporary amendment of taxicab operating authority; to establish a formula for determining the total number of taxicab driver permits required by public convenience and necessity for the issuance of a taxicab driver permit; and to remove Subsection 3-2.II from Section 3.2 and add it to Section 3.1; and
WHEREAS, in accordance with Section 3 of Chapter 9 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended, the Dallas-Fort Worth International Airport Board has requested that the City Councils of the Cities of Dallas and Fort Worth approve its Resolution No. 2008-06-122 in order that it may become effective; Now Therefore,

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

SECTION 1. That all of the declarations and findings contained in the preambles of this ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this ordinance.

SECTION 2. That Resolution No. 2008-06-122 of the Dallas-Fort Worth International Airport Board, a duly certified copy of which is attached hereto as Exhibit A and made a part of this ordinance by reference, is hereby approved.

SECTION 3. That after publication of a substantive statement relating to the contents of Resolution No. 2008-06-122 of the Dallas-Fort Worth International Airport Board in a newspaper of general circulation in each of the counties of Dallas and Tarrant, stating that a breach of any provision of Resolution No. 2008-06-122 will subject the violator to a penalty and stating that the full text of Resolution No. 2008-06-122 and any attachments to it are on file in the principal office of the Dallas-Fort Worth International Airport Board to be read by any interested party, Resolution No. 2008-06-122 shall thereafter have the same force and effect within the boundaries of the Dallas-Fort Worth International Airport as an ordinance by the City Council of the City of Dallas would have in the City of Dallas, and the penalty shall be enforced in the same manner in which penalties prescribed by other ordinances of the City of Dallas are enforced.

SECTION 4. That the sections, paragraphs, sentences, clauses, and phrases of this ordinance and Resolution No. 2008-06-122 are severable, and if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance or Resolution No. 2008-06-122, since the same would have been enacted without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.
SECTION 5. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS JR., City Attorney

BY __________________________
    City Attorney

Passed________________________
August 13, 2008

STATE OF TEXAS §

COUNTY OF DALLAS §
COUNTY OF TARRANT §

I, Donna J. Schnell, Board Secretary of the Dallas-Fort Worth International Airport Board, do hereby certify that the attached is a true and correct copy of Resolution No. 2008-06-122 approved by the Dallas-Fort Worth International Airport Board of Directors at its Board Meeting held on June 5, 2008.

WITNESS MY HAND AND SEAL OF THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD, this the 13th day of August, 2008.

Donna J. Schnell
Board Secretary
DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD
OFFICIAL BOARD ACTION/RESOLUTION

Date: 06/05/2008
Committee: Operations
Subject: Amendment to Code of Rules & Regulations of the Dallas/Fort Worth International Airport Board
Resolution #: 2008-06-122

Action
That the Airport Board approve amendments to Chapter 4 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board.

Description
• This action will approve amendments to Chapter 4, Section 2-3 Application for Issuance, Renewal, Amendment or Temporary Amendment of Operating Authority, Section 3-1 Driver Permit Required, and Section 3-2 Qualification for Driver Permits which will be used to determine the total number of taxicab and taxicab driver permits required for public convenience and necessity.
• In determining the total number of taxicabs and taxicab driver permits required by public convenience and necessity, the Administrator shall use the following formulas:
  ♦ Maximum number of taxicabs allowed will be one (1) taxicab per every 31,000 origination and destination passengers per calendar year at Dallas/Fort Worth International Airport.
  ♦ Maximum number of taxicab driver permits allowed will be one (1) taxicab driver permits per every 31,000 origination and destination passengers per calendar year at the Dallas/Fort Worth International Airport.
• In determining the number of taxicabs required by public convenience and necessity, the Administrator shall also consider the quality of the taxicab as well as quality of service.

Justification
• Supports the owner Cities request to limit taxicab fleet growth.
• Manages continued growth and oversupply of taxicabs at DFW.
  ♦ These ratio based formulas will provide DFW with a methodology to control future taxicab industry growth and is similar to regulatory limits imposed by the City of Dallas.
• This action supports the reduction of taxicabs from approximately 2150 current taxicabs to 800.
• As it relates to the attrition of taxicabs, the taskforce will also establish standards to increase the quality of the taxicab and quality of service in reducing the number of taxicabs in accordance with the above-referenced formula.
• Per State law and the 1968 Contract and Agreement, these changes/corrections to amendments will also need to be approved by the Dallas and Fort Worth City Councils and will be effective upon such approval being obtained.

D/M/WBE Information
• N/A

<table>
<thead>
<tr>
<th>Contract #</th>
<th>Agreement #</th>
<th>Purchase Order #</th>
<th>Action Amount</th>
<th>Revised Amount</th>
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<tr>
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<td>$0</td>
</tr>
</tbody>
</table>

For Information contact
Allen Parra
Fund
Project #
External Funding Source
Amount
4–3315
$0
BE IT RESOLVED BY THE DALLAS–FORT WORTH INTERNATIONAL AIRPORT BOARD

Section 1. That the attached amendments of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board be and are hereby approved. Section 2. That the Chief Executive Officer, or Designee, be and is hereby directed to forward the attached amended Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board to the Cities of Dallas and Fort Worth along with a request that their respective City Councils take action to approve same. Section 3. That the Chief Executive Officer, or Designee, be and is hereby authorized to take such further action as he deems necessary to see to the passage and enforceability of the attached Code of Rules and Regulation of the Dallas/Fort Worth International Airport Board. This resolution shall take effect immediately upon its passage.

<table>
<thead>
<tr>
<th>Approved as to Form by</th>
<th>Approved as to Funding by</th>
<th>Approved as to M/WBE by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gary Keane</td>
<td>Max Underwood</td>
<td>Don O'Bannon</td>
</tr>
<tr>
<td>General Counsel</td>
<td>Vice President Finance</td>
<td>Vice President</td>
</tr>
<tr>
<td>Aug 12, 2008 1:26 pm</td>
<td>Aug 12, 2008 4:45 pm</td>
<td>Small &amp; Emerging Business</td>
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</tbody>
</table>

SIGNATURE REQUIRED FOR APPROVAL

<table>
<thead>
<tr>
<th>Approved by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Head Operations</td>
</tr>
<tr>
<td>Aug 12, 2008 1:23 pm</td>
</tr>
</tbody>
</table>

Date
Section 2-3. Application for Issuance, Renewal, Amendment or Temporary Amendment of Operating Authority

VI. The Administrator shall deny issuance, renewal, amendment or temporary amendment of operating authority if:

A. the public convenience and necessity do not require or are not otherwise served by the proposed service;

1. in determining the total number of taxicabs required by public convenience and necessity, the Administrator shall use the following formula:
   a) one (1) taxicab for every 31,000 origination and destination passengers per calendar year at Dallas/Fort Worth International Airport

2. whenever the number of taxicabs authorized to operate at the Airport exceeds the number of taxicabs determined under subsection (A) (1) (a), the Administrator shall establish policies and procedures, in a fair and uniform manner, for the reduction of authorized taxicabs. Each holder shall reduce the number of taxicabs operated in accordance with such polices and procedures as established by the Administrator; and

3. whenever the number of taxicabs authorized to operate at the Airport is less than the number of taxicabs determined under subsection (A) (1) (a), the Administrator shall authorize, in a fair and uniform manner, an increase to the number of taxicabs operated by holders.
Section 3-1. Driver Permit Required

V. The Administrator shall establish any additional qualifications and/or criteria for issuing a driver permit deemed necessary to assure that the public safety is protected and that public convenience and necessity are met.

A. In determining the total number of taxicab driver permits required by public convenience and necessity, the Administrator shall use the following formula:

1. one (1) taxicab driver permit for every 31,000 origination and destination passengers per calendar year at Dallas/Fort Worth International Airport

B. whenever the number of taxicab driver permits authorized to operate at the Airport is less than the number of taxicab driver permits under subsection (A) (1), the Administrator shall authorize, in a fair and uniform manner, an increase to the number of taxicab driver permits.

Section 3-2. Qualification for Driver Permit

II. The Administrator shall establish any additional qualifications and/or criteria for issuing a driver permit deemed necessary to assure that the public safety is protected and that public convenience and necessity are met.

(Moved to Section 3-1, see above)
AGENDA ITEM # 37

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 3

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 43Z 44W 44X 44T 44U and 44V

SUBJECT

Authorize a contract for the construction of a new trail along Coombs Creek between Beckley Avenue and Sylvan Avenue - Texas Standard Construction, Ltd., lowest responsible bidder of six - $290,428 - Financing: 2003 Bond Funds

BACKGROUND

On June 26, 2008, six bids were received for the construction of a new trail along Coombs Creek between Beckley Avenue and Sylvan Avenue. This item authorizes award of the construction contract to Texas Standard Construction, Ltd. for Base Bid, with a bid of $290,427.60.

The following chart illustrates Texas Standard Construction, Ltd.'s contractual activities with the City of Dallas for the past three years:

<table>
<thead>
<tr>
<th></th>
<th>PWT</th>
<th>DWU</th>
<th>PKR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects Completed</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Change Orders</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Projects Requiring</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Liquidated Damages</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Projects Completed</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

ESTIMATED SCHEDULE OF PROJECT

Began Design May 2006
Completed Design February 2008
Begin Construction November 2008
Complete Construction January 2009
PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the advertisement for bids on February 7, 2008.

The Park and Recreation Board authorized award of the contract on August 21, 2008.

FISCAL INFORMATION

2003 Bond Funds - $290,427.60

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Texas Standard Construction, Ltd.

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Male</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Black Male</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic Male</td>
<td>58</td>
<td>2</td>
</tr>
<tr>
<td>Other Male</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following six bids with quotes were received and opened on June 26, 2008:

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Texas Standard Construction, Ltd.</td>
<td>$290,427.60</td>
</tr>
<tr>
<td>5511 West Ledbetter, Dallas, TX</td>
<td></td>
</tr>
<tr>
<td>Salinas Concrete, LP</td>
<td>$302,658.50</td>
</tr>
<tr>
<td>Jeske Construction Company</td>
<td>$324,069.89</td>
</tr>
<tr>
<td>Macval Associates, LLC</td>
<td>$348,881.50</td>
</tr>
<tr>
<td>Irri-Con</td>
<td>$355,638.50</td>
</tr>
<tr>
<td>Estrada Concrete Company, LLC</td>
<td>$394,247.90</td>
</tr>
</tbody>
</table>
OWNERS

Texas Standard Construction, Ltd.

Ronald H. Dalton, President
Sam Dalton, Vice President

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of a new trail along Coombs Creek between Beckley Avenue and Sylvan Avenue - Texas Standard Construction, Ltd., lowest responsible bidder of six - $290,428 - Financing: 2003 Bond Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$290,427.60</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$290,427.60</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenyatta Sand &amp; Gravel</td>
<td>BMDB37836Y0709</td>
<td>$78,955.00</td>
<td>27.19%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$78,955.00</td>
<td>27.19%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$78,955.00</td>
<td>27.19%</td>
<td>$78,955.00</td>
<td>27.19%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$78,955.00</td>
<td>27.19%</td>
<td>$78,955.00</td>
<td>27.19%</td>
</tr>
</tbody>
</table>
Coombs Creek Trail

Council District 3

Mapsco #s 43Z, 44W, 44X, 44T, 44U and 44V
WHEREAS, on June 26, 2008, six bids were received for the construction of a new trail along Coombs Creek between Beckley Avenue and Sylvan Avenue.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas Standard Construction, Ltd.</td>
<td>$290,427.60</td>
</tr>
<tr>
<td>Salinas Concrete, LP</td>
<td>$302,658.50</td>
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<tr>
<td>Jeske Construction Company</td>
<td>$324,069.89</td>
</tr>
<tr>
<td>Macval Associates, LLC</td>
<td>$348,991.50</td>
</tr>
<tr>
<td>Irri-Con</td>
<td>$355,638.50</td>
</tr>
<tr>
<td>Estrada Concrete Company, LLC</td>
<td>$394,247.90</td>
</tr>
</tbody>
</table>

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 Texas Standard Construction, Ltd. for the construction of a new trail along Coombs Creek between Beckley Avenue and Sylvan Avenue, in an amount not to exceed $290,427.60.

SECTION 2. That the President of the Park and Recreation Board and the City Manager be authorized to execute a contract with Texas Standard Construction, Ltd., 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 sum of $290,427.60 to Texas Standard Construction, Ltd., as follows:

(2003) Neighborhood Park and Recreation Facilities
Fund 4R05, Department PKR, Unit K138, Object 4599,
Activity LLIA, Program PK03K138, CT-PKR08018996,
Commodity 91200, Vendor # 519011  $167,095.00

(2003) Neighborhood Park and Recreation Facilities
Fund 6R05, Department PKR, Unit K139, Object 4599,
Activity LLIA, Program PK03K138, CT-PKR03K138,
Commodity 91200, Vendor # 519011  $123,332.60

Total  $290,427.60

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 # 38

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 11

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 15-R

SUBJECT

Authorize a contract for the construction of a new trail, pedestrian bridge, trail signage, trail head, landscaping, and site furnishings at Valley View Park located at 7000 Valley View Lane - Texas Standard Construction, Ltd., lowest responsible bidder of four - $670,342 - Financing: 2006 Bond Funds

BACKGROUND

On July 3, 2008, four bids were received for the construction of a new trail, pedestrian bridge, trail signage, trail head, landscaping, and site furnishings at Valley View Park located at 7000 Valley View Lane. This item authorizes award of the construction contract to Texas Standard Construction, Ltd. for Base Bid and Alternate Nos. 1, 2, and 3, with a bid of $670,341.50.

The following chart illustrates Texas Standard Construction, Ltd.’s contractual activities with the City of Dallas for the past three years:

<table>
<thead>
<tr>
<th></th>
<th>PWT</th>
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<th>PKR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects Completed</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Change Orders</td>
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<td>0</td>
<td>2</td>
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<tr>
<td>Projects Requiring</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Liquidated Damages</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Projects Completed by Bonding Company</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
ESTIMATED SCHEDULE OF PROJECT

Began Design September 2004
Completed Design December 2007
Begin Construction October 2008
Complete Construction March 2009

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the advertisement for bids on February 7, 2008.

The Park and Recreation Board authorized award of the contract on August 21, 2008.

FISCAL INFORMATION

2006 Bond Funds - $670,341.50

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Texas Standard Construction, Ltd.

White Male 8 White Female 3
Black Male 0 Black Female 0
Hispanic Male 58 Hispanic Female 2
Other Male 0 Other Female 0

BID INFORMATION

The following four bids with quotes were received and opened on July 3, 2008:

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid</th>
<th>Alter. Nos. 1, 2 and 3**</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Texas Standard Construction, Ltd.</td>
<td>$570,294.50</td>
<td>$100,047.00</td>
<td>$670,341.50</td>
</tr>
<tr>
<td>5511 West Ledbetter, Dallas, TX</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jeske Construction Company</td>
<td>$635,275.10</td>
<td>$130,906.00</td>
<td>$766,181.10</td>
</tr>
<tr>
<td>Geotechnical Environmental System, Inc.</td>
<td>$677,500.46</td>
<td>$89,318.65</td>
<td>$766,819.11</td>
</tr>
<tr>
<td>Reeves Construction Services, Inc.</td>
<td></td>
<td></td>
<td>Non-responsive***</td>
</tr>
</tbody>
</table>
**BID INFORMATION** (Continued)

**Alternate No. 1** - provides for trail head.

**Alternate No. 2** - provides for trail mile marker.

**Alternate No. 3** - provides for site furnishings.

****Reeves Construction Services, Inc. was deemed non-responsive due to the fact they did not utilize the revised bid proposal issued by Addendum.

**OWNERS**

Texas Standard Construction, Ltd.

Ronald H. Dalton, President
Sam Dalton, Vice President

**MAP**

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of a new trail, pedestrian bridge, trail signage, trail head, landscaping, and site furnishings at Valley View Park located at 7000 Valley View Lane - Texas Standard Construction, Ltd., lowest responsible bidder of four - $670,342 - Financing: 2006 Bond Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
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<tr>
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<th>Percent</th>
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<tbody>
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<td>100.00%</td>
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<tr>
<td>Total non-local contracts</td>
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<td>TOTAL CONTRACT</td>
<td>$670,341.50</td>
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</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
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<th>Amount</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Kenyatta Sand &amp; Gravel</td>
<td>BMDB37836Y0709</td>
<td>$187,695.00</td>
<td>28.00%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$187,695.00</td>
<td>28.00%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$187,695.00</td>
<td>28.00%</td>
<td>$187,695.00</td>
<td>28.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$187,695.00</td>
<td>28.00%</td>
<td>$187,695.00</td>
<td>28.00%</td>
</tr>
</tbody>
</table>
Valley View Park
Council District 11
7000 Valley View Lane
Mapsco # 15-R
WHEREAS, on July 3, 2008, four bids were received for the construction of a new trail, pedestrian bridge, trail signage, trail head, landscaping, and site furnishings at Valley View Park located at 7000 Valley View Lane.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid</th>
<th>Alter. Nos.</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas Standard Construction, Ltd.</td>
<td>$570,294.50</td>
<td>$100,047.00</td>
<td>$670,341.50</td>
</tr>
<tr>
<td>Jeske Construction Company</td>
<td>$635,275.10</td>
<td>$130,906.00</td>
<td>$766,181.10</td>
</tr>
<tr>
<td>Geotechnical Environmental System, Inc.</td>
<td>$677,500.46</td>
<td>$89,318.65</td>
<td>$766,819.11</td>
</tr>
<tr>
<td>Reeves Construction Services, Inc.</td>
<td></td>
<td>Non-responsive</td>
<td></td>
</tr>
</tbody>
</table>

**Alternate No. 1 - provides for trail head.**

**Alternate No. 2 - provides for trail mile marker.**

**Alternate No. 3 - provides for site furnishings.**

****Reeves Construction Services, Inc. was deemed non-responsive due to the fact they did not utilize the revised bid proposal issued by Addendum.

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 Texas Standard Construction, Ltd. for the construction of a new trail, pedestrian bridge, trail signage, trail head, landscaping, and site furnishings at Valley View Park located at 7000 Valley View Lane, in an amount not to exceed $670,341.50.

SECTION 2. That the President of the Park and Recreation Board and the City Manager be authorized to execute a contract with Texas Standard Construction, Ltd., 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 $670,341.50 to Texas Standard Construction, Ltd., as follows:

(2006) Park and Recreation Facilities Improvement Fund 6T00, Department PKR, Unit T310, Object 4599, Activity RFSI, Program PK03A284, CT-PKR08019003, Commodity 91200, Vendor 519011 $328,155.00
SECTION 3. Continued

(2006) Park and Recreation Facilities Improvement Fund
7T00, Department PKR, Unit T310, Object 4599,
Activity RFSI, Program PK03A284, CT-PKR08019003,
Commodity 91200, Vendor 519011 $342,186.50

Total $670,341.50

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.
AGENDA ITEM # 39

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 3, 7, 9, 10, 14

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 53Z 46R 56S 27Y&Z 38B 27K 27K 27X 26F 36K 35X

SUBJECT

Authorize an increase in the contract with Artografx, Inc. for the installation of park identification signs at 11 park sites (list attached) - $36,856, from $257,228 to $294,084 - Financing: Current Funds ($400) and 2003 Bond Funds ($36,456)

BACKGROUND

The original contract with Artografx, Inc. was approved by Council on February 14, 2007 by Resolution No. 07-0467 for the installation of park identification signs at 52 park sites, Phase III, in an amount not to exceed $257,228.

Change Order No. 1, authorizes an increase in the contract with Artografx, Inc. for the installation of park identification signs at 11 park sites, and installation of the City of Dallas seal at John C. Phelps Park, in an amount not to exceed $36,856, making a revised contract amount of $294,084.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction April 2007
Complete Construction November 2008

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the advertisement for bids on April 27, 2006.

The Park and Recreation Board authorized award of the contract on November 2, 2006.

Authorized award of the contract on February 14, 2007, by Resolution No. 07-0467.

The Park and Recreation Board authorized Change Order No. 1 on August 21, 2008.
**FISCAL INFORMATION**

Current Funds - $400  
2003 Bond Funds - $36,456

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract</td>
<td>$257,228</td>
</tr>
<tr>
<td>Change Order No. 1 (this action)</td>
<td>$36,856</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$294,084</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Council District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>$7,371.20</td>
</tr>
<tr>
<td>7</td>
<td>$7,371.20</td>
</tr>
<tr>
<td>9</td>
<td>$7,371.20</td>
</tr>
<tr>
<td>10</td>
<td>$7,371.20</td>
</tr>
<tr>
<td>14</td>
<td>$7,371.20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$36,856.00</strong></td>
</tr>
</tbody>
</table>

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Artografx, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>Black</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

**OWNERS**

Artografx, Inc.

Rick Santoyo, President  
Eneida Fernandez, Secretary

**MAP**

Attached
## Park Identification Signs at 11 Park Sites, Phase III

<table>
<thead>
<tr>
<th>Park Sites</th>
<th>Council District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbor Park</td>
<td>10</td>
</tr>
<tr>
<td>Harrell Park</td>
<td>14</td>
</tr>
<tr>
<td>John C. Phelps Park (seal replacement)</td>
<td>7</td>
</tr>
<tr>
<td>Kiest Park</td>
<td>3</td>
</tr>
<tr>
<td>Lake Highlands North Park</td>
<td>10</td>
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<tr>
<td>Lochwood Park</td>
<td>9</td>
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<tr>
<td>Norbuck Park</td>
<td>9</td>
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<tr>
<td>Olive Shapiro Park</td>
<td>10</td>
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<tr>
<td>Orbiter Park</td>
<td>10</td>
</tr>
<tr>
<td>Samuell-Garland Park</td>
<td>9</td>
</tr>
<tr>
<td>T.G. Terry Park</td>
<td>7</td>
</tr>
<tr>
<td>William B. Dean Park</td>
<td>14</td>
</tr>
</tbody>
</table>
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Artografx, Inc. for the installation of park identification signs at 11 park sites (list attached) - $36,856, from $257,228 to $294,084 - Financing: Current Funds ($400) and 2003 Bond Funds ($36,456)

Artografx, 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 - THIS ACTION ONLY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$36,856.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Non-local contracts</td>
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<td>0.00%</td>
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<tr>
<td>TOTAL THIS ACTION</td>
<td>$36,856.00</td>
<td>100.00%</td>
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</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local Contractors / Sub-Contractors</th>
<th>Certification</th>
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<th>Percent</th>
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<td>HMMB35920Y1008</td>
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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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<tr>
<td></td>
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<tr>
<td>Native American</td>
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</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$36,856.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
Arbor Park
Council District 10

7701 Skillman St.
Mapsco # 27-K
Lochwood Park
Council District 9
11000 Lippitt
Mapsco # 38-B
Orbiter Park
Council District 10
9100 Orbiter Dr.
Mapsco # 26-F
T. G. Terry Park
Council District 7

2400 Lagow
Mapsco # 46-R
William B. Dean Park
Council District 14

3636 Turtle Creek Blvd.
Mapsco # 35-X
WHEREAS, on February 14, 2007, by Resolution No. 07-0467, Artografx, Inc. was awarded a contract for the installation of park identification signs at 59 park sites, Phase III, in an amount not to exceed $257,228; and

WHEREAS, this Change Order provides for the installation of park identification signs at 11 park sites, and installation of the City of Dallas seal at John C. Phelps Park, in an amount not to exceed $36,856, increasing the contract amount from $257,228 to $294,084.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Change Order No. 1 to the contract with Artografx, Inc. for the installation of park identification signs at 11 park sites, and installation of the City of Dallas seal at John C. Phelps Park, in an amount not to exceed $36,856, increasing the contract amount from $257,228 to $294,084.

SECTION 2. That the City Controller be and is hereby authorized to pay the amount of $36,856 to Artografx, Inc., as follows:

- Current Fund 0001, Department PKR, Unit 5132, Object 2280, Activity CEMA, CT-PKR07018876, Commodity 91200, Vendor #357173 $400.00
- (2003) Neighborhood Park and Recreation Facilities Fund 3R05, Department PKR, Unit L797, Object 4599, Activity COPK, Program PK05L797, CT-PKR07018876, Commodity 91200, Vendor #357173 $20,692.46
- (2003) Neighborhood Park and Recreation Facilities Fund 5R05, Department PKR, Unit L797, Object 4599, Activity COPK, Program PK05L797, CT-PKR07018876, Commodity 91200, Vendor #357173 $15,763.54

Total $36,856.00

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

Authorize Supplemental Agreement No. 6 to the professional services contract with Johnson/McKibben Architects, Inc. for schematic design, design development, construction documents, and construction administration services for an addition to the Gorilla Holding Building, to include an additional food preparation area, a new animal exercise area, and interior renovation of the existing holding facility for compliance with the United States Department of Agriculture and American Zoological Association requirements, and Americans with Disabilities Act compliance issues at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed $52,400, from $334,940 to $387,340 - Financing: 2006 Bond Funds

BACKGROUND

The original professional services contract with Johnson/McKibben Architects, Inc. approved by Council on June 27, 2001, by Resolution No. 01-2004 for design services for modifications to the Gorilla Holding Building at the Dallas Zoo located at 650 South R.L. Thornton Freeway, in an amount not to exceed $25,000.

Supplemental Agreement No. 1, approved by Administrative Action No. 02-1128 on April 3, 2002 for review of existing Gorilla transfer door conditions, preparation of design solutions to existing problems, coordination of mock-up suggestions, coordination of documents and specifications and field supervision of the installed mock-up to the Gorilla Holding Building at the Dallas Zoo, in an amount not to exceed $3,200, making a revised contract amount of $28,200.

Supplemental Agreement No. 2, approved by Council on December 8, 2003, by Resolution No. 03-3307 for work required by the United States Department of Agriculture to expand the existing building to accommodate three (3) groups of Gorilla bedrooms at the Dallas Zoo, in an amount not to exceed $112,000, making a revised contract amount of $140,200.
BACKGROUND (Continued)

Supplemental Agreement No. 3, approved by Council on April 13, 2005, by Resolution No. 05-1119 for schematic design, design development, construction documents, bidding and construction administration services for animal containment, revised Gorilla Research Station facility, enhancement of visitor viewing platforms/bunkers, site landscaping and Americans with Disabilities Act (ADA) accessibility for the existing Wilds of Africa, in an amount not to exceed $180,500, making a revised contract amount of $320,700.

Supplemental Agreement No. 4, approved by Administrative Action No. 05-2057 on July 19, 2005 for engineering services to prepare a Storm Water Pollution Prevention Plan for the implementation of the Gorilla exhibit and habitat renovation, in an amount not to exceed $3,500, making a revised contract amount of $324,200.

Supplemental Agreement No. 5, approved by Administrative Action No. 06-0764 on March 21, 2006 for additional services to modify the South habitat wall to include removable gates and footings for a maintenance bridge; modify public viewing platforms and ramps to increase or enhance the viewing angles; and additional surveying and design to respond to the unusual terrain conditions and maintain ADA accessibility resulting from the changes to the decks and viewing platforms, in an amount not to exceed $10,740, making a revised contract amount of $334,940.

Supplemental Agreement No. 6, authorizes an increase in the contract with Johnson/McKibben Architects, Inc. for schematic design, design development, construction documents and construction administration services for an addition to the Gorilla Holding Building, to include an additional food preparation area, a new animal exercise area; and interior renovation of the existing holding facility for compliance with the United States Department of Agriculture (USDA) and American Zoological Association (AZA) requirements, and Americans with Disabilities Act (ADA) compliance issues at the Dallas Zoo, in an amount not to exceed $52,400, making a revised contract amount of $387,340.

ESTIMATED SCHEDULE OF PROJECT

Begin Design October 2008
Complete Design December 2008

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized a professional services contract on June 7, 2001.

Authorized a professional services contract on June 27, 2001, by Resolution No. 01-2004.
PRIOR ACTION/REVIEW (Council, Boards, Commissions)  (Continued)

The Park and Recreation Board authorized Supplemental Agreement No. 2 on November 13, 2003.

Authorized Supplemental Agreement No. 2 on December 8, 2003, by Resolution No. 03-3307.

The Park and Recreation Board authorized Supplemental Agreement No. 3 on March 3, 2005.

Authorized Supplemental Agreement No. 3 on April 13, 2005, by Resolution No. 05-1119.

The Park and Recreation Board authorized Supplemental Agreement No. 6 on August 21, 2008.

FISCAL INFORMATION

2006 Bond Funds - $52,400

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<th>Amount</th>
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<td>Supplemental Agreement No. 2</td>
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<td>Supplemental Agreement No. 5</td>
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<td>Supplemental Agreement No. 6 (this action)</td>
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<td><strong>Total</strong></td>
<td><strong>$387,340</strong></td>
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</table>

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Johnson/Mckibben Architects, Inc.

<table>
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<tr>
<th>Ethnicity</th>
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<th>Female</th>
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<td>Other</td>
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</tr>
</tbody>
</table>
OWNERS

Johnson/McKibben Architects, Inc.

Michael Johnson, President
Gary McKibben, Vice President

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 6 to the professional services contract with Johnson/McKibben Architects, Inc. for schematic design, design development, construction documents, and construction administration services for an addition to the Gorilla Holding Building, to include an additional food preparation area, a new animal exercise area, and interior renovation of the existing holding facility for compliance with the United States Department of Agriculture and American Zoological Association requirements, and Americans with Disabilities Act compliance issues at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed $52,400, from $334,940 to $387,340 - Financing: 2006 Bond Funds

Johnson/McKibben Architects, 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 - THIS ACTION ONLY

<table>
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<td>0.00%</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

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<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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<td>42.00%</td>
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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

<table>
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<th></th>
<th>This Action</th>
<th>Participation to Date</th>
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<tr>
<td>Hispanic American</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td>$22,008.00</td>
<td>42.00%</td>
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</tbody>
</table>
WHEREAS, on June 27, 2001, Resolution No. 01-2004, Johnson/McKibben Architects, Inc. was awarded a contract to provide design services for modifications to the Gorilla Holding Building at the Dallas Zoo located at 650 South R. L. Thornton Freeway in the amount of $25,000; and

WHEREAS, on April 3, 2002, Administrative Action No. 02-1128, authorized Supplemental Agreement No. 1 to include review of existing Gorilla transfer door conditions, prepare design solutions to existing problems, coordinate mock-up suggestions and recommendation with Bob L'Heureux, coordination of documents and specifications and field supervision of the installed mock-up to the Gorilla Holding Building at the Dallas Zoo located at 650 South R. L. Thornton Freeway, in an amount not to exceed $3,200, increasing the contract amount from $25,000 to $28,200; and

WHEREAS, on December 8, 2003, Resolution No. 03-3307, authorized Supplemental Agreement No. 2 to include work required by the United States Department of Agriculture Compliance to expand the existing building to accommodate 3 groups of Gorilla bedrooms at the Dallas Zoo located at 650 South R. L. Thornton Freeway, in an amount not to exceed $112,000, increasing the contract amount from $28,200 to $140,200; and

WHEREAS, on April 13, 2005, Resolution No. 05-1119, authorized Supplemental Agreement No. 3 to include schematic design, design development, construction documents, bidding and construction administration services for the gorilla habitat and exhibit modifications at the Dallas Zoo located at 650 South R. L. Thornton Freeway, in an amount not to exceed $180,500, increasing the contract amount from $140,200 to $320,700; and

WHEREAS, on July 19, 2005, Administrative Action No. 05-2057, authorized Supplemental Agreement No. 4 to include engineering services to prepare a Storm Water Pollution Prevention Plan for implementation of the Gorilla exhibit and habitat renovation at the Dallas Zoo located at 650 South R. L. Thornton Freeway, in an amount not to exceed $3,500, increasing the contract amount from $320,700 to $324,200; and

WHEREAS, on March 21, 2006, Administrative Action No. 06-0764, authorized Supplemental Agreement No. 5 to include modification of the South habitat wall, modification of public viewing platforms and ramps, and additional survey and design to meet TDLR/ADA egress requirements at the Dallas Zoo located at 650 South R. L. Thornton Freeway, in an amount not to exceed $10,740, increasing the contract amount from $324,200 to $334,940; and
WHEREAS, it is now desired to enter into Supplemental Agreement No. 6 with Johnson/McKibben Architects, Inc. for schematic design, construction documents, design development, and construction administration services for an addition to the Gorilla Holding Building, to include an additional food preparation area, a new animal exercise area, and interior renovation of the existing holding facility for compliance with the United States Department of Agriculture (USDA) and American Zoological Association (AZA) requirements, and Americans with Disabilities Act (ADA) compliance issues at the Dallas Zoo located at 650 South R. L. Thornton Freeway, in an amount not to exceed $52,400, increasing the contract amount from $334,940 to $387,340.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 6 to the professional services contract with Johnson/McKibben Architects, Inc. for schematic design, construction documents, design development, and construction administration services for an addition to the Gorilla Holding Building, to include an additional food preparation area, a new animal exercise area, and interior renovation of the existing holding facility for compliance with the United States Department of Agriculture (USDA) and American Zoological Association (AZA) requirements, and Americans with Disabilities Act (ADA) compliance issues at the Dallas Zoo located at 650 South R. L. Thornton Freeway, in an amount not to exceed $52,400, increasing the contract amount from $334,940 to $387,340.

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

SECTION 3. That the City Controller be and is hereby authorized to pay the amount of $52,400 to Johnson/McKibben Architects, Inc., from (2006) Park and Recreation Facilities Improvement Fund 6T00, Department PKR, Unit T065, Object 4112, Activity DZ00, Program PK06T065, CT-PDPKR01014044, Commodity 92500, Vendor 333867.

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.
SUBJECT

Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on IH35E at Royal Lane - Not to exceed $29,768 – Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The Texas Department of Transportation (TxDOT) is planning a project to construct southbound frontage roads and entrance and exit ramps on IH 35E from Crown Road to Joe Field Road. TxDOT has requested that the City of Dallas provide traffic signal equipment and temporary traffic signals at the intersection of IH 35E and Royal Lane in conjunction with this project to be compatible with other traffic signals in the system. TxDOT will provide 100% cost reimbursement for this project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction       June 2009
Complete Construction    July 2010

FISCAL INFORMATION

Texas Department of Transportation Grant Funds - $29,767.33

MAPS

Attached.
WHEREAS, the Texas Department of Transportation (TxDOT) desires that the City assist with traffic signal improvements on IH 35E at Royal Lane; and,

WHEREAS, the City of Dallas is in agreement with this proposal in order that safety and traffic flow be maintained at this location 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 100% of the project in an amount not to exceed $29,768.

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 on IH 35E at Royal Lane in an amount not to exceed $29,768.

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 $29,768 in Fund 08ES, Dept. PBW, Unit 88ES, Act. THRG Obj. 4820, Major Program TxDOT, Program TP08ES08.

Section 4. That the City Controller is hereby authorized to disburse funds from Fund 08ES, Dept. PBW, Unit 88ES, Act. THRG, Obj. 4820, Major Program TxDOT, Program TP08ES08 in an amount not to exceed $29,768.

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 $29,768 in Fund 08ES Dept. PBW, Unit 88ES, 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, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Hazel Baker, City Hall, L1BS
Controller's Office, Sherrian Parham, 4BN
SUBJECT

Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on Preston Road at Campbell Road and Davenport Road - Not to exceed $51,617 – Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The Texas Department of Transportation (TxDOT) is planning a project to construct northbound right turn lanes on Preston Road at Campbell Road and Davenport Road. TxDOT has requested that the City of Dallas provide traffic signal equipment at these intersections in conjunction with this project to be compatible with other traffic signals in the system. TxDOT will provide 100% cost reimbursement for this project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction February 2009
Complete Construction November 2009

FISCAL INFORMATION

Texas Department of Transportation Grant Funds - $51,616.60

MAPS

Attached.
WHEREAS, the Texas Department of Transportation (TxDOT) desires that the City assist with traffic signal improvements on Preston Road at Campbell Road and Davenport Road; and,

WHEREAS, the City of Dallas is in agreement with this proposal in order that safety and traffic flow be maintained at this location 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 100% of the project in an amount not to exceed $51,617.

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 on Preston Road at Campbell Road and Davenport Road in an amount not to exceed $51,617.

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 $51,617 in Fund 08ET, Dept. PBW, Unit 88ET, Act. THRG Obj. 4820, Major Program TxDOT, Program TP08ET08.

Section 4. That the City Controller is hereby authorized to disburse funds from Fund 08ET, Dept. PBW, Unit 88ET, Act. THRG, Obj. 4820, Major Program TxDOT, Program TP08ET08 in an amount not to exceed $51,617.

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 $51,617 in Fund 08ET Dept. PBW, Unit 88ET, 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, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Hazel Baker, City Hall, L1BS
Controller's Office, Sherrian Parham, 4BN
SUBJECT

Authorize the rejection of bids for the reconstruction of Fox Creek Trail from Mountain Creek Parkway to FM 1382 and the readvertisement for new bids - Financing: No cost consideration to the City

BACKGROUND

Bids for the reconstruction of Fox Creek Trail from Mountain Creek Parkway to FM 1382 were received on July 31, 2008. The project will include street paving, storm drainage and water main improvements.

Five bids were received for the reconstruction of Fox Creek Trail from Mountain Creek Parkway to FM 1382. One of the bidders submitted an incomplete bid because it did not include an addendum to the contract. Prior to the bid opening, an addendum was emailed to all bidders. One of the bidders did not receive the addendum because his email information that he provided to the City was not legible. The City Attorney’s Office recommended rejecting the bids and re-advertising for new bids.

This action will authorize the rejection of bids for the reconstruction of Fox Creek Trail from Mountain Creek Parkway to FM 1382 and the readvertisement for new bids.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction November 2008
Complete Construction December 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on April 12, 2006, by Resolution No. 06-1036.
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
STREET RECONSTRUCTION
FOX CREEK TRAIL FROM MOUNTAIN CREEK PARKWAY TO FM-1382

DALLAS

THIS PROJECT

MAPSCO 71A- C & D
WHEREAS, on April 12, 2006, Resolution No. 06-1036 authorized a professional services contract with LopezGarcia Group for street reconstruction design for Fox Creek Trail from Mountain Creek Parkway to FM 1382, in an amount not to exceed $157,190; and,

WHEREAS, on July 31, 2008, bids were received for the reconstruction of Fox Creek Trail from Mountain Creek Parkway to FM 1382; and,

WHEREAS, five bids were received for the reconstruction of Fox Creek Trail from Mountain Creek Parkway to FM 1382; and,

WHEREAS, one of the bids received was an irregular proposal; and,

WHEREAS, it is now desirable to reject the bids and re-advertise for new bids.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to reject the bids received for the reconstruction of Fox Creek Trail from Mountain Creek Parkway to FM 1382 and the re-advertisement for new bids.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Dell Cole, OCMC, Room 307
Esther Darden, Water Utilities, 3AN
City Attorney
AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14

DEPARTMENT: Public Works & Transportation
Water Utilities

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

MAPSCO: Various

SUBJECT

Authorize a contract for the construction of barrier free ramp improvements for Group 06-002 (list attached) - MACVAL Associates, LLC, lowest responsible bidder of seven - $696,438 - Financing: Current Funds ($691,438) and Water Utilities Capital Construction Funds ($5,000)

BACKGROUND

The City has maintains a needs inventory list for barrier free ramp locations based on citizen requests. Barrier free ramp requests are added to the needs inventory and prioritized using the technical criteria approved by City Council. The improvements will consist of the construction of barrier free ramps in compliance with Americans with Disabilities Act (ADA).

This contract will provide for the installation of 440 barrier free ramps at 60 locations throughout the City of Dallas.

MACVAL Associates, LLC has no completed contractual activities with the City of Dallas for the past three years.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction November 2008
Complete Construction August 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.
FISCAL INFORMATION

Current Funds - $691,438
Water Utilities Capital Construction Funds - $5,000

Design (City Staff) $  0.00
Construction
  Paving - (PBW) $691,438.00
  Water - (DWU) $  5,000.00

Total Project Cost $696,438.00

Council District Amount
1 $162,533.00
2 $  21,095.00
3 $  35,215.00
4 $  20,235.00
5 $  21,625.00
7 $138,252.00
8 $  13,767.00
9 $  24,328.00
11 $  6,449.00
12 $  2,537.00
13 $177,693.00
14 $  72,709.00

Total $696,438.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

MACVAL Associates, LLC

Hispanic Female 0 Hispanic Male 7
African-American Female 2 African-American Male 2
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 31, 2008:

*Denotes successful bidder(s)

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>*MACVAL Associates, LLC</td>
<td>$696,438.00</td>
</tr>
<tr>
<td>8500 N. Stemmons Freeway, Suite 5060 Dallas, TX 75247</td>
<td></td>
</tr>
<tr>
<td>Estrada Concrete Co., LLC</td>
<td>$782,804.00</td>
</tr>
<tr>
<td>Omega Contracting, Inc.</td>
<td>$794,498.25</td>
</tr>
<tr>
<td>Ken-Do Contracting, L.P.</td>
<td>$809,915.25</td>
</tr>
<tr>
<td>Santos Construction, Inc.</td>
<td>$913,408.44</td>
</tr>
<tr>
<td>Lemar Company</td>
<td>Non-responsive**</td>
</tr>
<tr>
<td>Salinas Concrete, L.P.</td>
<td>Non-responsive**</td>
</tr>
</tbody>
</table>

**Lemar Company was deemed non-responsive because their bid bond was less than 5% of the total bid amount. The City requires all bidders to submit a bid bond of not less than 5% of the total amount of the bid.**

**Salinas Concrete was deemed non-responsive because the bid proposal was not completely filled out as required.**

Engineer's estimate:
- PBW $713,373.00
- DWU $55,125.00

Total estimate: $768,498.00

**OWNER**

**MACVAL Associates, LLC**

Al Attah, P.E., President

**MAP**

Attached.
## Barrier Free Ramp Improvements for Group 06-002

<table>
<thead>
<tr>
<th>Barrier Free Ramp Improvements</th>
<th>Council District</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 South Polk Street from Davis Street to 10th Street</td>
<td>1</td>
</tr>
<tr>
<td>Llewellyn Avenue at West Pembroke Avenue</td>
<td>1</td>
</tr>
<tr>
<td>Llewellyn Avenue at Sunset Avenue</td>
<td>1</td>
</tr>
<tr>
<td>100-700 Sunset Avenue</td>
<td>1</td>
</tr>
<tr>
<td>South Beckley Avenue at East 12th Street</td>
<td>1</td>
</tr>
<tr>
<td>Cumberland Street at East 12th Street</td>
<td>1</td>
</tr>
<tr>
<td>Delaware Avenue at Tyler Street</td>
<td>1</td>
</tr>
<tr>
<td>Congress Avenue at Reagan Street</td>
<td>2</td>
</tr>
<tr>
<td>Annex Avenue at Virginia Avenue</td>
<td>2</td>
</tr>
<tr>
<td>4539 Munger Avenue</td>
<td>2</td>
</tr>
<tr>
<td>Illinois Avenue at Waverly Drive</td>
<td>3</td>
</tr>
<tr>
<td>Westmoreland Road at Bernal Drive</td>
<td>3</td>
</tr>
<tr>
<td>Cockrell Hill Road at Kiest Boulevard</td>
<td>3</td>
</tr>
<tr>
<td>Glenfield Avenue at Hampton Road</td>
<td>3</td>
</tr>
<tr>
<td>Burgoyne Street at Westmoreland Road</td>
<td>3</td>
</tr>
<tr>
<td>Leacrest Drive at Cardinal Drive</td>
<td>4</td>
</tr>
<tr>
<td>Houghton Road at Tillman Street</td>
<td>4</td>
</tr>
<tr>
<td>Cedarcliff Drive at Elam Road</td>
<td>5</td>
</tr>
<tr>
<td>Red Bird Lane at alley East of Glen Park Drive</td>
<td>5</td>
</tr>
<tr>
<td>Red Bird Lane at alley East of Oxbow Lane</td>
<td>5</td>
</tr>
<tr>
<td>Red Bird Lane at alley East of Pinedale Lane</td>
<td>5</td>
</tr>
<tr>
<td>Red Bird Lane at Glen Park Drive</td>
<td>5</td>
</tr>
<tr>
<td>Red Bird Lane at Pinedale Lane</td>
<td>5</td>
</tr>
<tr>
<td>Red Bird Lane at Houston School Road</td>
<td>5</td>
</tr>
<tr>
<td>Ferguson Road at Hillglenn Road</td>
<td>7</td>
</tr>
<tr>
<td>8400 Cadenza Lane</td>
<td>7</td>
</tr>
<tr>
<td>3500-4100 Jamaica Street</td>
<td>7</td>
</tr>
<tr>
<td>Holmes Street at Pennsylvania Avenue</td>
<td>7</td>
</tr>
<tr>
<td>Bertrand Avenue at Spring Garden Drive</td>
<td>7</td>
</tr>
<tr>
<td>Bertrand Avenue at Verdun Avenue</td>
<td>7</td>
</tr>
<tr>
<td>Hatcher Street at Louie Lane</td>
<td>7</td>
</tr>
<tr>
<td>Dixon Avenue at Prince Hall Chambre Apartments</td>
<td>7</td>
</tr>
<tr>
<td>Audrey Street at Grovewood Street</td>
<td>7</td>
</tr>
<tr>
<td>Ferguson Road at Viewcrest Drive</td>
<td>7</td>
</tr>
<tr>
<td>Polk Street at Deerwood Drive</td>
<td>8</td>
</tr>
<tr>
<td>Treetop Lane at Tioga Street</td>
<td>8</td>
</tr>
<tr>
<td>Park Lane at Greenville Avenue</td>
<td>9</td>
</tr>
<tr>
<td>Barnes Bridge Road at Garland Road</td>
<td>9</td>
</tr>
<tr>
<td>Peavy Road at Hermosa Drive</td>
<td>9</td>
</tr>
<tr>
<td>Peavy Road at Mercer Drive</td>
<td>9</td>
</tr>
<tr>
<td>Barrier Free Ramp Improvements</td>
<td>Council District</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>11740 Ferguson Road</td>
<td>9</td>
</tr>
<tr>
<td>6151 Alpha Road at Danvers Drive</td>
<td>11</td>
</tr>
<tr>
<td>8550 Spring Valley Road at gate house driveway approach</td>
<td>11</td>
</tr>
<tr>
<td>Dunoon Avenue at Loch Maree Lane</td>
<td>12</td>
</tr>
<tr>
<td>Dennis Road at Northaven Road</td>
<td>13</td>
</tr>
<tr>
<td>Caraway Drive at Northaven Road</td>
<td>13</td>
</tr>
<tr>
<td>9900 Marsh Lane at 3705 Seguin Drive on alley approach</td>
<td>13</td>
</tr>
<tr>
<td>Midway Road from Royal Lane to Walnut Hill Lane</td>
<td>13</td>
</tr>
<tr>
<td>Bluffview Boulevard at Lovers Lane</td>
<td>14</td>
</tr>
<tr>
<td>Cedar Springs Road and Hood Street</td>
<td>14</td>
</tr>
<tr>
<td>Mockingbird Lane at Camden Avenue</td>
<td>14</td>
</tr>
<tr>
<td>Mockingbird Lane at Delmar Avenue</td>
<td>14</td>
</tr>
<tr>
<td>Mockingbird Lane at Norris Street</td>
<td>14</td>
</tr>
<tr>
<td>Gaston Avenue at La Vista Drive</td>
<td>14</td>
</tr>
<tr>
<td>Gaston Avenue at North Paulus Avenue</td>
<td>14</td>
</tr>
<tr>
<td>Ross Avenue at Griffin Street</td>
<td>14</td>
</tr>
<tr>
<td>Harwood Street at Elm Street</td>
<td>14</td>
</tr>
<tr>
<td>Vanderbilt Avenue at Homer Street</td>
<td>14</td>
</tr>
</tbody>
</table>
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of barrier free ramp improvements for Group 06-002 (list attached) - MACVAL Associates, LLC, lowest responsible bidder of seven - $696,438 - Financing: Current Funds ($691,438) and Water Utilities Capital Construction Funds ($5,000)

MACVAL Associates, LLC is 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

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$696,438.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$696,438.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>MACVAL Associates, LLC</td>
<td>BMDB35781N1108</td>
<td>$522,328.50</td>
<td>75.00%</td>
</tr>
<tr>
<td>I &amp; H Concrete</td>
<td>BMDB35345Y1008</td>
<td>$69,643.80</td>
<td>10.00%</td>
</tr>
<tr>
<td>Contreras Trucking</td>
<td>HMDB34560Y0808</td>
<td>$104,465.70</td>
<td>15.00%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$696,438.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$591,972.30</td>
<td>85.00%</td>
<td>$591,972.30</td>
<td>85.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$104,465.70</td>
<td>15.00%</td>
<td>$104,465.70</td>
<td>15.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$696,438.00</td>
<td>100.00%</td>
<td>$696,438.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
Barrier Free Ramp Group 06-002

Various Locations
WHEREAS, bids were received on July 31, 2008, for the construction of barrier free ramp improvements for Group 06-002, as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>AMOUNT OF BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>MACVAL Associates, LLC</td>
<td>$696,438.00</td>
</tr>
<tr>
<td>Estrada Concrete Co., LLC</td>
<td>$782,804.00</td>
</tr>
<tr>
<td>Omega Contracting, Inc.</td>
<td>$794,498.25</td>
</tr>
<tr>
<td>Ken-Do Contracting, L.P.</td>
<td>$809,915.25</td>
</tr>
<tr>
<td>Santos Construction, Inc.</td>
<td>$913,408.44</td>
</tr>
<tr>
<td>Lemar Company</td>
<td>Non-responsive</td>
</tr>
<tr>
<td>Salinas Concrete, L.P.</td>
<td>Non-responsive</td>
</tr>
</tbody>
</table>

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with MACVAL Associates, LLC for the construction of barrier free ramp improvements for Group 06-002 in an amount not to exceed $696,438.00, 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:

Current Fund
Fund 0001, Department PBW, Unit 3022
Act. PB40, Obj. 4421, Program #PBCUR010, CT PBWCUR010L1
Vendor #VS0000025999, in an amount not to exceed $691,438.00

Water Construction Fund
Fund 0102, Department DWU, Unit CW42, Act. RELP
Obj. 3221, Program #708361X, Rep. WX23, CT PBW708361EN
Vendor #VS0000025999, in an amount not to exceed $ 4,000.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 3222, Program #708362X, Rep. TN86, CT PBW708362EN
Vendor #VS0000025999, in an amount not to exceed $ 1,000.00

Total in an amount not to exceed $696,438.00
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, Jean Mitchell, OCMC, Room 101  
Public Works and Transportation, Dell Cole, OCMC, Room 307  
Esther Darden, Water Utilities, 3AN  
Sherrian Parham, Controller's Office - 4BN  
City Attorney
SUBJECT

Authorize a professional services contract with Booziotis & Company Architects for the Dallas Theater Center, Phase I master plan to gather, analyze and assess building information; develop historic structural and existing conditions reports for the Kalita Humphreys Theater and adjacent administration facility located at 3636 Turtle Creek Boulevard - Not to exceed $152,848 - Financing: 2006 Bond Funds

BACKGROUND

In the 2006 Bond Program, the citizens of Dallas approved funding for the Dallas Theater Center Master Plan, which includes the theater and adjacent administration facility located at 3636 Turtle Creek Boulevard. Bonds in the amount of $170,000 were sold for this project in November 2007.

This action will authorize a professional services contract with Booziotis & Company Architects for Phase I of the master plan to gather, analyze and assess building information, develop historic structural and existing conditions reports for the Theater Center and adjacent administration facility.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

Future Council action will be required once the additional November 2008 bonds for $170,000 are sold to complete Phases II through IV of the master plan for the Theater Center.
ESTIMATED SCHEDULE OF PROJECT

Begin Design September 2008
Complete Design January 2009

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - $152,848

Master Plan (this action) $ 152,848
Contingency 17,152

Total Project Cost $ 170,000

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Booziotis & Company Architects

African-American Female 0  African-American Male 0
Hispanic Female 0  Hispanic Male 1
White Female 8  White Male 11
Other Female 1  Other Male 1

OWNER

Booziotis & Company Architects

Bill Booziotis, President

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Booziotis & Company Architects for the Dallas Theater Center, Phase I master plan to gather, analyze and assess building information; develop historic structural and existing conditions reports for the Kalita Humphreys Theater and adjacent administration facility located at 3636 Turtle Creek Boulevard - Not to exceed $152,848 - Financing: 2006 Bond Funds

Booziotis & Company Architects is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$96,478.75</td>
<td>63.12%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$56,369.00</td>
<td>36.88%</td>
</tr>
<tr>
<td><strong>TOTAL CONTRACT</strong></td>
<td><strong>$152,847.75</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Name</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>G &amp; S Verify</td>
<td>PMMB37026Y0309</td>
<td>$6,000.00</td>
<td>6.22%</td>
</tr>
<tr>
<td>Quimby - McCoy</td>
<td>WFWB33923N0508</td>
<td>$28,525.00</td>
<td>29.57%</td>
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<tr>
<td>Reprographic Consultants</td>
<td>WFWB36771Y0209</td>
<td>$4,101.75</td>
<td>4.25%</td>
</tr>
<tr>
<td>Accessology</td>
<td>WFBDB35639Y1008</td>
<td>$4,000.00</td>
<td>4.15%</td>
</tr>
<tr>
<td>Needham McCaffrey</td>
<td>WFWB28599N0908</td>
<td>$4,000.00</td>
<td>4.15%</td>
</tr>
<tr>
<td><strong>Total Minority - Local</strong></td>
<td></td>
<td>$46,626.75</td>
<td>48.33%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Name</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stewardship, Inc.</td>
<td>WFWB475850908</td>
<td>$8,700.00</td>
<td>15.43%</td>
</tr>
<tr>
<td><strong>Total Minority - Non-local</strong></td>
<td></td>
<td>$8,700.00</td>
<td>15.43%</td>
</tr>
<tr>
<td></td>
<td>Local</td>
<td>Percent</td>
<td>Local &amp; Non-Local</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------</td>
<td>---------</td>
<td>-------------------</td>
</tr>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Asian American</td>
<td>$6,000.00</td>
<td>6.22%</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>WBE</td>
<td>$40,626.75</td>
<td>42.11%</td>
<td>$49,326.75</td>
</tr>
<tr>
<td>Total</td>
<td>$46,626.75</td>
<td>48.33%</td>
<td>$55,326.75</td>
</tr>
</tbody>
</table>
WHEREAS, in the 2006 Bond Program, the citizens of Dallas approved funding for the Dallas Theater Center Master Plan, which includes the theater and adjacent administration facility located at 3636 Turtle Creek Boulevard; and,

WHEREAS, it is desirable to authorize a professional services contract with Booziotis & Company Architects for the Dallas Theater Center, Phase I master plan to gather, analyze and assess building information; develop historic structural and existing conditions reports for the Kalita Humphreys Theater and adjacent administration facility located at 3636 Turtle Creek Boulevard, in an amount not to exceed $152,848.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract with Booziotis & Company Architects for the Dallas Theater Center, Phase I master plan to gather, analyze and assess building information; develop historic structural and existing conditions reports for the Kalita Humphreys Theater and adjacent administration facility located at 3636 Turtle Creek Boulevard, in an amount not to exceed $152,848.

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:

Cultural Arts Facilities Fund
Fund 7T49, Department PBW, Unit T709, Act. STMP
Obj. 4112, Program #PB06T709, CT PBW06T709L1
Vendor #192835, in an amount not to exceed $152,848

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Martha Welch, OCMC, Room 321
Office of Cultural Affairs
City Attorney
Office of Financial Services
Controller's Office, Sherrian Parham, 4BN
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 2, 7, 10, 11, 12, 13, 14

DEPARTMENT: Public Works & Transportation

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

MAPSCO: Various

SUBJECT

Authorize an increase in the contract with Estrada Concrete Company, LLC for additional quantities of concrete sidewalk curbs, retaining wall, and sidewalks for barrier free ramp improvements for Group 06-001 (list attached) - Not to exceed $69,000, from $578,770 to $647,770 - Financing: Current Funds

BACKGROUND

On February 27, 2008, Resolution No. 08-0670 authorized a contract with Estrada Concrete Company, LLC for the construction of barrier free ramp improvements for Group 06-001.

The Americans with Disabilities Act, as interpreted by the Texas Department of Licensing & Regulation, dictates maximum slopes for barrier free ramps. Many of the existing sidewalks and street corners in the City exceed these slope requirements. In order to comply with state regulations, the contractor has had to replace additional concrete items outside of the pay limits of the barrier free ramps. This change order revises the quantities for 4-foot and 5-foot wide sidewalks, retaining wall and concrete sidewalk curb.

This action will authorize an increase in the contract with Estrada Concrete Company, LLC to adjust several pay item quantities for concrete sidewalk curbs, retaining wall, and 4-foot and 5-foot wide sidewalks for barrier free ramp improvements for Group 06-001.

ESTIMATED SCHEDULE OF PROJECT

Began Construction April 2008
Complete Construction April 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a construction contract on February 27, 2008, by Resolution No. 08-0670.
**FISCAL INFORMATION**

Current Funds - $69,000

Design $ 0.00

Construction
- Paving - (PBW) $542,570.00
- Water - (DWU) $36,200.00
- Change Order No. 1 (this action) $69,000.00

Total Project Cost $647,770.00

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Total $69,000.00

**MWBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Estrada Concrete Company, LLC

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**OWNER(S)**

Estrada Concrete Company, LLC

Francisco Estrada, President

**MAP**

Attached.
### Barrier Free Ramp Improvements for Group 06-001

<table>
<thead>
<tr>
<th>Barrier Free Ramp Improvements</th>
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<tr>
<td>Bennett Avenue and Live Oak Street</td>
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<td>Bryan Street and North Fitzhugh Avenue</td>
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<td>Bryan Street and North Prairie Avenue</td>
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<tr>
<td>Butler Street and Harry Hines Boulevard</td>
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<td>North Prairie Avenue and Sycamore Street</td>
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<td>Ross Avenue and Summit Avenue</td>
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<td>3145 McDermott Avenue</td>
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<td>Dixon Avenue and Bourquin Street</td>
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<tr>
<td>Grand Avenue and Jeffries Street</td>
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<td>Hatcher Street and Meadow Street</td>
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<td>York Street and Verdun Avenue</td>
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<td>Abrams Road at Meadowknoll Drive</td>
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<td>Abrams Road at Whitehurst Drive</td>
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<tr>
<td>13139 Blossomheath Lane at Alpha Road</td>
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<tr>
<td>14019 Coit Road from Bus Stop</td>
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<tr>
<td>14740 Meandering Way</td>
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<tr>
<td>Hillcrest Road at Hillwood Lane</td>
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<tr>
<td>Preston Road at Highcourt Place</td>
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<tr>
<td>Preston Road at Regency Place</td>
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<td>7575 Frankford Road</td>
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<tr>
<td>Brentfield Drive at Meadow Creek Drive</td>
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<td>Coit Road at Highway 190</td>
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<td>Holly Tree Drive at Fire Fox Drive</td>
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<td>Kelly Boulevard at Timberglen Road</td>
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<td>Meandering Way at La Sobrina Drive</td>
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<td>3434 Forest Lane</td>
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<td>3535 Forest Lane</td>
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<td>5723 Harvest Hill Road</td>
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<td>6015 Berkshire Lane</td>
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## Barrier Free Ramp Improvements for Group 06-001

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<tbody>
<tr>
<td>Bandera Avenue at Thackery Street</td>
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<tr>
<td>Highdale Drive at Forest Lane</td>
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<tr>
<td>Inwood Road from Forest Lane to Harvest Hill Road</td>
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<td>Jamestown Road at Brookstown Drive</td>
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<tr>
<td>Meadow Road at Meadow Park Place</td>
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<tr>
<td>Meadow Road at Rambler Road</td>
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<tr>
<td>Meadow Road at Treehouse Lane</td>
<td>13</td>
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<tr>
<td>Woodwind Lane at Dundee Drive</td>
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<tr>
<td>2901 Matilda Street at Goodwin Avenue</td>
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<tr>
<td>3525 Turtle Creek Boulevard</td>
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<tr>
<td>Turtle Creek Boulevard &amp; Holland Avenue</td>
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<tr>
<td>4001 Live Oak Street</td>
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<td>Anita Street (5500) and McMillan Avenue</td>
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<td>Field Street and Elm Street</td>
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<td>Field Street and Patterson Avenue</td>
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<td>Lindsley Avenue and Tenison Memorial Road</td>
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<td>McCommas Boulevard and Skillman Street</td>
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<td>Ridgeway Street and Junius Street</td>
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<td>Skillman Street and Kenwood Avenue</td>
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<tr>
<td>North Fitzhugh Avenue and Sycamore Street</td>
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</table>
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Estrada Concrete Company, LLC for additional quantities of concrete sidewalk curbs, retaining wall, and sidewalks for barrier free ramp improvements for Group 06-001 (list attached) - Not to exceed $69,000, from $578,770 to $647,770 - Financing: Current Funds

Estrada Concrete Company, LLC is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
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<tr>
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<th>Amount</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Local contracts</td>
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<tr>
<td>Non-local contracts</td>
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<tr>
<td>TOTAL THIS ACTION</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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<tr>
<td>Hispanic American</td>
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<td>Native American</td>
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<tr>
<td>WBE</td>
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<tr>
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<td>100.00%</td>
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</table>
Barrier Free Ramp Group 06-001

Change Order No. 1 – Various Locations
WHEREAS, bids were received on October 25, 2007, for the construction of barrier free ramp improvements for Group 06-001; and,

WHEREAS, on February 27, 2008, Resolution No. 08-0670 authorized a contract for the construction of barrier free ramp improvements for Group 06-001, in an amount not to exceed $578,770.00; and,

WHEREAS, it is now necessary to authorize Change Order No. 1 to the contract with Estrada Concrete Company, LLC to adjust several pay item quantities for concrete sidewalk curb, retaining wall, 4-foot and 5-foot wide sidewalks for barrier free ramp improvements for Group 06-001, in the amount of $69,000.00, increasing the contract from $578,770.00 to $647,770.00.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 1 to the contract with Estrada Concrete Company, LLC to adjust several pay item quantities for concrete sidewalk curb, retaining wall, 4-foot and 5-foot wide sidewalks for barrier free ramp improvements for Group 06-001, in the amount of $69,000.00, increasing the contract from $578,770.00 to $647,770.00.

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

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

Current Funds
Fund 0001, Agency PBW, Unit 3022, Act. PB40
Obj. 4421, Program #PBCUR009, CT PBWCUR009L1
Vendor #511236, in an amount not to exceed $69,000

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, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Dell Cole, OCMC, Room 307
Controller's Office, Sherrian Parham, 4BN
City Attorney, 7DN
SUBJECT

Authorize an increase in the contract with Frontier Waterproofing, Inc., for an increase in the scope of work to include polishing and sealing exterior granite in lieu of cleaning; repair and hazardous material abatement of the damaged and deteriorated windows; and to patch and repair terra cotta walls and is assigned to Hunt-Woodbine Realty Corporation for construction management for the Union Station Wall Restoration project - Not to exceed $108,183, from $1,025,049 to $1,133,232 - Financing: 2006 Bond Funds

BACKGROUND

This action will authorize Change Order No. 1 to the construction contract with Frontier Waterproofing, Inc., assigned to Hunt - Woodbine Realty Corporation ("Hunt - Woodbine") for construction management, for the Union Station Wall Restoration project. During construction, it was discovered that 32 windows had deteriorated and required reconstruction. In addition, during the roof replacement, cracks were discovered in the terra cotta wall above the cornice at the lower wall which could cause future leaks.

This change order increases the contractor's scope of work to include polishing and sealing exterior granite in lieu of cleaning; repair and hazardous material abatement of the damaged and deteriorated windows; patch and repair terra cotta above cornice at lower wall; and repair terra cotta above cornice at upper penthouse wall. These additional improvements will increase the contract $108,183, from $1,025,049 to $1,133,232.

In the 2006 Bond Program, Dallas voters approved Proposition No. 1, which included $3.96 million for Union Station capital improvements. These bonds were sold November 28, 2007.
BACKGROUND (Continued)

These improvements are part of the City's Union Station Master Plan Capital Improvement project for the building, which includes roof replacement, wall restoration, escalator and freight elevator modernization, and mechanical, electrical and plumbing system upgrades.

ESTIMATED SCHEDULE OF PROJECT

Began Construction November 2007
Complete Construction October 2008

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed Economic Development & Housing Committee on February 20, 2007.

Briefed jointly to Economic Development & Housing Committee and the Transportation & Environmental Committee on March 19, 2007.

Authorized the Development and Reimbursement Agreement with Hunt - Woodbine Realty Corporation (“Hunt - Woodbine”) to undertake at no cost to the City the design responsibility for the City's Master Plan Capital Improvements for the Union Terminal Building, and advance the City the funds for construction contract awards, up to $3.96 million, which would be reimbursed, without interest, from the proceeds of the future sale of General Obligation Bonds, on April 11, 2007, by Resolution No. 07-1190.

Authorized the first capital improvement project contract, which was for Union Station Roof Replacement, and assigned the contract to Hunt - Woodbine for construction management. Additionally, this action established appropriations for the contract award and included contingencies for potential future change orders, on June 13, 2007, by Resolution No. 07-1823.

Authorized the second capital improvement project contract, for Union Station Wall Restoration and assigned the contract to Hunt - Woodbine for construction management. Additionally, this action established appropriations for this contract award and included contingencies for potential future change orders on November 12, 2007, by Resolution No. 07-3320.

FISCAL INFORMATION

2006 Bond Funds - $108,183

M/WBE INFORMATION

See attached.
ETHNIC COMPOSITION

Frontier Waterproofing, Inc.

Hispanic Female 0 Hispanic Male 17
African-American Female 0 African-American Male 1
Other Female 0 Other Male 0
White Female 4 White Male 19

OWNER(S)

Frontier Waterproofing, Inc.

Carl Crider, President
Mike Crider, Vice President, CFO, Secretary - Treasurer

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Frontier Waterproofing, Inc., for an increase in the scope of work to include polishing and sealing exterior granite in lieu of cleaning; repair and hazardous material abatement of the damaged and deteriorated windows; and to patch and repair terra cotta walls and is assigned to Hunt-Woodbine Realty Corporation for construction management for the Union Station Wall Restoration project - Not to exceed $108,183, from $1,025,049 to $1,133,232 - Financing: 2006 Bond Funds

Frontier Waterproofing, Inc. is a non-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 - THIS ACTION ONLY

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<tr>
<td>Non-local contracts</td>
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<td><strong>TOTAL THIS ACTION</strong></td>
<td><strong>$108,183.00</strong></td>
<td><strong>100.00%</strong></td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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<td>Asian American</td>
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<td>Native American</td>
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<tr>
<td>WBE</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
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WHEREAS, the City's Bond Election was held on November 7, 2006, and the Dallas voters approved all 12 general obligation bond propositions, including Proposition No. 1, which included $3,960,000 for Union Station Master Plan Capital Improvements; and,

WHEREAS, on April 11, 2007, Resolution No. 07-1190 authorized the Development and Reimbursement Agreement with Hunt - Woodbine Realty Corporation ("Hunt - Woodbine"), a Delaware Corporation, for the design of, at no cost to the City, and advance of funds up to $3.96 million for the construction of, Union Station Master Plan Capital Improvements; and,

WHEREAS, on June 13, 2007, Resolution No. 07-1823 authorized the first capital improvement project contract, which was for Union Station Roof Replacement, and assigned the contract to Hunt - Woodbine for construction management, and established appropriations for this contract award, including an amount for potential change orders; and,

WHEREAS, on November 12, 2007, Resolution No. 08-0343 authorized the second capital improvement project contract, which was for Union Station Wall Restoration with Frontier Waterproofing, Inc., and assigned the contract to Hunt - Woodbine for construction management and established appropriations for the contract award, including an amount for potential change orders for a total of $1,225,049; and,

WHEREAS, it is desirable to authorize Change Order No. 1 to the contract with Frontier Waterproofing, Inc., for an increase in the scope of work to include polishing and sealing exterior granite in lieu of cleaning; repair and hazardous material abatement of the damaged and deteriorated windows; and to patch and repair terra cotta walls and is assigned to Hunt - Woodbine Realty Corporation for construction management, for the Union Station Wall Restoration project, in the amount of $108,183, increasing the contract from $1,025,049 to $1,133,232.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 1 to the contract with Frontier Waterproofing, Inc., for an increase in the scope of work to include polishing and sealing exterior granite in lieu of cleaning; repair and hazardous material abatement of the damaged and deteriorated windows; and to patch and repair terra cotta walls and is assigned to Hunt - Woodbine Realty Corporation for construction management, for the Union Station Wall Restoration project after it has been approved as to form by the City Attorney, in the amount of $108,183, increasing the contract from $1,025,049 to $1,133,232.
Section 2. That in accordance with the Development and Reimbursement Agreement authorized on April 11, 2007, by Resolution No. 07-1190, the construction contract for this increase is hereby assigned to Hunt - Woodbine Realty Corporation, as the City's Construction Manager.

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

Street and Transportation Improvements Fund
Fund 7T22, Department PBW, Unit U237, Act. USSR
Obj. 4310, Program #PB06U237, CT PBW06U237A1
Vendor #VS0000024302, in an amount not to exceed $108,183

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Len Mills, OCMC, Room 321
City Attorney's Office
Office of Financial Services
Controller's Office, Sherrian Parham, 4BN
Convention and Event Services
KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Public Works & Transportation
Aviation

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

MAPSCO: 23Z; 34A E F

SUBJECT

Authorize (1) an increase in the contract with AUI Contractors, LP to provide additional work necessary for the construction of the fuel and chemical containment systems at eleven locations at Dallas Love Field, in an amount not to exceed $52,305, from $1,857,189 to $1,909,494; and (2) an increase in appropriations in an amount not to exceed $52,305 in the Federal Aviation Administration Airport Improvement Program Grant Fund - Not to exceed $52,305 - Financing: Aviation Passenger Facility Charge Funds ($13,076) and Federal Aviation Administration Airport Improvement Program Grant Funds ($39,229)

BACKGROUND

This action will authorize Change Order No. 3 to the contract with AUI Contractors, LP. This change will provide for additional work for the construction of the Fuel and Containment Systems at eleven locations at Dallas Love Field.

AUI Contractors, LP is currently constructing the Fuel and Chemical Containment Systems at Dallas Love Field. During construction, the Department of Aviation determined that the installed wireless remote control panel located at the Associated Air Hangar should be relocated near the Signature Hangar fueling facilities. This relocation would provide the tenant with better access to the control in the event of a large fuel spill. This remote control would activate cutoff gates in the stormwater system discharging to Knight Branch drainage ditch which discharges into the Trinity River.

In addition, the Department of Aviation requested that an additional remote control device be installed to provide tenants on the eastside of the airport with the ability to control large fuel spills. This remote control would activate cutoff gates in the stormwater system discharging to Bachman Lake.
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Chiang, Patel and Yerby, Inc. (CP&Y) on February 23, 2005, by Resolution No. 05-0644 for the development of a Spill Prevention, Control and Countermeasures (SPCC) Plan.

Authorized Supplemental Agreement No. 1 to the contract with CP&Y on June 28, 2006, by Resolution No. 06-1701 to provide for the design, preparation of construction documents and construction administration for the Fuel and Chemical Containment Systems for the stormwater outflows at Dallas Love Field.

Authorized Supplemental Agreement No. 2 to the professional services contract with CP&Y on October 25, 2006, by Resolution No. 06-2947 to provide an analysis and remediation recommendation for improving the existing storm drainage system at Dallas Love Field.

Authorized acceptance of reimbursement funds from the Federal Aviation Administration on August 22, 2007, by Resolution No. 07-2334 for the Stormwater Outflows at Dallas Love Field and Dallas Executive Airport.

Authorized a construction contract on October 10, 2007, by Resolution No. 07-2983 to AUI Contractors, LP for the construction of the Fuel and Chemical Containment Systems for the stormwater outflows at Dallas Love Field.

Authorized Supplemental Agreement No. 3 to the professional services contract with CP&Y on April 9, 2008, by Resolution No. 08-1059 to provide for the design, preparation of construction documents and construction administration for the Tom Braniff Channel Improvements, Video Investigation of the existing storm drains, instrumentation programming and training for the stormwater outflows, Cedar Springs terminal stormwater / roadway repairs and parking garage stormwater repairs at Dallas Love Field.

Authorized Change Order No. 2 to the contract with AUI Contractors, LP on June 11, 2008, by Resolution No. 08-1698 to provide for the removal of an oil / water separator and relocation of an existing electrical ductbank for construction of the Fuel and Chemical Containment Systems at Dallas Love Field.

FISCAL INFORMATION

Aviation Passenger Facility Charge Funds - $13,076.25
Federal Aviation Administration Airport Improvement Program Grant Funds - $39,228.75
**FISCAL INFORMATION**  (Continued)

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<tr>
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<tr>
<td>Change Order No. 3 (this action)</td>
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</tr>
<tr>
<td>Construction Testing</td>
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**Total Project Cost**  $2,049,493.66

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

<table>
<thead>
<tr>
<th>Ethnicity</th>
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<th>Hispanic Male</th>
<th>African-American Female</th>
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<th>Other Female</th>
<th>Other Male</th>
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</table>

**OWNER**

**AUI Contractors, LP**

Glenn A. Strother, President

**MAP**

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) an increase in the contract with AUI Contractors, LP to provide additional work necessary for the construction of the fuel and chemical containment systems at eleven locations at Dallas Love Field, in an amount not to exceed $52,305, from $1,857,189 to $1,909,494; and (2) an increase in appropriations in an amount not to exceed $52,305 in the Federal Aviation Administration Airport Improvement Program Grant Fund - Not to exceed $52,305 - Financing: Aviation Passenger Facility Charge Funds ($13,076) and Federal Aviation Administration Airport Improvement Program Grant Funds ($39,229)

AUI Contractors, LP is a non-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 - THIS ACTION ONLY

<table>
<thead>
<tr>
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<tr>
<td>TOTAL THIS ACTION</td>
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<td>100.00%</td>
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</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors
None

Non-Local Contractors / Sub-Contractors
None

TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
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<td>Native American</td>
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<td>WBE</td>
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<tr>
<td>Total</td>
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<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, fuel and chemical containment systems need to be constructed at Dallas Love Field in order to prevent the possible spillage of contaminants into the storm drainage system; and,

WHEREAS, on February 23, 2005, Resolution No. 05-0644 authorized a professional services contract with Chiang, Patel & Yerby, Inc. (CP&Y) for the development of a Spill Prevention, Control and Countermeasures (SPCC) Plan at Dallas Love Field, in an amount not to exceed $44,517; and,

WHEREAS, on June 28, 2006, Resolution No. 06-1701 authorized Supplemental Agreement No. 1 to the contract with CP&Y to provide design, preparation of construction documents and construction administration for the Fuel and Chemical Containment Systems at Dallas Love Field, in an amount not to exceed $312,734, and at Dallas Executive Airport in an amount not to exceed $202,623, increasing the contract for a total of $515,357 from $44,517 to $559,874; and,

WHEREAS, on October 25, 2006, Resolution No. 06-2947 authorized Supplemental Agreement No. 2 to the contract with CP&Y to provide an analysis and remediation recommendations for improving the existing storm drainage system at Dallas Love Field, in an amount not to exceed $164,930, increasing the contract from $559,874 to $724,804; and,

WHEREAS, on August 22, 2007, Resolution No. 07-2334 authorized acceptance of reimbursement funds for the Fuel and Chemical Containment Systems for the stormwater outflows at Dallas Love Field and Dallas Executive Airport; and,

WHEREAS, on October 10, 2007, Resolution No. 07-2983 authorized a contract with AUI Contractors, LP for the construction of the Fuel and Chemical Containment Systems at Dallas Love Field, in an amount not to exceed $1,770,980; and,

WHEREAS, on February 26, 2008, Administrative Action No. 08-0601 authorized Change Order No. 1 to the contract with AUI Contractors, LP to provide additional work necessary for the construction of the Fuel and Chemical Containment Systems at Dallas Love Field, in an amount not to exceed $20,108.66, increasing the contract from $1,770,980 to $1,791,088.66; and,

WHEREAS, on June 11, 2008, Resolution No. 08-1698 authorized Change Order No. 2 to the contract with AUI Contractors, LP to provide additional work necessary for the construction of the Fuel and Chemical Containment Systems at Dallas Love Field, in an amount not to exceed $66,100, increasing the contract from $1,791,088.66 to $1,857,188.66; and,
WHEREAS, it is now desirable to authorize Change Order No. 3 to the contract with AUI Contractors, LP to provide additional work necessary for the construction of the fuel and chemical containment systems at eleven locations at Dallas Love Field, in an amount not to exceed $52,305, increasing the contract from $1,857,188.66 to $1,909,493.66.

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 AUI Contractors, LP to provide additional work necessary for the construction of the fuel and chemical containment systems at eleven locations at Dallas Love Field, in an amount not to exceed $52,305, increasing the contract from $1,857,188.66 to $1,909,493.66.

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

Section 3. 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 $52,305 in the Aviation AIP Grant Fund F122, Department AVI, Unit 8802, Obj. 4599.

Section 4. That the City Controller is hereby authorized to transfer 25% of the total change order cost, which is the City's matching share of the total change order cost, from the Aviation Passenger Facility Charge (PFC) Fund 0477, Department AVI, Balance Sheet Account 0001 (Cash Account) to the Aviation AIP Grant Fund F122, Department AVI, Balance Sheet Account 0001 (Cash Account).

Section 5. That the City Controller is hereby authorized to transfer 75% of the total eligible change order cost reimbursement from the Federal Aviation Administration (FAA) to the Aviation AIP Grant Fund F122, Unit 8802, Act. ENVR, Revenue Source 9907.

Section 6. That the City Controller is hereby authorized and directed to encumber an amount not to exceed $52,305 to be paid to AUI Contractors, LP out of the Aviation AIP Grant Fund F122, to be paid upon approval of invoice by the Director of Aviation, as follows:

Aviation AIP Grant Fund
Fund F122, Department AVI, Unit 8802, Obj. 4599, Act. ENVR
Program #A8802-01, CT AVI 8802 K 807, Comm. 91200
Vendor #259651, in an amount not to exceed $52,305
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.

Distribution:  
Public Works and Transportation, Jean Mitchell, OCMC, Room 101  
Public Works and Transportation, Bill Morris, OCMC, Room 321  
City Attorney  
Aviation  
Controller’s Office, Sherrian Parham, 4BN
AGENDA ITEMS # 49,50

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 45 C G

SUBJECT

Eastside Commons Pedestrian Plaza Project

* Authorize (1) an Interlocal Agreement with the North Central Texas Council of Governments for design and construction of the Eastside Commons Pedestrian Plaza project; (2) the receipt and deposit of funds from the North Central Texas Council of Governments in an amount not to exceed $297,200; and (3) an increase in appropriations in the amount of $297,200 in the Capital Projects Reimbursement Fund - Not to exceed $297,200 - Financing: No cost consideration to the City

* Authorize payment to the Central Dallas Community Development Corporation for the North Central Texas Council of Government’s share of design and construction costs for the Eastside Commons Pedestrian Plaza project – Not to exceed $297,200 - Financing: Capital Projects Reimbursement Funds

BACKGROUND

In April 2005, the Regional Transportation Council (RTC) allocated $40.61 million for their second Sustainable Development Program Call for Projects that was formally announced in October 2005. The Eastside Commons Pedestrian Plaza project was selected for funding, and an agreement with the North Central Texas Council of Governments (NCTCOG) is required at this time.

The Sustainable Development Program was intended to promote development types reducing the overall demand for transportation infrastructure and improving air quality. Three types of project submissions were allowed in the program: transportation infrastructure improvements, land banking, and planning programs. The Eastside Commons Pedestrian Plaza project was one of nine selected and approved by the RTC in April 2006.
BACKGROUND (Continued)

Council Resolution No. 06-1711 supported the Eastside Commons Pedestrian Plaza project. The development and project is located on the east side of Central Expressway at Hall Street and includes approximately 237 apartments, 55 units of Dallas Housing Authority subsidized housing, and 37,000 square feet of retail space. The scope of the sustainable development project is to construct a pedestrian plaza and pedestrian walkway improvements connecting to an adjacent walkway along Central Expressway and to improve connections to the Cityplace DART Station, the Arts District, and downtown.

The Sustainable Development Program requires a local match of 20 percent of the total project cost of $371,500. The local match is $74,300 for infrastructure improvements only and will be provided by the developer, Central Dallas Community Development Corporation. The developer will be responsible for design and construction, and RTC funding will be available for reimbursement upon completion of the project.

This action will authorize the interlocal agreement with NCTCOG and reimbursement of the NCTCOG funding to Central Dallas Community Development Corporation.

ESTIMATED SCHEDULE OF PROJECT

Began Design       June 2008
Complete Design    September 2008
Begin Construction December 2008
Complete Construction May 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

Project submission list was endorsed by the Council Transportation and Telecommunications Committee on January 9, 2006.

Authorized support of the pedestrian infrastructure improvement project on June 28, 2006, by Resolution No. 06-1711.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
WHEREAS, the Regional Transportation Council developed a Sustainable Development Program to promote development types that reduce the overall demand for transportation infrastructure; and,

WHEREAS, the Regional Transportation Council approved $40.61 million for a Sustainable Development Program Call for Projects on April 14, 2005, and the North Central Texas Council of Governments established the Sustainable Development Program Call for Projects rules and submission deadline of January 20, 2006; and,

WHEREAS, the Regional Transportation Council approved $297,200 in Regional Transportation Council Local Funds under the Sustainable Development Program for the Eastside Commons Pedestrian Plaza project on April 13, 2006; and,

WHEREAS, the Sustainable Development Program requires a minimum local match of 20 percent of the total project cost of $371,500, or $74,300, to be provided by Central Dallas Community Development Corporation; and,

WHEREAS, on June 28, 2006, Resolution No. 06-1711 supported the Eastside Commons Pedestrian Plaza project.

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 the Interlocal Agreement with the North Central Texas Council of Governments for design and construction of the Eastside Commons Pedestrian Plaza project after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to deposit funds from the North Central Texas Council of Governments into Fund 0556, Department PBW, Unit P494, Revenue Source 6526, in an amount not to exceed $297,200.

Section 3. That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund 0556, Department PBW, Unit P494, Object 4510 in the amount of $297,200.

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Dawna Brown, City Hall, L1BS
City Controller's Office, Sherrian Parham, City Hall, 4BN
City Attorney
WHEREAS, the Regional Transportation Council developed a Sustainable Development Program to promote development types that reduce the overall demand for transportation infrastructure; and,

WHEREAS, the Regional Transportation Council approved $40.61 million for a Sustainable Development Program Call for Projects on April 14, 2005, and the North Central Texas Council of Governments established Sustainable Development Program Call for Projects rules and submission deadline of January 20, 2006; and,

WHEREAS, the Regional Transportation Council approved $297,200 in Regional Transportation Council Local Funds under the Sustainable Development Program for the Eastside Commons Pedestrian Plaza project on April 13, 2006; and,

WHEREAS, the Sustainable Development Program requires a minimum local match of 20 percent of the total project cost of $371,500, or $74,300, to be provided by Central Dallas Community Development Corporation; and,

WHEREAS, Council Resolution No. 06-1711 supported the Eastside Commons Pedestrian Plaza project.

Now, Therefore,

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

Section 1. That the City Controller is hereby authorized to disburse funds to Central Dallas Community Development Corporation after reimbursement is received from the North Central Texas Council of Governments, in accordance with the terms and conditions of the agreement from:

- Capital Projects Reimbursement Fund
  - Fund 0556, Department PBW, Unit P494, Act. INGV
  - Object 4510, Program #PBPRP494, CT PBWPRP494L1
  - Vendor #VS000003329, in an amount not to exceed $297,200

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Dawna Brown, City Hall, L1BS
City Controller's Office, Sherrian Parham, City Hall, 4BN
City Attorney
SUBJECT

Quiet Zone Along Union Pacific Rail Line Corridor

* Authorize the City Manager to provide a Notice of Intent for establishing a Quiet Zone along the Union Pacific rail line corridor generally in the Urbandale area of Dallas encompassing the existing at-grade crossings of Jim Miller Road, Urban Avenue and Buckner Boulevard as required by the Federal Railroad Administration (FRA) Final Train Horn rule 49 CFR Part 222 and 229 – Financing: No cost consideration to the City

* Authorize a contract with Union Pacific Railroad for the purpose of conducting preliminary engineering services, develop cost estimates and review preliminary layouts in conjunction with possible future implementation of a Quiet Zone – Not to exceed $10,000 – Financing: Current Funds

BACKGROUND

In response to a growing concern from communities about the routine sounding of locomotive train horns, the Federal Railroad Administration (FRA) issued its Train Horn Rule that requires approaching trains to sound their horn within a quarter-mile of a street grade crossing unless a Quiet Zone has been established by a public authority. The establishment of a Quiet Zone is a detailed process that initially includes providing a notice of intent by the public authority followed by the implementation of appropriate supplemental and/or alternative safety measures at the crossing as recommended by a multi-agency diagnostic team.
BACKGROUND (Continued)

The FRA has identified various supplemental and alternative safety enhancement options for crossings as substitutes for the sounding of the locomotive horn. The resulting protection for vehicles and pedestrians becomes an effective substitution for the sounding of the train horn. As an example, FRA Supplemental Safety Measures could include: complete closure of the street crossing; Installation of four quadrant gates; placement of medians in the street along with two-quadrant gates; paired one-way streets with full closure gates, and/or Automated wayside horns.

This action will authorize the Notice of Intent to FRA, TxDOT agencies and the railroad in compliance with the Federal Railroad Administration (FRA) Final Train Horn rule 49 CFR Part 222 and 229, and authorize an agreement with Union Pacific Railroad for the purpose of conducting preliminary engineering services, develop cost estimates and review preliminary layouts in conjunction with possible future implementation of a Quiet Zone. Future Council action will be required to implement design and construction activities proposed to be funded through future bond programs or other sources, in addition to ultimately providing a notice of the actual establishment of the Quiet Zone.

ESTIMATED SCHEDULE OF PROJECT

<table>
<thead>
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<th>Activity</th>
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</tr>
</thead>
<tbody>
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</tr>
<tr>
<td>Complete Design</td>
<td>January 2009</td>
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PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Council Transportation and Environment Committee on February 26, 2007.

FISCAL INFORMATION

Current Funds - $10,000

MAP

Attached.
WHEREAS, the routine sounding of the locomotive train horn approaching street grade crossings has a negative effect on the quality of life for those persons living along the rail line and also for those persons in the larger general area; and,

WHEREAS, the Federal Railroad Administration (FRA) has issued its Train Horn Rule that requires trains to sound their horn within a quarter-mile of a crossing unless a Quiet Zone has been established by a public authority; and,

WHEREAS, the establishment of a Quiet Zone is a detailed process that initially includes providing a notice of intent by the public authority followed by the implementation of appropriate supplemental and/or alternative safety measures at the crossing as recommended by a multi-agency diagnostic team so that the safety measures become an effective substitution for the sounding of the train horn; and,

WHEREAS, the City of Dallas desires to enter into a review of the grade crossings of the Union Pacific rail line at Jim Miller Road, Urban Avenue and Buckner 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 provide the required Notice of Intention to establish a Quiet Zone as provided for in the FRA’s Final Train Horn Rule.

Section 2. That the City Manager is hereby authorized to enter into a contract with Union Pacific Railroad for the purpose of conducting preliminary engineering services, develop cost estimates and review preliminary layouts in conjunction with possible future implementation of a Quiet Zone.

Section 3. That the City Controller is authorized to disburse funds in accordance with the terms and conditions from Fund 0001, Dept. PBW, Unit 3036, Act. PB13, Obj. 2510, Vendor #266649, CT PBW30360908, in an amount not to exceed $10,000.

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, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Dawna Brown, L1BS
City Attorney
KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 10, 2008
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Water Utilities
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 50A N S T

SUBJECT
Authorize a contract for the construction of the East Side Water Treatment Plant expansion to 540 million gallons per day - Part B, Clearwells and Flumes to be reimbursed from financing received from the Texas Water Development Board low interest loan program upon approval and receipt - Oscar Renda Contracting, Inc., lowest responsible bidder of three - $94,723,750 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND
The East Side Water Treatment Plant was originally constructed in the 1960s as a 100 million gallons per day water treatment plant. Major expansions in the 1970s, early 1980s, and 1990s have increased the capacity to 440 million gallons per day. Currently, the East Side Water Treatment Plant supplies approximately half of the treated water delivered to City of Dallas customers and customer cities. The multi-phase expansion of the East Side Water Treatment Plant will include expansion of the treatment capacity to 540 million gallons per day, as well as required storage and pumping improvements to accommodate expansion. The expansion is necessary to meet supply demands projected by the City of Dallas Long Range Water Supply Plan update, recently adopted by Council, and to utilize the soon to be completed connection to the Lake Fork raw water supply.

This contract consists of the construction of four new clearwells at the East Side Water Treatment Plant, each with a capacity of 16 million gallons. The contract also includes two common wall conveyance flumes and associated junction structures to distribute the filtered water to the new clearwells. Additionally, a new meter vault for the future 120-inch southwest pipeline will be constructed, and approximately 2,000 feet of transmission lines connected to the new Transfer Pump Station 3, which will allow the pump station to function independently or as a backup to the existing Transfer Pump Stations 1 and 2.
**BACKGROUND** (Continued)

The new clearwells will provide more than two hours of treated water storage, providing the East Side Water Treatment Plant the flexibility to manage the treatment process flow rates to improve water quality control. More importantly, the new clearwells address a regulatory deficiency by giving the plant more than 5 percent treated water storage on-site. Currently, the plant has less than two percent treated water storage, representing 20 minutes of storage time. The new flumes to transport the water to the clearwells will contain new chemical application points recommended as part of the Water Quality Study. These new chemical application points will facilitate the transition of the plant to a treatment strategy to address the chemical and biological stability of the water in the distribution system.

For this project, the Water Utilities Department has submitted an application to the Texas Water Development Board for low-interest loans under the Water Infrastructure Fund (WIF) program that has been authorized by the Texas State Legislature. Council approved the Water Utilities Department to submit the application at the June 25, 2008 Council meeting under Resolution No. 08-1829.

The application is competitively based on review by the Texas Water Development Board. During the August 25, 2008 Board meeting, Water Utilities Department received a favorable review and is eligible for the WIF low-interest loans, which offer a 200-basis point reduction from market rate for bond sales. The March 2007 Water Utilities bonds were sold at 4.567 percent. The current discount rate is 2.877 percent for bonds issued by the Texas Water Development Board. In addition, the debt is issued by the State and is a contractual obligation to the City, as such it is not included in outstanding revenue bond debt for determination of revenue requirements to meet bond coverage of 1.5 percent. The application has been recommended for funding, with funding being officially approved in September or October 2008. The Water Utilities Capital Improvement Funds used in the initial award of this project will be reimbursed with the low interest Texas Water Development Board funding upon availability.

Oscar Renda Contracting, Inc. contractual activities for the past three years:

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<tr>
<td>Projects Requiring Liquidated Damages</td>
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<tr>
<td>Projects Completed by Bonding Company</td>
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**ESTIMATED SCHEDULE OF PROJECT**

- Begin Construction: November 2008
- Complete Construction: November 2012
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Turner, Collie & Braden, Inc. 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.

Authorized Supplemental Agreement No. 1, to provide engineering services for the design of three critical sections of the Wintergreen pipeline, on April 13, 2005, by Resolution No. 05-1124.

Authorized Supplemental Agreement No. 2, for 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.

Authorized a contract with T. J. Lambrecht Construction, Inc. for the construction of the expansion and earthwork for Transfer Pump Station No. 3 at the East Side Water Treatment Plant, on August 9, 2006, by Resolution No. 06-1981.

Authorized a contract with BAR Constructors, Inc. for the construction of a new Transfer Pump Station No. 3 at the East Side Water Treatment Plant, on August 22, 2007, by Resolution No. 07-2404.

Authorized the Water Utilities Department to submit an application for funding consideration through the Texas Water Development Board Water Infrastructure Fund low-interest loan program, on June 25, 2008, by Resolution No. 08-1829.

FISCAL INFORMATION

$94,723,750.00 - Water Utilities Capital Improvement Funds

MWBE INFORMATION

See attached.

ETHNIC COMPOSITION

Oscar Renda Contracting, Inc.

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Number</th>
</tr>
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<tbody>
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<td>Hispanic Male</td>
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<td>Other Male</td>
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<tr>
<td>White Male</td>
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**BID INFORMATION**

The following bids with quotes were opened on June 5, 2008:

* Denotes successful bidder

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<th>Bidders</th>
<th>Bid Amount</th>
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<tr>
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<td>$ 94,723,750.00</td>
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<tr>
<td>522 Benson Lane</td>
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<td>Roanoke, Texas 76262</td>
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<tr>
<td>Archer Western Contractors, Ltd.</td>
<td>$ 97,949,000.00</td>
</tr>
<tr>
<td>BAR Constructors, Inc.</td>
<td>$101,591,500.00</td>
</tr>
</tbody>
</table>

**OWNER**

**Oscar Renda Contracting, Inc.**

Oscar Renda, President

**MAP**

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of the East Side Water Treatment Plant expansion to 540 million gallons per day - Part B, Clearwells and Flumes to be reimbursed from financing received from the Texas Water Development Board low interest loan program upon approval and receipt - Oscar Renda Contracting, Inc., lowest responsible bidder of three - $94,723,750 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
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<tbody>
<tr>
<td>Total local contracts</td>
<td>$47,564,000.00</td>
<td>50.21%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$47,159,750.00</td>
<td>49.79%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$94,723,750.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>A &amp; R Rent-A-Fence</td>
<td>HFWB37459N0509</td>
<td>$20,000.00</td>
<td>0.04%</td>
</tr>
<tr>
<td>Fraire's Rebar, Inc.</td>
<td>HMDB37661Y0609</td>
<td>$432,000.00</td>
<td>0.91%</td>
</tr>
<tr>
<td>Bluebonnet Waste Control, Inc.</td>
<td>HMME37951N0709</td>
<td>$20,000.00</td>
<td>0.04%</td>
</tr>
<tr>
<td>Ruiz Protective Services, Inc.</td>
<td>HMDB35266Y1008</td>
<td>$5,000.00</td>
<td>0.01%</td>
</tr>
<tr>
<td>Ram Tool and Supply Company, Inc.</td>
<td>WFWB36865N0309</td>
<td>$50,000.00</td>
<td>0.11%</td>
</tr>
<tr>
<td>Partnering for Success, Inc.</td>
<td>WFWB35127Y1008</td>
<td>$4,000.00</td>
<td>0.01%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$531,000.00</td>
<td>1.12%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Non-local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luis Moreno Trucking</td>
<td>HMDB35079Y1008</td>
<td>$2,400,000.00</td>
<td>5.09%</td>
</tr>
<tr>
<td>Choctaw Pipe &amp; Equipment, Inc.</td>
<td>WFWB34698Y0808</td>
<td>$13,128,000.00</td>
<td>27.84%</td>
</tr>
<tr>
<td>Ricochet Fuel Distributors, Inc.</td>
<td>WFDB35123Y1008</td>
<td>$900,000.00</td>
<td>1.91%</td>
</tr>
<tr>
<td>A.N.A. Consultants, LLC</td>
<td>WFDB37120Y0409</td>
<td>$25,000.00</td>
<td>0.05%</td>
</tr>
<tr>
<td>Total Minority - Non-local</td>
<td></td>
<td>$16,453,000.00</td>
<td>34.89%</td>
</tr>
</tbody>
</table>
TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$477,000.00</td>
<td>1.00%</td>
<td>$2,877,000.00</td>
<td>3.04%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$54,000.00</td>
<td>0.11%</td>
<td>$14,107,000.00</td>
<td>14.89%</td>
</tr>
<tr>
<td>Total</td>
<td>$531,000.00</td>
<td>1.12%</td>
<td>$16,984,000.00</td>
<td>17.93%</td>
</tr>
</tbody>
</table>
Dallas Water Utilities

Contract No. 08-155
East Side Water Treatment Plant
Expansion to 540 MGD - Part B
Clearwells and Flumes

D1737 B
WHEREAS, bids were received on June 5, 2008 for the East Side Water Treatment Plant expansion to 540 million gallons per day - Part B, Clearwells and Flumes, Contract No. 08-155, listed as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oscar Renda Contracting, Inc.</td>
<td>$ 94,723,750.00</td>
</tr>
<tr>
<td>Archer Western Contractors, Ltd.</td>
<td>$ 97,949,000.00</td>
</tr>
<tr>
<td>BAR Constructors, Inc.</td>
<td>$101,591,500.00</td>
</tr>
</tbody>
</table>

and,

WHEREAS, the bid submitted by Oscar Renda Contracting, Inc., 522 Benson Lane, Roanoke, Texas 76262, in the amount of $94,723,750.00 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 submitted by Oscar Renda Contracting, Inc., in the amount of $94,723,750.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 08-155, be accepted.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with Oscar Renda Contracting, Inc., for the construction of the East Side Water Treatment Plant expansion to 540 million gallons per day - Part B, Clearwells and Flumes, 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 $94,723,750.00 from the Water Capital Improvement Fund as follows:

| FUND DEPT UNIT ACT OBJ PRO REP ENCUMBRANCE VENDOR |
|-------|------|------|------|------|---------------|---------------|
| 0115  | DWU  | PW32 WTPF 4320 708155 WX09 | CTDWU708155CP 244607 |

Oscar Renda Contracting, Inc. - (Contract No. 08-155) - $94,723,750.00

Section 4. That the City Controller be and is hereby authorized to reimburse the $94,723,750.00 funded by the Water Capital Improvement Fund with the low interest Texas Water Development Board financing upon Board approval and receipt of said funds.
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: 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
Office of Financial Services, 4BN, Sherrian Parham
AGENDA ITEM # 54

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 6, Outside City Limits

DEPARTMENT: Water Utilities

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

MAPSCO: 33 G 50A N S T

SUBJECT

Authorize a professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the East Side Water Treatment Plant and the Bachman Water Treatment Plant - $2,799,689 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This project consists of providing construction management services for the management and coordination of approximately $225,000,000.00 in construction contracts to be awarded between now and FY 2012/2013 at the East Side Water Treatment Plant and the Bachman Water Treatment Plant. Additional awards in the form of supplemental agreements are anticipated to provide future construction management services to the same firm to assure continuity in management.

Construction management services under the contract will plan and coordinate construction projects as the City’s representative. This contract will both partner with and augment existing City staff assigned to these projects. Construction management services are necessary in order to efficiently schedule and stage complex, simultaneous construction activities by multiple contractors on construction sites with limited space. Additional construction management services include schedule and budget evaluations, value engineering, constructability reviews, accuracy checks on cost estimates, structuring bid packages for lowest cost construction, monitoring the quality of construction work, and documenting the materials, labor, and equipment used.

Previous use of construction management services at the Bachman Water Treatment Plant site resulted in cost avoidance and cost savings of approximately $8,000,000.00. Approximately $2,000,000.00 has been realized at the East Side Water Treatment Plant to date.

The estimated construction cost associated with this design project is $225,000,000.00.
ESTIMATED SCHEDULE OF PROJECT

Begin Design  October 2008
Complete Design September 2013

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$2,799,689.00 - Water Utilities Capital Improvement Funds

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>$ 209,977.00</td>
</tr>
<tr>
<td>Outside City Limits</td>
<td>$2,589,712.00</td>
</tr>
<tr>
<td>Total</td>
<td>$2,799,689.00</td>
</tr>
</tbody>
</table>

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Jacobs Engineering Group, Inc.

Hispanic Female  27   Hispanic Male  37
Black Female  16   Black Male  23
Other Female  23   Other Male  42
White Female  194   White Male  356

OWNER

Jacobs Engineering Group, Inc.

Craig L. Martin, President

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the East Side Water Treatment Plant and the Bachman Water Treatment Plant - $2,799,689 - Financing: Water Utilities Capital Improvement Funds

Jacobs Engineering Group, 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

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$2,799,689.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$2,799,689.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>APM &amp; Associates, Inc.</td>
<td>BMDB36627Y0209</td>
<td>$107,100.00</td>
<td>3.83%</td>
</tr>
<tr>
<td>Campos Engineering, Inc.</td>
<td>HMMB35327Y1008</td>
<td>$107,100.00</td>
<td>3.83%</td>
</tr>
<tr>
<td>Word Wizards</td>
<td>WFDB36738Y0209</td>
<td>$623,144.00</td>
<td>22.26%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$837,344.00</td>
<td>29.91%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$107,100.00</td>
<td>3.83%</td>
<td>$107,100.00</td>
<td>3.83%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$107,100.00</td>
<td>3.83%</td>
<td>$107,100.00</td>
<td>3.83%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$623,144.00</td>
<td>22.26%</td>
<td>$623,144.00</td>
<td>22.26%</td>
</tr>
<tr>
<td>Total</td>
<td>$837,344.00</td>
<td>29.91%</td>
<td>$837,344.00</td>
<td>29.91%</td>
</tr>
</tbody>
</table>
WHEREAS, construction activities at the East Side Water Treatment Plant and the Bachman Water Treatment Plant are anticipated to be in the range of $225,000,000.00 in the near future; and,

WHEREAS, it will be necessary to closely supervise, coordinate, and manage the day-to-day activities of multiple contractors; and,

WHEREAS, professional services in the form of construction management services are necessary to satisfy the requirements stated above; and,

WHEREAS, Jacobs Engineering Group, Inc., 6688 North Central Expressway, Suite 400, MB 13, Dallas, Texas, 75206, 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 Jacobs Engineering Group, Inc., in the amount of $2,799,689.00 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 Contract No. 08-081E with Jacobs Engineering Group, Inc., for professional services for construction management services for construction contracts related to the East Side Water Treatment Plant and the Bachman Water 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 $2,799,689.00 from the Water Capital Improvement Fund as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>PRO</th>
<th>REP</th>
<th>ENCUMBRANCE</th>
<th>VENDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>0115</td>
<td>DWU</td>
<td>PW32</td>
<td>WTPF</td>
<td>4111</td>
<td>708081</td>
<td>WX10</td>
<td>CTDWU708081CP</td>
<td>VS0000023961</td>
</tr>
</tbody>
</table>

Jacobs Engineering Group, Inc. - (Contract No. 08-081E) - $2,799,689.00

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.
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 7

DEPARTMENT: Water Utilities

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

MAPSCO: 56 J

SUBJECT

Authorize a contract for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant - Reynolds, Inc., lowest responsible bidder of three - $10,036,400 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This project consists of major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant.

This project includes the installation of new sulfur dioxide injectors, replacement of valves, and modifications to ductwork and piping to improve reliability and safety. Also included are the replacement of dewatering pumps and scum removal equipment in the activated sludge process and the replacement of scum and sludge pumps in the primary basins that have reached the end of their service life. This project also includes the replacement of 16 sluice gates and installation of motorized gates or valve operators at 46 locations to improve overall plant operational efficiency.

This project also includes the addition of solids screening equipment at the plant's solids holding tank. These screens will remove inorganic material prior to the solids being pumped to the Southside Wastewater Treatment Plant for treatment and disposal. This will result in extended equipment life, reduced maintenance, and improved solids transfer operations.

Reynolds, Inc. has no completed contractual activities for the past three years.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2008
Complete Construction October 2010
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Carollo Engineers, P.C. 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, on August 10, 2005, by Resolution No. 05-2145.

Authorized 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, on September 12, 2007, by Resolution No. 07-2584.

FISCAL INFORMATION

$10,036,400.00 - Water Utilities Capital Improvement Funds

MWBE INFORMATION

See attached.

ETHNIC COMPOSITION

Reynolds, Inc.

Hispanic Female 1 Hispanic Male 127
Black Female 4 Black Male 16
Other Female 0 Other Male 2
White Female 71 White Male 525

BID INFORMATION

The following bids with quotes were opened on July 17, 2008:

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Reynolds, Inc.</td>
<td>$10,036,400.00</td>
</tr>
<tr>
<td>4520 North State Road 37</td>
<td></td>
</tr>
<tr>
<td>Orleans, Indiana 47452</td>
<td></td>
</tr>
<tr>
<td>Archer Western Contractors, Ltd.</td>
<td>$10,107,000.00</td>
</tr>
<tr>
<td>Cajun Constructors, Inc.</td>
<td>$11,848,000.00</td>
</tr>
</tbody>
</table>
OWNER

Reynolds, Inc.

Jeffrey J. Reynolds, President

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant - Reynolds, Inc., lowest responsible bidder of three - $10,036,400 - Financing: Water Utilities Capital Improvement Funds

Reynolds, 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

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$1,017,300.00</td>
<td>10.14%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$9,019,100.00</td>
<td>89.86%</td>
</tr>
<tr>
<td><strong>TOTAL CONTRACT</strong></td>
<td><strong>$10,036,400.00</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aurora Construction</td>
<td>HFMB34523N0808</td>
<td>$18,300.00</td>
<td>1.80%</td>
</tr>
<tr>
<td><strong>Total Minority - Local</strong></td>
<td></td>
<td>$18,300.00</td>
<td>1.80%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Non-local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>LKT &amp; Associates, LLC</td>
<td>WFDB35418Y1008</td>
<td>$1,193,910.00</td>
<td>13.24%</td>
</tr>
<tr>
<td>McRyan Hauling, Inc.</td>
<td>WFDB36347Y0109</td>
<td>$202,500.00</td>
<td>2.25%</td>
</tr>
<tr>
<td>Lowe Precast, Inc.</td>
<td>WFWB37595Y0509</td>
<td>$149,500.00</td>
<td>1.66%</td>
</tr>
<tr>
<td><strong>Total Minority - Non-local</strong></td>
<td></td>
<td>$1,545,910.00</td>
<td>17.14%</td>
</tr>
</tbody>
</table>

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$18,300.00</td>
<td>1.80%</td>
<td>$18,300.00</td>
<td>0.18%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$1,545,910.00</td>
<td>15.40%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$18,300.00</td>
<td>1.80%</td>
<td>$1,564,210.00</td>
<td>15.59%</td>
</tr>
</tbody>
</table>
Dallas Water Utilities

Contract No. 08-132
Central Wastewater Treatment Plant
Major Maintenance and Rehabilitation Improvements
WHEREAS, bids were received on July 17, 2008 for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant, Contract No. 08-132, listed as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reynolds, Inc.</td>
<td>$10,036,400.00</td>
</tr>
<tr>
<td>Archer Western Contractors, Ltd.</td>
<td>$10,107,000.00</td>
</tr>
<tr>
<td>Cajun Constructors, Inc.</td>
<td>$11,848,000.00</td>
</tr>
</tbody>
</table>

and,

WHEREAS, the bid submitted by Reynolds, Inc., 4520 North State Road 37, Orleans, Indiana 47452, in the amount of $10,036,400.00 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 submitted by Reynolds, Inc., in the amount of $10,036,400.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 08-132, be accepted.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with Reynolds, Inc., for major maintenance and rehabilitation 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 $10,036,400.00 from the Wastewater Construction Fund as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>PRO</th>
<th>REP</th>
<th>ENCUMBRANCE</th>
<th>VENDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>0116</td>
<td>DWU</td>
<td>PS30</td>
<td>WWTP</td>
<td>4330</td>
<td>708132</td>
<td>TN81</td>
<td>CTDWU708132CP</td>
<td>VS0000034433</td>
</tr>
</tbody>
</table>

Reynolds, Inc. - (Contract No. 08-132) - $10,036,400.00

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, Jeannie Chipperfield
Office of Financial Services, 4BN, Sherrian Parham
SUBJECT

Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional work associated with the Doran Pump Station - $43,855, from $5,087,648 to $5,131,503 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The Doran Pump Station is a 50 million gallons per day potable water booster pump station constructed at Flag Pole Hill. In 1992, the Dallas Fire Department issued a waiver for installing fire sprinkler systems in underground pump rooms. The Doran Pump Station plans were designed, reviewed by Building Code officials, and bid based upon this exemption, as all pump stations constructed to date have been.

The adoption of the more recent International Building Code prompted the Dallas Fire Department to re-evaluate the previously granted exemption for fire sprinkler protection at the pump station. This additional work addresses the new requirements that necessitate the installation of additional fire protection and monitoring equipment at the pump station to ensure adequate fire protection and to obtain the certificate of occupancy for the facility.

ESTIMATED SCHEDULE OF PROJECT

Began Construction          July 2005
Complete Construction       November 2008
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the use of park property for the construction of a water main and pump station in White Rock Lake Park and Norbuck Park, on June 8, 1994, by Resolution No. 94-2224.

Authorized a contract with BAR Constructors, Inc. for the construction of the 54-inch East High North Supply Line in White Rock Lake Park from Lawther Drive to Audelia Road, on April 19, 1995, by Resolution No. 95-1613.

Authorized a professional services contract with Nathan D. Maier Consulting Engineers, Inc. for the design of the Doran Pump Station, on June 26, 2002, by Resolution No. 02-1898.

Authorized a contract with Archer Western Contractors, Ltd. for the construction of the Doran Pump Station, on June 8, 2005, by Resolution No. 05-1717.

Authorized Change Order No. 1 for additional work items associated with the Doran Pump Station, on September 26, 2007, by Resolution No. 07-2777.

FISCAL INFORMATION

$43,854.76 - Water Utilities Capital Improvement Funds

MWBE INFORMATION

See attached.

ETHNIC COMPOSITION

Archer Western Contractors, Ltd.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic Female</td>
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<td>830</td>
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<tr>
<td>Black Female</td>
<td>2</td>
<td>51</td>
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<tr>
<td>Other Female</td>
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<td>9</td>
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<tr>
<td>White Female</td>
<td>28</td>
<td>273</td>
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</tbody>
</table>

OWNER

Archer Western Contractors, Ltd.

Matthew Walsh, President

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional work associated with the Doran Pump Station - $43,855, from $5,087,648 to $5,131,503 - Financing: Water Utilities Capital Improvement Funds

Archer Western Contractors, Ltd. is a non-local, non-minority firm and has signed the "Good Faith Effort" documentation and proposes to use their own workforce.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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<th>Amount</th>
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<tr>
<td>Local contracts</td>
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<tr>
<td>Non-local contracts</td>
<td>$43,854.76</td>
<td>100.00%</td>
</tr>
<tr>
<td>TOTAL THIS ACTION</td>
<td>$43,854.76</td>
<td>100.00%</td>
</tr>
</tbody>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors
None
Non-Local Contractors / Sub-Contractors
None

TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th>M/WBE</th>
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<th>Participation to Date</th>
</tr>
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<td>0.00%</td>
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<tr>
<td>Hispanic American</td>
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<tr>
<td>Asian American</td>
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<tr>
<td>WBE</td>
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<td>0.00%</td>
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<tr>
<td>Total</td>
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<td>0.00%</td>
</tr>
</tbody>
</table>
Dallas Water Utilities

Contract No. 05-077
Change Order No. 2
Additional Work at the New
Doran Pump Station

D1601 CO 2
WHEREAS, on June 8, 2005, the City Council awarded Contract No. 05-077 in the amount of $4,993,000.00 by Resolution No. 05-1717, to Archer Western Contractors, Ltd., 2121 Avenue J, Suite 103, Arlington, Texas 76006, for construction of the Doran Pump Station; and,

WHEREAS, on September 26, 2007, the City Council awarded Change Order No. 1 in the amount of $94,647.85 by Resolution No. 07-2777, for additional work associated with the Doran Pump Station; and,

WHEREAS, additional work items were identified during construction in order to meet currently revised fire and safety code compliance at the Doran Pump Station; and,

WHEREAS, Archer Western Contractors, Ltd. has submitted an acceptable proposal for this additional work; and,

WHEREAS, the Water Utilities Department recommends that Contract No. 05-077 be increased by $43,854.76, from $5,087,647.85 to $5,131,502.61; Now, Therefore,

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

Section 1. That the proposed Change Order No. 2 be accepted and that Contract No. 05-077 with Archer Western Contractors, Ltd., be revised accordingly.

Section 2. That the City Controller be and is hereby authorized to pay the amount of $43,854.76 from the Water Capital Improvement Fund as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>PRO</th>
<th>REP</th>
<th>ENCUMBRANCE</th>
<th>VENDOR</th>
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</thead>
<tbody>
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<td>0115</td>
<td>DWU</td>
<td>PW40</td>
<td>MPSA</td>
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<td>705077</td>
<td>WX07</td>
<td>CTDWU705077CP</td>
<td>343436</td>
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</table>

Archer Western Contractors, Ltd. - (Contract No. 05-077) - $43,854.76

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield
Office of Financial Services, 4BN, Sherrian Parham
Authorize Supplemental Agreement No. 1 to the contract with the City of Hutchins for Wholesale Treated Water to add a Reciprocal Agreement for Water and/or Wastewater Services - Not to exceed $50,000 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

The City of Hutchins is a wholesale treated water and wastewater customer of Dallas. Dallas and Hutchins share common corporate boundary lines in south Dallas county generally following Lancaster-Hutchins Road and Cleveland Road. Both Dallas and Hutchins have water and wastewater facilities at different locations along the corporate boundary line. At some locations, Hutchins has facilities in place that could provide temporary retail service to Dallas customers in a more practical manner. At other locations, Dallas has facilities in place that could provide temporary retail service to Hutchins customers in a more practical manner. The proposed Reciprocal Agreement for Water and/or Wastewater Services would allow Dallas and Hutchins to provide service to each other's retail customers across boundary lines on a temporary basis until such time as each city can extend facilities to provide permanent service to their respective retail customers.

This Supplemental Agreement will add the Reciprocal Agreement for Water and/or Wastewater Services as Exhibit “D” to the existing wholesale treated water contract. The reciprocal agreement is a standard agreement developed by Dallas and is in use with other cities sharing common corporate boundary lines with Dallas. The agreement does not obligate that either city provide the requested service if deemed impractical. Approval by the city providing the service is required.
BACKGROUND (Continued)

Under this particular agreement the City of Dallas will be the direct customer of Hutchins and Dallas residents will remain as customers of Dallas Water Utilities. Dallas residents at the 9000 block of Lancaster-Hutchins Road will be provided treated water service under this reciprocal agreement with Hutchins and it is necessary for Dallas to pay funds not to exceed $50,000 for connection fees.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a contract for wholesale wastewater service to the City of Hutchins on February 22, 1984 for a term of 30 years by Resolution No. 84-0731.

Council authorized a contract for wholesale treated water service to the City of Hutchins on March 31, 1982 for a term of 30 years by Resolution No. 82-1176.

FISCAL INFORMATION

$50,000.00 - Water Utilities Capital Construction Funds

MAP

Attached
Dallas Water Utilities

Reciprocal Agreement for Water and Wastewater Service with the City of Hutchins

Dallas Mapsco: 77J and 77K
Council District: 8
WHEREAS, on March 31, 1982, Resolution No. 82-1176, the City Council approved the sale of treated wholesale water to the City of Hutchins; and,

WHEREAS, on February 22, 1984, Resolution No. 84-0731, the City Council approved the wholesale wastewater service contract to the City of Hutchins; and,

WHEREAS, both the City of Dallas and the City of Hutchins have requirements from time to time to furnish water and/or wastewater service to each other and to each other’s customers along common boundary lines wherein only one city has facilities available; and,

WHEREAS, it would be to the economic advantage of the City of Dallas and the City of Hutchins to amend their contract to enter into a reciprocal agreement to furnish water and/or wastewater service to customers in the adjacent cities along common boundaries; and,

WHEREAS, both the City of Dallas and the City of Hutchins are in agreement to provide water and/or wastewater service to each other and to each other’s customers along common boundaries as long as the existing facilities have the available capacity to serve or facilities can be provided to serve; and,

WHEREAS, City of Dallas is required to pay funds not to exceed $50,000 for connection fees for Dallas residents at the 9000 block of Lancaster-Hutchins Road who will be provided treated water service under this reciprocal agreement with the City of Hutchins; 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 the contract between the City of Dallas and the City of Hutchins be revised accordingly.

Section 2. That the City Controller is hereby authorized to disburse funds to the City of Hutchins for installation of the water and/or wastewater services from Water Utilities Capital Construction Funds in an amount not to exceed:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>PRO</th>
<th>REP</th>
<th>ENCUMBRANCE</th>
<th>VENDOR</th>
</tr>
</thead>
<tbody>
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<td>0102</td>
<td>DWU</td>
<td>CW43</td>
<td>MPSA</td>
<td>3099</td>
<td>7A1088</td>
<td>WX33</td>
<td>CTDWU7A1088EN</td>
<td>CSCTS0021</td>
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</tbody>
</table>

Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.
Authorize (1) the rejection of bids received for the installation of water and wastewater mains at 15 locations, and (2) the re-advertisement for new bids - Financing: No cost consideration to the City

BACKGROUND

This project consists of the installation of approximately 32,270 feet of water and wastewater mains. This includes the installation of approximately 70 feet of 4-inch, 690 feet of 6-inch, 5,260 feet of 8-inch, 50 feet of 10-inch, and 6,800 feet of 12-inch water mains, and the installation of 9,730 feet of 8-inch, 2,200 feet of 10-inch, 2,200 feet of 12-inch, 4,600 feet of 30-inch, and 670 feet of 33-inch wastewater mains.

On July 3, 2008, two bids were received. Atkins Bros. Equipment Co., Inc. was the apparent low bidder and is being considered as non-responsive due to substantial mathematical calculation errors resulting in an irregular proposal. The remaining bidder submitted a proposal that was significantly higher than the engineer's estimate along with an imbalanced bid item.

In the best interest of the City of Dallas, the Water Utilities Department is recommending rejection of all bids received and the re-advertisement of the project at a later date.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Halff Associates, Inc. for the study, design, surveying, and construction administration support to replace water and wastewater mains at 48 locations, on January 24, 2007, by Resolution No. 07-0294.
FISCAL INFORMATION

No cost consideration to the City.

MAPS

See attached
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations at 15 Locations

D1744 PG 3
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations
at 15 Locations

D1744 1
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations at 15 Locations
Dallas Water Utilities

Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations
at 15 Locations

5: Mapsco: 23E, J, N, S
Council District: 6

Map showing various locations including JOE FIELD RD, FABENS RD, MERRELL RD, SOUTHWELL RD, MANANA DR, and others with directional arrows indicating project locations.
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations at 15 Locations

11: Mapso: 16M
Council District: 11
Council District 11

12: Mapsco: 16P
Council District: 11

Dallas Water Utilities
Contract Nos. 08-147 and 08-148
Water and Wastewater Installations
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-147 and 08-148
Water and Wastewater Installations at 15 Locations
WHEREAS, bids were received on July 3, 2008 for the installation of water and wastewater mains at 15 locations; and,

WHEREAS, the lowest bidder submitted an irregular proposal and the remaining bidder submitted a proposal that was significantly higher than the engineer’s estimate; and,

WHEREAS, after further evaluation of the bids, it has been determined that it is in the best interest of the City of Dallas to reject all bids received and re-advertise for new bids; Now, Therefore,

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

Section 1. That all bids for doing the work covered by the plans, specifications, and contract documents, Contract Nos. 08-147 and 08-148, be rejected and that the City Manager be authorized to re-advertise for new bids.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

DISTRIBUTION: 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
First reading of the appropriation ordinances for the proposed FY 2008-09 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 27, 2008, 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 24, 2008, and will incorporate all amendments informally adopted during the scheduled Council budget amendment workshops.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council authorized a public hearing to be held on August 27, 2008, on August 13, 2008, by Resolution No. 08-2073.

City Council held a public hearing on August 27, 2008.

City Council held a Budget Workshop on August 25, 2008.

City Council held a Budget Workshop on September 3, 2008.

City Council will hold a Budget Amendment Workshop on September 15, 2008.

FISCAL INFORMATION

No cost consideration to the City
ORDINANCE NO. ____________

OPERATING BUDGET APPROPRIATION ORDINANCE

An ordinance appropriating funds for fiscal year 2008-09 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, 2008 and ending September 30, 2009, 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:

<table>
<thead>
<tr>
<th>DEPARTMENTS AND ACTIVITIES</th>
<th>PROPOSED 2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Services</td>
<td>15,390,801</td>
</tr>
<tr>
<td>Business Development and Procurement Services</td>
<td>3,043,125</td>
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<tr>
<td>Central Appraisal Districts</td>
<td>3,382,859</td>
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<td>City Attorney's Office</td>
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<td>City Auditor's Office</td>
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<td>City Manager's Office</td>
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<td>City Secretary's Office</td>
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<td>Civil Service</td>
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<td>Code Compliance</td>
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<td>Court and Detention Services</td>
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<tr>
<td>Dallas County Tax Collection</td>
<td>542,379</td>
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<tr>
<td>Development Services</td>
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<td>Elections</td>
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Environmental and Health Services 20,169,029
Fire 202,156,881
Housing 1,341,477
Human Resources 5,853,555
Independent Audit 982,000
Jail Contract - Lew Sterrett 7,787,059
Judiciary 2,595,037
Library 31,250,193
Mayor and Council 3,825,941
Non-Departmental 22,024,191
Office of Cultural Affairs 16,190,913
Office of Economic Development 3,930,009
Office of Emergency Management 1,178,037
Office of Environmental Quality 908,649
Office of Financial Services 16,827,027
Park and Recreation 75,546,849
Police 423,839,053
Public Works and Transportation 28,301,270
Sanitation Services 79,119,892
Street Lighting 19,486,763
Street Services 38,041,321
Contingency Reserve 3,211,276
Liability Reserve/Claims Fund 2,255,985

GENERAL FUND TOTAL $1,092,087,570

GRANT FUNDS

PROPOSED 2008-09

Court and Detention Services
Texas Commission on Environmental Quality of Life 82,970

Library
Book End Fund 93,284

Police
Tobacco Compliance Program Income 2,715

GRANT FUNDS TOTAL $178,969
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<td>Court and Detention Services</td>
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<td>Employee Morale Fund (0902)</td>
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<td>Environmental and Health Services</td>
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<td>Alvin E. Moore Trust (0309)</td>
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<td>Downtown Improvement District Homeless Outreach (0887)</td>
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<td>Martin Luther King Jr. Trust (0305)</td>
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<td>TXU Energy Aid Trust (0312)</td>
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<td>DFD Fire Prevention (0S72)</td>
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<td>Employee Morale Fund (0918)</td>
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<td>Paramedic Activity (0302)</td>
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<td>Walmart Foundation (0236)</td>
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<td>Library</td>
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<tr>
<td>Benjamin and Selma Parrill Trust (0716)</td>
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<td>Central Library Gift and Donations (0214)</td>
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<td>Children’s Center Fund (0T22)</td>
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<td>Genealogy Fund (0687)</td>
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<td>Pet Memorial Fund (0586)</td>
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<td>Employee Morale Fund (0904)</td>
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<td>Majestic Music Hall Maintenance Fund (0338)</td>
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<td>Park and Recreation</td>
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<td>Community Fund - Cummings (0935)</td>
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<td>Community Fund - Eloise Lundy (0936)</td>
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<td>Community Fund - Exall (0929)</td>
<td>20,231</td>
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<td>Community Fund - Exall (0946)</td>
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<td>Community Fund - Fireside (0961)</td>
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<td>Community Fund - Fruitdale (0937)</td>
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<td>Community Fund - Grauwyler (0923)</td>
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<td>Community Fund - Harry Stone (0930)</td>
<td>98,966</td>
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<td>Community Fund - I. Zaragoza (0933)</td>
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<tr>
<td>Community Fund - Janie C. Turner (0963)</td>
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<td>Community Fund - Jaycee/Zaragoza (0927)</td>
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<td>Community Fund - J. C. Phelps (0939)</td>
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<td>Community Fund - Juanita J. Craft (0948)</td>
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<td>Community Fund – K. B. Polk (0974)</td>
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<tr>
<td>Community Fund - Kidd Springs (0942)</td>
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<td>Community Fund - Kleberg/Rylie (0962)</td>
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<td>Community Fund - Larry Johnson (0947)</td>
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<td>Community Fund - Marcus (0972)</td>
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<td>Community Fund - Martin Weiss (0944)</td>
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<td>Community Fund - Mildred Dunn (0950)</td>
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<td>Community Fund - M. L. King, Jr. (0949)</td>
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<td>Community Fund - Pike (0924)</td>
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<td>Community Fund - Reverchon (0925)</td>
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<td>Community Fund - Timberglen (0975)</td>
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<td>Community Fund - Walnut Hill (0976)</td>
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<td>Community Fund - Willie B. Johnson (0977)</td>
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<td>Dallas Zoo Education (0358)</td>
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<td>Dallas Zoo Trust (0337)</td>
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Fair Park Improvement Fund (0448)  242,213
Golf Improvement Trust (0332)  1,880,869
Golf Maintenance (0469)  4,156
Park and Recreation Beautification (0641)  235,497
Recreation Program Trust (0341)  280,743
Southern Skates Roller Rink (0327)  54,832
White Rock Endowment (0354)  2,834

Police
Confiscated Monies – Federal (0412)  4,464,250
Dallas Against Drugs (0T07)  6,192
Enterprise Community (0S63)  5,994
Law Enforcement Officer Standard Education (0S1N)  212,728
Narcotics Information System (0T40)  693
Police Gifts and Donation (0321)  80,442

TRUST FUNDS TOTAL  $13,344,557

GRANT AND TRUST FUNDS GRAND TOTAL  $13,523,526

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**ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS**

<table>
<thead>
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<th>2008-09</th>
<th>PROPOSED</th>
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<tbody>
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<td>Aviation</td>
<td>42,514,213</td>
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<tr>
<td>Communication and Information Services:</td>
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<tr>
<td>Information Technology</td>
<td>44,827,905</td>
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<tr>
<td>Radio Services</td>
<td></td>
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<tr>
<td>Convention and Event Services</td>
<td>67,164,779</td>
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<tr>
<td>Development Services</td>
<td></td>
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<tr>
<td>Employee Benefits</td>
<td>856,968</td>
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<tr>
<td>Equipment Services</td>
<td>56,783,349</td>
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<td>Express Business Center</td>
<td>4,680,813</td>
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<tr>
<td>Risk Management</td>
<td>2,748,251</td>
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<tr>
<td>Storm Water Drainage Management</td>
<td>35,109,516</td>
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<tr>
<td>Water Utilities</td>
<td>511,158,717</td>
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<tr>
<td>WRR - Municipal Radio</td>
<td>3,458,548</td>
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<tr>
<td>911 System Operations</td>
<td>14,638,720</td>
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</table>

ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS TOTAL  $815,433,798
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 $23,488,470, 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 $2,255,985, 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 $6,000,000, 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 funds, not to exceed $500,000, from the General Fund 0001, Department PBW, Unit 3040, Object 3690 to the Demolition Fund 0011, Department PBW, Unit 3098, Revenue Source 9201 in support of demolition activities.

(12) Transfer funds, not to exceed $2,430,351, from the General Fund 0001, Department BMS, Unit 1991, Object 3690, to the Convention and Event Services Operating Fund 0080, Department CCT, Unit 7840, Revenue Source 9201 to support convention center operations.

(13) 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, 2008.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By ________________________________
Assistant City Attorney

PASSED ON FIRST READING SEPTEMBER 10, 2008

________________________________________
Deborah Watkins, City Secretary

PASSED ON SECOND READING SEPTEMBER 24, 2008

________________________________________
Deborah Watkins, City Secretary

LC/UC/0138U
ORDINANCE NO. ____________

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 2008-09; 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, 2008 and ending September 30, 2009.

SECTION 2. (a) That the following amounts are hereby appropriated from the funds indicated for the projects listed in the FY 2008-09 Capital Budget:

CAPITAL FUNDS

From the Capital Equipment Acquisition Fund (0520) 51,000

From the Capital Equipment Acquisition Fund (0529) 578,000

From the Capital Equipment Acquisition Fund (0534) 285,000

From the Capital Equipment Acquisition Fund (0547) 106,000

From the Capital Equipment Acquisition Fund (0587) 127,000
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<tr>
<th>Fund Description</th>
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<tr>
<td>From the Capital Equipment Acquisition Fund (0600)</td>
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<tr>
<td>From the Capital Gifts and Donations Fund (0530)</td>
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<td>From the Cedars Tax Increment Financing District Fund (0033)</td>
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<td>From the City Center Tax Increment Financing District Fund (0035)</td>
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<tr>
<td>From the City Facilities Repairs and Improvement Fund (0L60)</td>
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<tr>
<td>From the City Facilities Repairs and Improvement Fund (0M60)</td>
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<tr>
<td>From the City Hall, City Service and Maintenance Facilities Fund (6T60)</td>
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<td>From the City Hall, City Service and Maintenance Facilities Fund (7T60)</td>
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<td>From the City Hall, City Service and Maintenance Facilities Fund (8T60)</td>
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<tr>
<td>From the Cityplace Tax Increment Financing District Fund (0030)</td>
<td>5,212,265</td>
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<tr>
<td>From the Convention Center Capital Construction Fund (0082)</td>
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<td>From the Court Facilities Fund (8T30)</td>
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<td>From the Cultural Arts Facilities Fund (3R49)</td>
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<td>From the Cultural Arts Facilities Fund (8T49)</td>
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<td>From the Design District Tax Increment Financing District Fund (0050)</td>
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<td>From the Downtown Connection Tax Increment Financing District Fund (0044)</td>
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<td>From the Farmers Market Improvement Fund (4R40)</td>
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<td>From the Flood Protection and Storm Drainage Facilities Improvement Fund (3R23)</td>
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<td>From the General Capital Reserve Fund (0625)</td>
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<td>From the Grand Park South Tax Increment Financing District Fund (0054)</td>
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<td>From the Land Acquisition in the Cadillac Heights Area Fund (8T11)</td>
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<td>From the Oak Cliff Gateway Tax Increment Financing District Fund (0034)</td>
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<td>From the Park and Recreation Facilities Fund (6T00)</td>
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<td>From the Park and Recreation Facilities Fund (7T00)</td>
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<td>From the Public/Private Partnership Fund (0352)</td>
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<td>From the Public Safety Facilities Fund (6T33)</td>
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<td>From the Public Safety Facilities Fund (7T33)</td>
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<td>From the Public Safety Facilities Fund (8T33)</td>
<td>15,214,887</td>
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<td>From the Skillman Corridor Tax Increment Financing District Fund (0052)</td>
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<td>From the Southwestern Medical Tax Increment Financing District Fund (0046)</td>
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<td>From the Specified Street Projects Fund (3R21)</td>
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<td>From the Sports Arena Tax Increment Financing District Fund (0038)</td>
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<td>From the State Fair of Texas Capital Construction Fund (0535)</td>
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<td>From the Street and Transportation Improvement Fund (3R22)</td>
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From the Street and Transportation Improvement Fund (6T22) 1,300,000

From the Street and Transportation Improvement Fund (7T22) 3,610,000

From the Street and Transportation Improvement Fund (8T22) 54,187,652

From the Street Assessment Fund - 1985 Bond Program (L085) 316,333

From the Street Assessment Fund - 1998 Bond Program (L098) 316,333

From the Street Assessment Fund - 2003 Bond Program (L003) 316,334

From the Street System Facilities Improvement Fund (0L22) 70,000

From the Street System Facilities Improvement Fund (0M22) 210,000

From the Street, Utility and Other Infrastructure Improvements in Furtherance of Economic and Business Development in the Southern Area of the City Fund (8P52) 75,000

From the Street, Utility and Other Infrastructure Improvements in Furtherance of Economic and Business Development in the Southern Area of the City Fund (5R52) 70,000

From the Street, Utility and Other Infrastructure Improvements in Furtherance of Economic and Business Development in the Southern Area of the City Fund (8T52) 5,061,745
From the Texas Utilities Reserve Fund Interest (0007) 15,040,000

From the Trinity River Corridor Project Fund (4P14) 1,000,000

From the Trinity River Corridor Project Fund (5P14) 225,000

From the Vickery Meadow Tax Increment Financing District Fund (0048) 949,338

From the Wastewater Capital Construction Fund (0103) 25,716,000

From the Wastewater Capital Improvement Fund (0116) 80,774,000

From the Wastewater Capital Improvement Fund (1180) 24,300,000

From the Water and Wastewater Public Art Fund (0121) 80,000

From the Water Capital Construction Fund (0102) 42,479,000

From the Water Capital Improvement Fund (0115) 117,851,000

From the Water Capital Improvement Fund (1170) 28,800,000

From the 2008A Certificates of Obligation Fund – City Hall Data Center Improvements (0566) 5,558,557

From the 2008A Certificates of Obligation Fund – Housing Purposes (0567) 2,021,658

**CAPITAL FUNDS TOTAL** $673,000,579

(b) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2008-09 Debt Service Budget:
DEBT SERVICE FUNDS

From the General Obligation Debt Service Fund (0981) 246,205,512

DEBT SERVICE FUNDS TOTAL $246,205,512

(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 $9,920,000, to the General Fund 0001, in the amounts of $70,000 from the Street System Facilities Improvement Fund 0L22; $210,000 from the Street System Facilities Improvement Fund 0M22; $690,000 from the Street and Transportation Improvement Fund 3R22; $840,000 from the Street and Transportation Improvement Fund 3S22; $6,500,000 from the General Fund 0001; and $15,000,000 from the General Fund 0001.
Improvement Fund 4R22; $795,000 from the Street and Transportation Improvement Fund 5R22; $995,000 from the Street and Transportation Improvement Fund 6R22; $600,000 from the Street and Transportation Improvement Fund 6T22; $2,010,000 from the Street and Transportation Improvement Fund 7T22; $1,000,000 from the Street and Transportation Improvement Fund 8T22; $1,095,000 from the Trinity River Corridor Project Fund 5P14; $30,000 from the Fire Protection Facilities Improvement Fund 0P41; $40,000 from the Fire Station Facilities Fund 3R41; 50,000 from the Fire Station Facilities Fund 4R41; 150,000 from the Fire Station Facilities Fund 6R41; $65,000 from the Police Facilities Fund 4R44; $100,000 from the Police Facilities Fund 6R44; $110,000 from the Cultural Arts Facilities Fund 3R49; $100,000 from the Cultural Arts Facilities Fund 4R49; $75,000 from the Economic Development Fund 8P52; $70,000 from the Economic Development Fund 5R52; $45,000 from the Flood Protection and Storm Drainage Facilities Improvement Fund 3R23; $180,000 from the Flood Protection and Storm Drainage Facilities Improvement Fund 4R23; $100,000 from the Flood Protection and Storm Drainage Facilities Improvement Fund 6R23; and $500,000 from the Flood Protection and Storm Drainage Facilities 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 $12,850,000, to the General Obligation Debt Service Fund 0981, in the amounts of $300,000 from the Specified Street Projects Fund 3R21; $700,000 from the Specified Street Projects Fund 4R21; $500,000 from the Specified Street Projects Fund 5R21; $500,000 from the Specified Street Projects Fund 6R21; $700,000 from the Street and Transportation Improvement Fund 6T22; $1,600,000 from the Street and Transportation Improvement Fund 7T22; $2,174,000 from the Flood Protection and Storm
Drainage Facilities Improvement Fund 6T23; $1,800,000 from the Flood Protection and Storm
Drainage Facilities Improvement Fund 7T23; $32,000 from the City Facilities Repairs and
Improvement Fund 0M60; $10,000 from the City Facilities Repairs and Improvement Fund
0L60; $600,000 from the Cultural Arts Facilities Improvement Fund 6R49; $400,000 from the
Cultural Arts Facilities Improvement Fund 6T49; $37,000 from the Farmers Market
Improvement Fund 4R40; $150,000 from the Library Facilities Improvement Fund 3R42;
$250,000 from the Library Facilities Improvement Fund 4R42; $250,000 from the Library
Facilities Improvement Fund 5R42; $1,350,000 from the Library Facilities Improvement Fund
6R42; $23,000 from the Police Facilities Fund 3R44; $31,500 from the Police Facilities Fund
4R44; $86,000 from the Police Facilities Fund 5R44; $209,500 from the Police Facilities Fund
6R44, $51,000 from the Capital Equipment Acquisition Fund 0520; $578,000 from the Capital
Equipment Acquisition Fund 0529; $285,000 from the Capital Equipment Acquisition Fund
0534; $106,000 from the Capital Equipment Acquisition Fund 0547; $127,000 from the Capital
Equipment Acquisition Fund 0587, for repayment of debt associated with general obligation
bonds and equipment acquisition notes.

(5) Transfer funds, not to exceed $1,810,000, to the General Fund 0001, in the
amounts of $130,000 from the Trinity River Corridor Project Fund 5P14; $100,000 from the
Major and Citywide Park and Recreation Facilities Fund 3R00; $150,000 from the Major and
Citywide Park and Recreation Facilities Fund 6R00; $500,000 from the Park and Recreation
Facilities Fund 6T00; $500,000 from the Park and Recreation Facilities Fund 8T00; $100,000
from the Neighborhood and Community Park, Playground, and Recreational Facilities Fund
5R05; and $330,000 from the Neighborhood and Community Park, Playground, and Recreational
Facilities Fund 6R05, for reimbursement as needed for engineering, project coordination,

(6) Transfer funds, not to exceed $845,000, to the General Fund 0001, in the amounts of $50,000 from the Cityplace TIF District Fund 0030; $65,000 from the Cedars TIF District Fund 0033; $50,000 from the Oak Cliff Gateway TIF District Fund 0034; $75,000 from the City Center TIF District Fund 0035; $50,000 from the Farmers Market TIF District Fund 0036; $30,000 from the Sports Arena TIF District Fund 0038; $225,000 from the Downtown Connection TIF District Fund 0044; $50,000 from the Southwestern Medical TIF District Fund 0046; $50,000 from the Vickery Meadow TIF District Fund 0048; $50,000 from the Design District TIF District Fund 0050; $50,000 from the Skillman Corridor TIF District Fund 0052; $50,000 from the Grand Park South TIF District Fund 0054; and $50,000 from the Deep Ellum TIF District Fund 0056, for reimbursement of TIF administration costs.

(7) Transfer funds, not to exceed $68,275,000, from the Water Utilities Operating Fund 0100, in the amounts of $42,479,000 to the Water Capital Construction Fund 0102; $25,716,000 to the Wastewater Capital Construction Fund 0103; and $80,000 to the Water and Wastewater Public Art Fund 0121, for projects listed in the FY 2008-09 Capital Budget.

(8) Transfer funds, not to exceed $666,075, 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 $2,018,866, 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 $39,196, to the General Obligation Debt Service Fund 0981, in the amounts of $20,707 from the Aviation Operating Fund 0130 and $18,489 from the Convention Center Operating Fund 0080, for payment of the 2004 Equipment Acquisition Notes for technology enhancements.

(11) Transfer funds, not to exceed $4,493, to the General Obligation Debt Service Fund 0981, in the amounts of $4,493 from the Aviation Operating Fund 0130, for payment of the 2005 Equipment Acquisition Notes for fleet replacement.

(12) Transfer funds, not to exceed $12,572, 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.

(13) Transfer funds, not to exceed $799,282, to the General Obligation Debt Service Fund 0981 from the Water Utilities Operating Fund 0100 for payment of the 2004 and 2005 Equipment Acquisition Notes for fleet replacement and technology enhancements.


(15) Transfer funds, not to exceed $2,446,809, to the General Obligation Debt Service Fund 0981 from the Information Technology Operating Fund 0198 for payment of the 2005 and 2007 Equipment Acquisition Notes for technology enhancements.


(18) Transfer funds, not to exceed $23,388,926, to the General Fund 0001, in the amounts of $8,348,926 from the General Capital Reserve Fund 0625; and $15,040,000 from the Texas Utilities Reserve Fund 0007, for the purpose of general fund operating and maintenance costs.

(19) Transfer funds, not to exceed $66,867, to the General Capital Reserve Fund 0625 from the General Fund 0001 for repayment of prior interim financing.

(20) 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.

(21) Transfer funds, not to exceed $29,461,524, 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 2008-09 for payment of debt service on the Pension Obligation Bonds Series 600, 601, 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, 2008.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By ______________________________
Assistant City Attorney

PASSED ON FIRST READING SEPTEMBER 10, 2008

______________________________
Deborah Watkins, City Secretary

PASSED ON SECOND READING SEPTEMBER 24, 2008

______________________________
Deborah Watkins, City Secretary

LC/UC/0137U
AGENDA ITEM # 61

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 9

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 28 Y

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an RR Regional Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR Community Retail District on the south side of Northwest Highway, west of Jupiter Road

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant

Z078-252(WE)
FILE NUMBER: Z078-252 (WE)  DATE FILED: June 13, 2008
LOCATION: South side of Northwest Highway, west of Jupiter Road
COUNCIL DISTRICT: 9  MAPSCO: 28-Y
SIZE OF REQUEST: Approx. 4.94 acres  CENSUS TRACT: 128

APPLICANT/ OWNER: The Allee Corporation
REPRESENTATIVE: James R. Schnurr
REQUEST: An application for an RR Regional Retail District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District.

SUMMARY: The purpose of the request is to bring an existing auto dealership into conformance. The applicant has volunteered deed restrictions that prohibit specific retail, commercial and business service, transportation, and wholesale, distribution and storage uses from being developed on site.

CPC RECOMMENDATION: Approval, subject to the deed restrictions volunteered by the applicant

STAFF RECOMMENDATION: Approval, subject to the deed restrictions volunteered by the applicant
BACKGROUND INFORMATION:

• The applicant’s request for an RR Regional Retail District will bring an existing vehicle display, sales and service use into conformance.

• The applicant has been operating a vehicle display, sales and service use at this location for nearly 45 years. In addition, a conforming use will allow the applicant to make improvements to the Property.

• The applicant has volunteered deed restrictions to protect the adjacent residential uses from specific uses that could be developed on the Property. The deed restrictions prohibit the following uses: Labor Hall, Machinery, heavy equipment, or truck sales and services, Cemetery or mausoleum, Halfway house, Extended stay hotel or motel, Lodging or boarding house, Overnight general purpose shelter, College dormitory, fraternity or sorority house, Animal shelter or clinic with outside runs, Commercial parking lot or garage, Mortuary, funeral home or commercial wedding chapel, Pawn shop, Commercial bus station and terminal, Heliport, Helistop, Railroad passenger station, Transit passenger shelter, Transit passenger station or transfer center, Mini-warehouse, Recycling buy-back center, Recycling collection center, Recycling drop-off container, Recycling drop-off for special occasion collection and indoor or outdoor speakers.

• The request site is surrounded by single family uses to the west and south, a mini-warehouse use to the west and retail uses east. North of the site, across Northwest Highway are several retail, office and restaurant uses.

Zoning History: There has been one Board of Adjustment case and one zoning change requests in the area.

1. BDA 023-035 On Tuesday, December 10, 2002, Board of Adjustment Panel A granted a special exception of 94 parking spaces to the parking regulations at 11333 E. Northwest Highway.

2. Z023-303 On Monday, December 8, 2003, the City Council approved a Regional Retail District with deed restrictions volunteered by the applicant on property zoned an MC-4 Multiple Commercial District on the north side of Northwest Highway, east of Jupiter Road.
**Thoroughfares/Streets:**

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest Highway</td>
<td>Principal Arterial</td>
<td>107 ft.</td>
<td>107 ft.</td>
</tr>
<tr>
<td>Jupiter Road</td>
<td>Principal Arterial</td>
<td>100 ft.</td>
<td>100 ft.</td>
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</table>

**Land Use:**

<table>
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<tr>
<th>Zoning</th>
<th>Land Use</th>
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</thead>
<tbody>
<tr>
<td>Site</td>
<td>Auto Dealership, Fitness warehouse</td>
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<tr>
<td>North</td>
<td>Restaurant, Service Station, Retail, Office</td>
</tr>
<tr>
<td>South</td>
<td>R-7.5(A) Single Family</td>
</tr>
<tr>
<td>East</td>
<td>CR, RR Restaurants, Retail</td>
</tr>
<tr>
<td>West</td>
<td>CR w/SUP 1243, R-7.5(A) Mini-warehouse, Single Family</td>
</tr>
</tbody>
</table>

**Comprehensive Plan:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies to keep existing businesses in the Dallas area while strengthening existing neighborhoods.

The applicant has been operating a car dealership as a non-conforming use at this location for nearly 45 years and wants to make improvements to the Property. The non-conforming status prohibits the applicant from making improvements to expand the structures on the Property.

The applicant volunteered deed restrictions to prohibit specific uses from being developed on site. These prohibited uses will significantly reduce the negative impact to the adjacent residential uses and allow the existing neighborhood to remain vibrant and healthy. The applicant’s request complies with the goals and policies of the *forwardDallas Plan!*

**Land use**

**Goal 1.1** Align land use strategies with economic development priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics. Acknowledge the importance of neighborhoods to the city’s long-term health and vitality.
Economic

Goal 2.1 Promote balanced growth.

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions

STAFF ANALYSIS:

Land Use Compatibility: The 4.94 acre site is developed with a car dealership and is contiguous to a mini-warehouse, restaurant, and single family uses. North of the request site, across Northwest Highway, are various retail uses that consist of a restaurant, general merchandise store greater than 3,500 square feet, service station and offices.

The applicant’s request to change the CR Community Retail District to an RR Regional Retail District will allow for an existing car dealership to become a conforming use. The applicant is unable to make improvements to the existing structures on the Property because of the non-conformance status. As a result, the applicant has requested an RR Regional Retail District that will allow for the existing car dealership to become a conforming use and permit the necessary improvements on site. The applicant has indicated that a car dealership has been operating at this location for nearly 45 years. In addition, the applicant has volunteered deed restrictions to protect the adjacent residential uses from specific uses that could be developed on the Property. The deed restrictions prohibit specific commercial and business services, institutional and community services, lodging, transportation, retail and personal service uses and indoor or outdoor speakers. The specific uses that are prohibited on the Property are outlined in the attached deed restrictions document.

Between 1951 and 1960, the City of Dallas annexed this portion of the request site within the City limits. The history maps revealed that the site’s initial zoning was a LR-3 Local Retail District, which permitted a used car lot by right. In 1965, the City Council approved the Comprehensive General Zoning Ordinance that changed the LR-3 Local Retail District to a SC Shopping Center District. As a result of this change, the car dealership became a non-conforming use and is continuing to operate as a non-conforming use. During 1951 to 1989, there were several citywide zoning changes that transitioned the request site from a LR-3 Local Retail District to a SC Shopping Center District to the current CR Community Retail District.

Staff supports the applicant’s request for an RR Regional Retail District, subject to the deed restrictions volunteered by the applicant. The existing car dealership has not adversely impacted the adjacent residential development for approximately 45 years. In addition, the proposed deed restrictions volunteered by the applicant will further reduce
the impact on the adjacent residential development and surrounding uses on Northwest Highway.

Development Standards:

<table>
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<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>PRIMARY Uses</th>
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</thead>
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<tr>
<td>CR Community Retail</td>
<td>15' 20' adjacent to residential</td>
<td>0.75 FAR overall 0.5 office</td>
<td>54' 4 stories 60%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Retail &amp; personal service, office</td>
<td></td>
</tr>
<tr>
<td>RR Regional Retail</td>
<td>15' 20' adjacent to residential</td>
<td>1.5 FAR overall 0.5 office</td>
<td>70' 5 stories 80%</td>
<td>Proximity Slope Uniform setback Visual Intrusion</td>
<td>Retail &amp; personal service, office</td>
<td></td>
</tr>
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</table>

Landscaping: The proposed request will not trigger any Article X requirements because the applicant is not proposing any new construction on the site at this time. However, landscaping of any development will be in accordance with Article X, as amended.

Traffic: The Engineering Section of the Department Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

CPC Action (August 14, 2008)

Motion: It was moved to recommend approval of a RR Regional Retail District, subject to deed restrictions volunteered by the applicant on property zoned a CR Community Retail District on the south side of Northwest Highway, west of Jupiter Road.

Maker: Wolfish
Second: Weiss
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 8

Notices: Area: 300 Mailed: 55
Replies: For: 2 Against: 3
Speakers: None
LIST OF OFFICERS / DIRECTORS
THE ALLEE CORPORATION

- James R. Wallis  President
- Tammy Wallis  Vice President
- Rhonda Biddy  Secretary/Treasurer
THE STATE OF TEXAS §
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

I.
The undersigned, The Allee Corporation, a Texas corporation ("the Owner"), is the owner of the following described property ("the Property"), being in particular, a tract of land situated in the H.C. Davis Survey, Abstract No. 409, being all of Lot 1, Block 7694, Trophy Nissan Addition, recorded in Volume 79035, Page 1863, Map Records, Dallas County, Texas, and also being those tracts conveyed to Jim Allee Olds Co. (merged with Owner in 1985), recorded in Volume 252, Page 772, and Volume 68156, Page 2061, Deed Records, Dallas County, Texas and being more particularly described in Exhibit A.

II.
The Owner does hereby impress all of the Property with the following deed restrictions ("Restrictions"), to wit:

A. The following uses are prohibited on the Property:
   -- Animal shelter or clinic with outside runs.
   -- Cemetery or mausoleum.
   -- College dormitory, fraternity or sorority house.
   -- Commercial bus station and terminal.
   -- Commercial parking lot or garage.
   -- Extended stay hotel or motel.
   -- Halfway house.
   -- Heliport.
   -- Helistop.
   -- Labor hall.
   -- Lodging or boarding house.
   -- Machinery, heavy equipment, or truck sales and services.
   -- Mini-warehouse.
   -- Mortuary, funeral home or commercial wedding chapel.
   -- Overnight general purpose shelter.
   -- Pawn shop.
   -- Railroad passenger station.
   -- Recycling buy-back center.
   -- Recycling collection center.
   -- Recycling drop-off container.
   -- Recycling drop-off for special occasion collection.
   -- Transit passenger shelter.
   -- Transit passenger station or transfer center.

B. No indoor/outdoor speaker systems shall be allowed on the property.
ZONING AND LAND USE

Restaurant
Service Station
Restaurant
Retail
Restaurant
Mini-warehouses
Single Family
General Merchandise

MF-1(A)
MC-4
R-7.5(A)

DATE: July 22, 2008

GIS TECHNICIAN: SHolyoak

F-10, G-10

Z078-252

1:3,600

Z067-252 (WE)
# Notification List of Property

**Z078-252**

- **55** Property Owners Notified

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<tr>
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<td>11300</td>
<td>NORTHWEST ALLEE JIM OLDS CO</td>
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<td>2</td>
<td>11310</td>
<td>NORTHWEST ALLEE CORP</td>
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<td>3</td>
<td>12317</td>
<td>GARDENIA NIETO LATISHA</td>
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<td>GARDENIA HUTCHESON DONNA RUTH</td>
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*Monday, July 21, 2008*
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Monday, July 21, 2008
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<th>Company/Department</th>
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<td>Al Romero</td>
<td>PO Box 870875 Mesquite, TX 75150</td>
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<tr>
<td>Anthony Jones</td>
<td>PO Box 0711 Galveston, TX 77553</td>
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<tr>
<td>Betty Wadkins</td>
<td>2843 Modesto Drive Dallas, TX 75227</td>
<td>ENZ078-252</td>
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<tr>
<td>Bill Dahlstrom</td>
<td>901 Main St., Ste 6000 Dallas, TX 75202</td>
<td>Bridge Ballowe c/o Nextel 1680 N. Prospert Dr. Ricardson, TX 75081</td>
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<tr>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8 Dallas, TX 75205</td>
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<td>Clarence F Cope</td>
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<td>Jeff Bosse</td>
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<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200 Dallas, TX 75248</td>
<td>Marcus Wood 6060 N Central Expy Ste 333 Dallas, TX 75206</td>
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<td>Pam Conley</td>
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<td>Rob Baldwin</td>
<td>401 Exposition Dallas, TX 75226</td>
<td>Robert P. Garza 412 E. Sixth St. Dallas, TX 75203</td>
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<td>Sheryl Jean, Newsroom-Business</td>
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<td>Steve Craft</td>
<td>P O Box 542225 Dallas, TX 75354</td>
<td>Steve Kim 4318 Sexton Ln. Dallas, TX 75229</td>
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<td>Alpha Testing, Inc Virginia Brown 2209 Wisconsin St, Ste 100 Dallas, TX 75229</td>
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<td>Am. Metro/Study Corp Marque Nelson</td>
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<td>Arboriological Services, Inc. Bill Seaman 16 Steel Rd. Wylie, TX 75098</td>
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<td>Dallas Planning Asoc Stuart Pully P O Box 781609 Dallas, TX 75378</td>
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<td>FW Dodge Reports Donna McGuire 9155 Sterling Dr. Ste 160 Dallas, TX 75063</td>
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</table>
A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Vehicle display, sales, and service use on property within the Subdistrict 2 portion of Planned Development District No. 534-D-1, the C. F. Hawn Special Purpose District, with a D-1 Liquor Control Overlay located in the southeast quadrant of C. F. Hawn Freeway and Dowdy Ferry Road

Recommendation of Staff: Approval for a three-year period, with eligibility for automatic renewal for additional five-year periods, subject to a site/landscape plan and conditions Z078-258(RB)
REQUEST: An application for a Specific Use Permit for a Vehicle display, sales, and service use within the Subdistrict 2 portion of Planned Development District No. 534, the C. F. Hawn Special Purposed District, No. 2, with a D-1 Liquor Control Overlay.

SUMMARY: The applicant is proposing to redevelop the site with a vehicle sales lot.

CPC RECOMMENDATION: Approval for a three-year period, with eligibility for automatic renewal for additional five-periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a three-year period, with eligibility for automatic renewal for additional five-periods, subject to a site plan and conditions.
BACKGROUND:

• The request site is developed with a vacant office and petroleum storage tank.

• The applicant will utilize the existing office structure and provide necessary improvements to facilitate the operation of a vehicle sales lot.

• The requested use requires an SUP within this subdistrict boundary of PDD No. 534.

• Various conditions will be required to ensure the request is compatible with adjacent residential uses.

Zoning History: There has been no recent zoning activity relevant to this request.

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<tr>
<td>Dowdy Ferry Road</td>
<td>Local; 60’ ROW</td>
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Comprehensive Plan:

The applicant is proposing to redevelop the site with a vehicle sales lot. The applicant’s representative has worked with staff to ensure the site plan and conditions reflect sensitivity to the adjacent residential community, inclusive of maintaining the existing tree line along the southern property line. As a result, the request is in compliance with the Land Use, Urban Design, and Environment Elements, respectively, as outlined in forwardDallas!

Land Use Element

Goal 1.1 Align land use strategies with economic development priorities.

Policy 1.1.1 Implement the Trinity River Corridor Plan.

Urban Design Element

Goal 5.1 Promote a sense of place, safety, and walkability.

Policy 5.1.3 Encourage complementary building height, scale, design and character.
Environment Element

Goal 6.2 Preserve and increase tree canopy

Policy 6.2.1 Establish a tree canopy coverage enhancement program.

Trinity River Corridor Comprehensive Land Use Plan

The property is located in the Regional Corridor module of the Trinity River Corridor Land Use Plan. The recommended primary land use for the corridor is regional serving retail.

STAFF ANALYSIS:

Land Use Compatibility: The request site is developed with a vacant office and petroleum storage tank. The site is located within the Subdistrict 2 portion of PDD No. 534. The subdistrict is considered a commercial and retail subdistrict and is provided development standards that mirror a CR Community Retail District.

The surrounding land use consists of a mix of commercial/industrial and retail uses along the C. F. Hawn Freeway frontage. Vacant parcels ‘bookend’ this site while the remaining area to the south and southwest along both sides of Dowdy Ferry Road are developed with single family uses. It should be noted an auto salvage yard is adjacent to the southern property line.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Subject to the attached conditions, staff has determined the request can be compatible with the surrounding residential community and supports accordingly.
Traffic: The Engineering Section of the Department of Development Services has reviewed the request and determined it will not significantly impact the surrounding street system. Staff has worked with the applicant to require no access to the site along the Dowdy Ferry Road frontage, so as to minimize any disruption to the single family community southwest/south of the site.

Landscaping/Screening: It appears no landscaping has been provided in conjunction with the previous use, although a significant tree stand does exist along the southern property line. PDD No. 534 requires landscaping consisting of a combination of a ten foot-wide front yard landscape strip, Article X, and certain screening requirements.

The applicant will be providing landscaping that complies with the requirements for the PDD. Additionally, preservation of the existing tree line has been noted on the attached site plan. This will enhance screening/buffering capabilities from the adjacent residential uses.

Sidewalks: PDD No. 534 requires a minimum six foot-wide sidewalk for all parkway areas. For those parcels fronting a freeway, Texas Department of Transportation approval is required, and if not granted, then that portion of the frontage is exempt from this requirement.

CPC ACTION

(August 14, 2008)

Motion: It was moved to recommend approval of a Specific Use Permit for a Vehicle display, sales, and service use for a three-year period, with eligibility for automatic renewal for additional five-periods, subject to a revised siteplan and revised conditions on property within the Subdistrict 2 portion of Planned Development District No. 534, the C. F. Hawn Special Purpose District, No. 2, in the southeast quadrant of C. F. Hawn Freeway and Dowdy Ferry Road with a notation to the site plan reflecting no access to the site from Dowdy Ferry Road.

Maker: Bagley
Second: Prothro
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
Z078-258(RB)

Against: 0
Absent: 0
Vacancy: 1 - District 8

**Notices:**
Area: 300
Mailed: 28

**Replies:**
For: 1
Against: 1

**Speakers:** None
OWNERSHIP

MUELLER PROPERTIES, LTD.
George Mueller, Sole Partner

Horizon Acceptance, Inc., general partner for Mueller Properties, Ltd.
George Mueller, President and sole officer
CPC RECOMMENDED CONDITIONS FOR A SPECIFIC USE PERMIT FOR A VEHICLE DISPLAY, SALES, AND SERVICE USE

1. **USE**: The only use authorized by this specific use permit is vehicle display, sales, and service.

2. **SITE PLAN**: Use and development of the Property must comply with the attached site plan.

3. **TIME LIMIT**: This specific use permit expires on (three years), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)

4. **AIR QUALITY**: This vehicle display, sales, and service use must register with the Air Pollution Control office of the City of Dallas.

5. **HOURS OF OPERATION**: The vehicle display, sales, and service use may only operate between 8:00 a.m. and 8:00 p.m., Monday through Saturday.

6. **INGRESS-EGRESS**: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted. No ingress and egress is permitted on Dowdy Ferry Road.

7. **OFF-STREET PARKING**: Off-street parking must be provided in the location shown on the attached site plan.

8. **VEHICLE DISPLAY**: The maximum number of vehicles displayed at any one time is 50, in the location shown on the attached site plan.

9. **VEHICLE SERVICING**: Maintenance of vehicles or engines is permitted but must be conducted within an enclosed structure in the location shown on the attached site plan.
10. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.

11. **GENERAL REQUIREMENT:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.
# Notification List of Property Owners

## Z078-258

### 28 Property Owners Notified

<table>
<thead>
<tr>
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<th>Owner</th>
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<td>27</td>
<td>220 DOWDY FERRY</td>
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<td>28</td>
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<td>PITZER FAMILY LTD PS</td>
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Mesquite, TX 75150

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Dallas, TX 75378

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Donna McGuire  
9155 Sterling Dr. Ste 160  
Dallas, TX 75063
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<td>Kiestwood Neighbors</td>
<td>Neoma Shafer</td>
<td>2538 W Kiest Blvd</td>
<td>Koons Real Estate Law</td>
<td>3400 Carlisle St, #400</td>
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<td>James Schnurr</td>
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<tr>
<td>United HOA</td>
<td>Thelma J. Norman</td>
<td>2628 Blackstone Dr.</td>
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AGENDA ITEM # 63

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 36 J

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract II within Planned Development District No. 740 to allow for additional floor area for office uses on the southeast corner of US Highway 75 and Mockingbird Lane

Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions

Z078-241(OTH)
FILE NUMBER: Z078-241 (OTH)    DATE FILED: June 2, 2008
LOCATION: On the southeast corner of US-75 and Mockingbird Lane.
COUNCIL DISTRICT: 14    MAPSCO: 36 - J
SIZE OF REQUEST: Approx. 5.339 acres    CENSUS TRACT: 3

OWNER: Behringer Harvard Mockingbird Commons
REPRESENTATIVE: Jackson Walker, LLP/Jonathan Vinson
APPLICANT: Realty America Group
REQUEST: An application to amend Tract 2 within Planned Development District No. 740 to allow for additional floor area.

SUMMARY: The applicant is requesting to amend the Planned Development District conditions to have the option to develop Tract 2 with office uses. The applicant is requesting an additional non-residential floor area of 145,000 square feet.

CPC ACTION: Approval subject to a conceptual plan and conditions.

STAFF RECOMMENDATION: Approval, subject to staff's recommended conditions and a conceptual plan.
**BACKGROUND INFORMATION:**

- The property is presently zoned Tract 2 within Planned Development District No. 740. Tract 2 of the request site is undeveloped. Tract 1 is north of the request site and developed with a hotel and retail.

- The property is surrounded to the north by residential, hotel, retail and the Mockingbird DART Station; to the east by a mini warehouse; to the west is North Central Expressway.

- The applicant is requesting to amend the Planned Development District conditions to have the option to develop Tract 2 to allow for additional 145,000 square feet for non-residential uses. This would allow the applicant to have the option of either office or multifamily uses on the site.

**Zoning History:** There has been one zoning case in the area:

2. Z045-249 On February 2, 2006, the City Council approved a Planned Development District for Mixed Uses, subject to a Tract 1 development/Tract 2 conceptual plan, Tract 1 landscape plan, and conditions on property zoned an MU-3 Mixed Used District, on the southeast corner of Mockingbird Lane and North Central Expressway.

**Thoroughfares/Streets:**

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mockingbird Lane</td>
<td>Principal Arterial</td>
<td>100 ft. ROW</td>
</tr>
<tr>
<td>North Central Expressway Service Road</td>
<td>Principal Arterial</td>
<td>Variable ROW</td>
</tr>
</tbody>
</table>
Land Use:

<table>
<thead>
<tr>
<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>East</td>
<td>PD No. 740</td>
<td>Hotel, retail, and undeveloped</td>
</tr>
<tr>
<td>West</td>
<td>MU-3 &amp; SUP No. 1227</td>
<td>Mini Warehouse</td>
</tr>
<tr>
<td>North</td>
<td>MU-3</td>
<td>Office, Retail, Residential &amp; Mockingbird DART Station</td>
</tr>
<tr>
<td></td>
<td>MU-3, MU-2</td>
<td>Freeway &amp; retail</td>
</tr>
</tbody>
</table>

Comprehensive Plan:

The requested zoning change is compatible with the intent of the Comprehensive Plan because it complies with the below mentioned goals and policies for Economic Development Element and Urban Design Element. The project is a mixed use project which provides a variety of uses and strengthens the goals and objectives of the comprehensive plan. The proximity of the project to the Mockingbird DART Rail Station and retail centers makes this site a strategic location for the type of development proposed for the site.

Economic Development Element

GOAL 2.2 Engage in Strategic Economic Development

Policy 2.2.2 Maximize development opportunities around DART stations.

Urban Design

Goal 5.1 Promote a sense of place, safety and walkability

Policy 5.1.3 Encourage complementary building height, scale, design and character.

STAFF ANALYSIS:

Land Use Compatibility:

Tract 1 of the request site is developed with a nine story structure used for a mixed use development. Tract 2, the request site, is undeveloped. The property is located on the south side of Mockingbird Lane. The request site is adjacent to North Central Expressway to the west, and a mini warehouse to the east. Surrounding uses are office,
retail and residential uses to the north; Mockingbird Station to the northeast; and mini-warehouse and residential to the east.

Tract 2 uses are those allowed in an MU-3 Mixed Use District. Currently, Tract 2 is limited to 20,000 square feet of non-residential uses and unlimited floor area for residential uses. The applicant is requesting to increase the floor area to 165,000 square feet, with no more than 20,000 square feet for retail or personal uses. The applicant is not proposing to reduce or make any changes to the floor area ratio for multifamily development, which does not have an FAR for multifamily, but it limits the multifamily development to 150 units. The developer wants the option of developing the property with either multifamily or non-residential uses.

The applicant requested to increase the parking garage structure from two to three stories. Staff has no issues with the request. However, staff requested that the façade of the garage be similar in materials and appearance to the façade of the main structure. Staff also requested that openings not exceed 60 percent of the total parking structure façade area above the second floor and to include architectural grill work or other materials that provide for ventilation. The applicant agreed to the request, except that he wants to use architectural grill work or other materials that provide for ventilation on the third floor only. Staff would prefer that the applicant provide them for the second and third floor of the parking garage.

The traffic analysis provided by the applicant does not provide a mix of office and multifamily. Staff is concerned with the unknown of the development in the property and recommends a cap on the floor area for development in Tract 2.

The site is located on the east side of North Central Expressway, a major thoroughfare for the City, and abuts the DART right-of-way. Staff is concerned with the ingress/egress points to the property from the north Central Expressway. The applicant indicated that they will provide a turning radius for the ingress/egress point on the North Central Expressway Service Road that would easily allow a fire truck to access the site. However, this is not shown in the conceptual plan.

Dallas Area Rapid Transit operates the Mockingbird Park and Ride Station, immediately north of the site. The proposed development will benefit from DART services. Also, DART owns the abutting parcel along the eastern property line of the request. The applicant indicated that the developer along with DART and the Katy Trail will make efforts to coordinate and provide a seamless connection to these three projects.

Planned Development District No. 740 was originally approved by City Council on February 22, 2006. The conditions include the following: 1) Residential proximity slope Code regulations do not apply. Maximum height for Tract 2 is 115 in the locations shown in the Tract 1 development/Tract 2 conceptual plan, for all other, maximum structure height is 128. For Tract 2, maximum height is 133 feet. 2) Development does not comply with urban form setback regulations. 3) Development does not comply with the tower spacing setback regulations. 4) Alternative landscaping and tree mitigation provisions. 5) A portion of the site exceeds the lot coverage permitted in the Mixed Use District. The applicant made a minor amendment to the PD for the Tract 1 Landscape
and Mockingbird Lane Sidewalk Plan to provide for the following: relocate two trees from the extreme northeast quadrant due to the location of utility infrastructure; 2) revise planting area along the common boundary of Tract 1 and Tract 2; and, 3) provide for mitigation for a live oak that was located in the western have to the site. For items Nos. 2 and 3, the species changed for the revised locations. The minor amendment was approved on March 29, 2007.

The proposed zoning change is consistent with the surrounding area, encourages multimodal transportation, and complies with the long range planning objectives for the area. The Comprehensive Plan encourages a mixed use development in the area. Staff supports the request subject to a new conceptual plan for Tract 2 and staff’s recommended conditions.

**Development Standards:**

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density FAR</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>Primary Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
<td>Side/Rear</td>
<td>FAR</td>
<td>Height</td>
<td>Coverage</td>
<td>Standards</td>
</tr>
<tr>
<td>Proposed</td>
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<tr>
<td>PD No. 740</td>
<td>15’</td>
<td>Tract 1 77</td>
<td>Tract 1: 133</td>
<td>Tract 1: 80%</td>
<td>Tract 1: No RPS</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Tract 2: no</td>
<td>Tract 2: 128</td>
<td>Tract 2: 90%</td>
<td>No Tower Spacing</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>minimum</td>
<td>See special provisions</td>
<td>See special provisions</td>
<td>No urban setbacks</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Tract 2: 150 units per acre</td>
<td>See conditions</td>
<td></td>
<td>Lot Coverage</td>
<td></td>
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<tr>
<td>Tract 1:</td>
<td></td>
<td>See special provisions</td>
<td></td>
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<td>Special Parking Provisions</td>
<td></td>
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<tr>
<td>Tract 2:</td>
<td></td>
<td>Those allowed in the MU-3 Mixed Use District</td>
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**Traffic:**

The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the requested zoning change and determined the proposal will not have a significant impact on the street system.

**Landscaping:**

Landscaping of the Planned Development District must comply with the Planned Development District’s landscape plan as amended on March 29, 2007, a copy of which is included in this report.

**CPC Recommendation:**

The City Plan Commission, at its August 14, 2008 hearing recommended staff’s conditions with two changes:

1) Include a 200,000 sq. ft. combined maximum for Tract 2.
2) Only continue to allow the two-story parking garage (instead of the three-story requested by the applicant).
CPC ACTION

August 14, 2008

Motion: It was moved to recommend approval of an amendment to Tract II within Planned Development District No. 740 to allow for office uses, subject to staff’s conditions and conceptual plan on the southeast corner of US/75 and Mockingbird Lane with the following two changes to the conditions: 1) Include a 200,000 sq. ft. combined maximum for Tract II. 2) Only continue to allow the two-story parking garage.

Maker: Emmons
Second: Buehler
Result: Carried: 13 to 0

For: 13 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Buehler, Ekblad, Emmons, Alcantar

Against: 0

Absent: 0

Vacancy: 1 - District 8

Conflict: 1 - Wolfish

Notices: Area: 500 Mailed: 99

Replies: For: 2 Against: 2

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Carl Schwab, 4809 Cole Ave., Dallas, TX, 75205

For (Did not speak): Edwin Smith, 6688 N. Central Expressway, Dallas, TX, 75206

Against: None
Officers

Owner Corporate Information
Partners/Principals/Officers

OWNER:

Behringer Harvard Mockingbird Commons LP,
a Texas limited partnership

Behringer Harvard Mockingbird Commons GP, LLC,
a Texas limited liability company, General Partner

Robert M. Behringer, General Partner
Sam Gillespie, Vice President

APPLICANT:

Realty America Group (Mockingbird Commons) LP,
a Texas limited partnership

Realty America Group Investments, LLC
a Texas limited liability company, General Partner

Webb M Sowden, III
Kip Sowden
CPC RECOMMENDED CONDITIONS

PD 740.

SEC. 51P-740.101. LEGISLATIVE HISTORY.

PD 740 was established by Ordinance No. 26268, passed by the Dallas City Council on February 22, 2006. Ordinance No. _____, passed by the Dallas City Council on ______________, 2008, amended Ordinance No. 26268. (Ord. Nos. 26268, _______)

SEC. 51P-740.102. PROPERTY LOCATION AND SIZE.

PD 740 is established on property located at the southeast corner of North Central Expressway and Mockingbird Lane. The size of PD 740 is approximately 5.3 acres.

SEC. 51P-740.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

(d) Tract 1 and Tract 2 are the areas shown on the Tract 1 development/Tract 2 conceptual plan (Exhibit 740A).

(e) In this district, SPA means a facility operated to promote physical fitness or weight control and where manipulated massage or exercises are practiced upon the human body with or without the use of mechanical, therapeutic, or bathing devices. This use may include, but is not limited to, exercise, gamecourt, and accessory eating areas.

SEC. 51P-740.104. CONCEPTUAL PLAN.

Development and use of Tract 2 must comply with the Tract 2 portion of the Tract 1 development/Tract 2 conceptual plan. In the event of a conflict between the text of this article and the Tract 1 development/Tract 2 conceptual plan, the text of this article controls.

SEC. 51P-740.105. DEVELOPMENT PLAN.
(a) Development and use of Tract 1 must comply with the Tract 1 portion of the Tract 1 development/Tract 2 conceptual plan. In the event of a conflict between the text of this article and the Tract 1 development/Tract 2 conceptual plan, the text of this article controls.

(b) For Tract 2, a development plan that complies with the Tract 2 portion of the Tract 1 development/Tract 2 conceptual plan must be approved by the city plan commission before the issuance of any building permit to authorize work in Tract 2.

SEC. 51P-740.106. MAIN USES PERMITTED.

The only main uses permitted in this district are those main uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-3 Mixed Use District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this district; etc.

SEC. 51P-740.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) In this district, the following accessory use is not permitted:

-- Private stable.

(c) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop.

SEC. 51P-740.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard. Minimum front yard is 15 feet.

(b) Side and rear yard.
(1) **Tract 1.** Minimum side and rear yard is as shown on the Tract 1 development/Tract 2 conceptual plan.

(2) **Tract 2.** No minimum side and rear yard.

(c) **Density.**

(1) **Tract 1.** Maximum number of dwelling units is 77.

(2) **Tract 2.** Maximum dwelling unit density is 150 units per acre.

(d) **Floor area.**

(1) **Tract 1.**

(A) Maximum number of hotel guest rooms is 200, and there is no maximum floor area for the hotel guest rooms.

(B) Maximum floor area is 42,710 square feet for all nonresidential uses other than hotel guest rooms, and the floor area of certain of these nonresidential uses is further limited as follows.

(C) Maximum floor area for hotel meeting rooms is 8,610 square feet.

(D) Maximum floor area for a restaurant without drive-in or drive through-service as a main use is 8,300 square feet.

(E) Maximum floor area for a restaurant without drive-in or drive through-service as an accessory use to a hotel is 7,500 square feet.

(F) Maximum floor area for a spa is 9,300 square feet.

(G) Maximum floor area for all retail and personal service uses not listed in Subparagraphs (D), (E), and (F) is 9,000 square feet.

(H) No maximum floor area for residential uses.

CPC Recommendation:

(2) **Tract 2.**

(A) Maximum floor area for all non-residential uses is 200,000 square feet. Retail and personal service uses may not exceed 20,000 square feet of floor area.

(B) No maximum floor area for residential uses.
Applicant’s Request:

<table>
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<th>(2) Tract 2.</th>
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<tr>
<td><strong>20,000 square feet.</strong></td>
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<tr>
<td>(A) Maximum floor area for all non-residential uses is <strong>165,000</strong> square feet. Retail and personal services uses may not exceed <strong>20,000 square feet area in floor.</strong></td>
</tr>
<tr>
<td>(B) No maximum floor area for residential uses.</td>
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</table>

(e) **Height.**

(1) **Tract 1.**

(A) Maximum structure height for the existing hotel building is 115 feet in the location shown on the Tract 1 development/Tract 2 conceptual plan.

(B) Unless further restricted under Subparagraph (1)(A), maximum structure height is 128 feet.

(2) **Tract 2.** Maximum structure height is 133 feet.

(f) **Lot coverage.**

(1) **Tract 1.** Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(2) **Tract 2.** Maximum lot coverage is 90 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) **Lot size.** No minimum lot size.

(h) **Stories.** No maximum number of stories.

SEC. 51P-740.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(b) The following parking regulations apply to Tract 1 for a combination of hotel, retail and personal service, and multifamily uses on Tract 1:
(1) A minimum of 519 off-street parking spaces must be provided.

(2) For multifamily uses, required off-street parking may be configured as packed parking. A special parking license is not required for packed parking. Packed parking stall dimensions must be shown on an approved development plan. The packed parking standards in Subsection 51A-4.329(c) apply.

(3) Required off-street parking for multifamily uses must be reserved for residents.

CPC Recommendation

(c) Aboveground parking structures located on Tract 2 are limited to two stories. Aboveground parking structures must be constructed so as to screen vehicle headlights from shining on adjacent property to the east and shining into the airspace above North Central Expressway. For purposes of the screening required in this subsection, one or more of the following methods to separately or collectively attain a minimum height of three feet above the parking surface may be utilized:

Applicant’s Request:

(c) Aboveground parking structures located on Tract 2 are limited to three stories. Aboveground parking structures must be constructed so as to screen vehicle headlights from shining on adjacent property to the east and shining into the airspace above North Central Expressway. For purposes of the screening required in this subsection, one or more of the following methods to separately or collectively attain a minimum height of three feet above the parking surface may be utilized:

(1) Brick, stone, stucco, concrete, or concrete masonry wall.

(2) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each two feet of width.

(3) Evergreen plant materials recommended for local area use by the director of parks and recreation. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years.
CPC Recommendation:

(d) Aboveground parking structures located on Tract 2 must have a façade that is similar in materials and appearance to the façade of the main structure that the parking serves. Above the first floor, all openings in the parking structure façade must be screened. Screening may include architectural grill work or other materials that provide for ventilation. Be constructed of materials similar to the materials used for any structure located on Tract 2.

Applicant’s Request:

(d) Aboveground parking structures located on Tract 2 must have a façade that is similar in materials and appearance to the façade of the main structure. Opening in the parking structure façade above the first level may not exceed 60 percent of the total parking structure façade area, except that breaks in the exterior parking structure façade not exceeding 40 feet in width are permitted at entrances and exits. Be constructed of materials similar to the materials used for any structure located on Tract 2.

(e) For purposes of off-street parking regulations, Tract 1 and Tract 2 are considered to be one lot.

SEC. 51P-740.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-740.111. INGRESS/EGRESS.

Vehicular ingress and egress must be provided in the locations as shown on the Tract 1 development/Tract 2 conceptual plan. No other vehicular ingress or egress is permitted.

SEC. 51P-740.112. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) For Tract 1, landscaping must be provided as shown on the Tract 1 landscape plan (Exhibit 740B) and the Mockingbird Lane sidewalk plan (Exhibit 740C).

(c) A landscape plan for Tract 2 must be approved by the city plan commission before the issuance of a building permit on Tract 2.

(d) The Property owner must obtain a parkway landscape permit and private license to plant trees in the Mockingbird Lane parkway as shown on the Tract 1 landscape plan. If the city does not approve a parkway landscape permit or private license, the trees shown in the parkway must be relocated to the Property and shown...
on a revised landscape plan for Tract 1 approved by the landscape plan amendment procedure in Section 51A-4.702.

(e) The Tract 2 landscape plan and any amendments to the Tract 1 landscape plan must include a tree mitigation table summarizing tree mitigation requirements for the tract as required by Section 51P-740.113. The table must include total mitigation required for the tract, the amount of mitigation satisfied on site, and the amount of mitigation satisfied off-site, including a description of the location for off-site mitigation.

(f) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-740.113. ALTERNATIVE TREE MITIGATION FOR A SPECIFIC SET OF USES.

(a) Applicability. This section applies only to a combination of hotel, retail and personal service, and multifamily uses on Tract 1 along with a combination of retail and personal service and multifamily uses on Tract 2.

(b) Replacement trees on the Property.

(1) A minimum of 122 caliper inches of replacement trees must be planted on Tract 1 prior to issuance of a certificate of occupancy for the later of either the hotel or the Tract 1 south multifamily use shown on the Tract 1 development /Tract 2 conceptual plan.

(2) A minimum of 72 caliper inches of replacement trees must be planted on Tract 2 prior to issuance of a certificate of occupancy for Tract 2 multifamily uses.

(c) Replacement trees in the DART right-of-way.

(1) In addition to the on-site replacement requirements in Subsection (b), and subject to the written consent of the owner of the DART right-of-way, a minimum of 215 caliper inches of replacement trees must be planted in the DART right-of-way within 24 months after the issuance of a certificate of occupancy for the Tract 1 south multifamily use.

(2) In addition to the on-site replacement requirements in Subsection (b), and subject to the written consent of the owner of the DART right-of-way, a minimum of 113 caliper inches of replacement trees must be planted in the DART right-of-way within 24 months after the issuance of a certificate of occupancy for Tract 2 multifamily uses.

(3) Tree mitigation credit shall be granted for replacement trees planted in the DART right-of-way (future Katy Trail extension) adjacent to the east side of the Property.
(d) Removal of off-site replacement trees. The building official must be notified 60 days prior to removal of any replacement trees planted off the Property, other than in case of emergency removal for public safety. A revised site plan as required for off-site mitigation per Article X must be submitted to the building official showing the location of the removed trees and the new location for planting. If possible, the replacement trees should be planted within Glencoe Park, subject to approval of the director of park and recreation, or on the Property. If neither of these two options are used, all other options for tree mitigation as provided for in Article X are permitted.

(e) Completion date for all mitigation. Within 24 months after the issuance of a certificate of occupancy for any the Tract 2 multifamily uses.

SEC. 51P-740.114. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P-740.115. ROADWAY IMPROVEMENTS.

Prior to the issuance of a certificate of occupancy for a permitted use on the Property, a deceleration lane must be provided at the west driveway as shown on the Tract 1 development/Tract 2 conceptual plan, with final design and construction approved by the Texas Department of Transportation.

SEC. 51P-740.116. SIDEWALKS.

(a) Except as provided below, sidewalks must be provided as required by Chapter 51A.

(b) Sidewalks along Mockingbird Lane must be provided as shown on the Mockingbird Lane sidewalk plan.

SEC. 51P-740.117. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-740.118. COMPLIANCE WITH CONDITIONS.
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. 51P-740.119. ZONING MAP.

PD 740 is located on Zoning Map No. H-8.
PROPOSED EXHIBIT 740 A
TRACT 2: CONCEPTUAL PLAN
### Notification List of Property Owners

**Z078-241**

99 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5330 MOCKINGBIRD</td>
<td>BEHRINGER HARVARD MOCKINGBIRD COMMONS LP</td>
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<tr>
<td>2</td>
<td>5656 CENTRAL</td>
<td>BERMAN JON UNIT 200</td>
</tr>
<tr>
<td>3</td>
<td>5656 CENTRAL</td>
<td>MARRIOT JOHN ROBERT JR</td>
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<tr>
<td>4</td>
<td>5656 CENTRAL</td>
<td>MOCK 5656 LLC STE 800</td>
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<tr>
<td>5</td>
<td>5656 CENTRAL</td>
<td>SOWDEN WEBB III &amp;</td>
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Belmont NA  
Avi S Adelman  
P O Box 721376  
Dallas, TX 75372  

Cochran Heights  
Hector Garcia  
3601 Turtle Creek Blvd #901  
Dallas, TX 75219  

Cochran Heights  
Mitch Deshotels  
5210 Alcott St  
Dallas, TX 75206  

Cochran Heights  
Karen Anderson  
5122 Pershing St  
Dallas, TX 75206  

Glencoe Park  
Holly Kuper  
5522 Anita St  
Dallas, TX 75206  

Glencoe Park NA  
Mr & Mrs William Zeiss  
5504 Ellsworth Ave  
Dallas, TX 75206  

Greenville Merchants Assoc.  
Pat Baker  
2800 N. Henderson #200  
Dallas, TX 75206  

Hollywood Santa Monica NA  
Santos T. Martinez  
1111 Cordova  
Dallas, TX 75223  

Junius Heights HOA  
Kara Kunkel  
5527 Tremont Street  
Dallas, TX 75214  

Lower Greenville NA  
Kathryn Willison  
5814 Morningside Ave.  
Dallas, TX 75206  

Lower Greenville NA  
Maxine Aaronson  
600 N Pearl St, #2170  
Dallas, TX 75201  

Lower Greenville NA  
Patricia Carr  
5843 Vanderbilt Ave.  
Dallas, TX 75206  

Old E Dallas Renaissance  
Rick Leggio  
4503 Reiger Avenue  
Dallas, TX 75246  

Orion Real Estate Group  
Bill Lamm  
PO Box 540021  
Dallas, TX 75354  

Swiss Ave Hist Dist Assn  
V. McAlester/D. Savage  
5703 Swiss Avenue  
Dallas, TX 75214  

White Rock NA  
Leslie Densmore  
4027 Santa Barbara  
Dallas, TX 75214  

ENZ078-241
A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge, or tavern use and a commercial amusement (inside) use limited to a class A dance hall on property within Planned Development District No. 619 for Mixed Uses on the south side of Main Street, east of Field Street

Recommendation of Staff: Approval, for a two-year period, subject to a site plan and conditions Z078-253(MAW)
LOCATION: South side of Main Street, east of Field Street

COUNCIL DISTRICT: 14

MAPSCO: 45P

SIZE OF REQUEST: ±0.0875 acres

CENSUS TRACT: 31.01

APPLICANT: Strategic Hype, LLC

REPRESENTATIVE: Michael R. Coker Company, Inc.

OWNER: Bryan Foster

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge, or tavern use and a commercial amusement (inside) use limited to a class A dance hall on property within Planned Development District No. 619 for Mixed Uses.

SUMMARY: The purpose of the request is to allow a bar, lounge, or tavern use below street level, on the second floor and on the rooftop with dance floors on all four levels.

CPC RECOMMENDATION: Approval, for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval, for a two-year period, subject to a site plan and conditions.
BACKGROUND:

- The applicant proposes to operate a full-service restaurant, which is allowed by right, on the street level. The purpose of the SUP request is to allow a bar, lounge, or tavern use below street level, on the second floor and on the rooftop and dance floors on all four levels.

- Currently, the building is vacant and undergoing renovation; however there will be no expansion of the current building.

- The request site is surrounded by a mix of uses, which include retail, restaurant, residential, hotel, bank and office.

- The property is located within the Central Business District and is further regulated by PDD No. 619, which requires an SUP for an alcoholic beverage establishment use when that use is located below street level or above street level.

- Planned Development District No. 619 was created as a result of several public and private studies that develop retail strategies for the CBD area and promote the downtown core as a “full time” activity area. Moreover, the goal was to encourage the development of retail and service uses in the area and create a mixed use urban activity center.

Zoning History:

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<tbody>
<tr>
<td>1.</td>
<td>Z067-273:</td>
<td>On September 26, 2007, the City Council approved a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge, or tavern and a commercial amusement (inside) use limited to a Class A Dance hall.</td>
</tr>
<tr>
<td>2.</td>
<td>Z056-334:</td>
<td>On December 13, 2006, the City Council approved an amendment to Specific Use Permit No. 1637 for an alcoholic beverage establishment for a bar, lounge, or tavern.</td>
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<tr>
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<td>Z056-240:</td>
<td>On August 9, 2006, the City Council approved a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge, or tavern.</td>
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Thoroughfares/Streets:

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<th>Thoroughfare/Street</th>
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<td>Main Street</td>
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<td>Filled Street</td>
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Land Use:

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<tr>
<td>North</td>
<td>PDD No. 619; H/87 and SUP 1637 on a portion</td>
</tr>
<tr>
<td>East</td>
<td>PDD No. 619</td>
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<td>South</td>
<td>PDD No. 619; H/36 on a portion</td>
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<tr>
<td>West</td>
<td>PDD No. 619</td>
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</tbody>
</table>

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the forwardDallas! Vision Illustration, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within the City’s Downtown; a centrally located hub that provides high intensity concentrated regional job and commercial activity supported by high density housing. A Downtown includes pedestrian-oriented and mixed-use development that offers multiple transportation options.

The applicant’s proposal to operate a bar, lounge or tavern and dance hall on Main Street is consistent with the forwardDallas! Vision to promote a pedestrian-oriented mix of uses in the downtown area.
**Land Use Compatibility:**

The request site includes all four levels of an existing structure and is surrounded by a mix of uses, which include retail, restaurant, residential, hotel, bank and office. The property is located within the Central Business District and is further regulated by PDD No. 619, which requires an SUP for an alcoholic beverage establishment use when that use is located below street level or above street level. The size of the proposed bar, lounge or tavern contains approximately 12,092 square feet of floor area, dispersed among three floors, which includes the elevators and fire stairs.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

The applicant’s request, subject a site plan and conditions, complies with the general provisions for consideration of an SUP. Furthermore, staff supports the applicant’s request, as it reinforces the vision to revitalize the downtown area. Planned Development District No. 619 was created to encourage the “development of retail and service uses” and “create a mixed use urban activity center.”

**Traffic:**

The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

**Parking:**

Planned Development District No. 619 requires off-street parking to be provided per the CA-1(A) Central Area District standards. For a new structure or an addition to an existing structure, one space is required for each 2,000 square feet of floor area. The proposed use is located within an existing structure, therefore no parking is required.
Z078-253(MAW)

**Miscellaneous:**

Staff’s recommendation for approval was based on the site plan submitted on June 11, 2008, which depicted 1,384 square feet of dance floor area dispersed between four floors.

On August 13, the applicant submitted a revised site plan which depicted 4,865 square feet of dance floor area, an increase which was not supported by staff.

On August 14, 2008, the City Planning Commission recommended approval of the Specific Use Permit for a two-year period, subject to a site plan and staff’s conditions with revisions which would limit the dance floor area to 1,384 square feet and prohibit outside speakers or amplified sound on the rooftop.
CPC ACTION: August 14, 2008

Motion: It was moved to recommend approval of a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge, or tavern use and a commercial amusement (inside) use limited to a Class A dance hall for a two-year period, subject to a site plan and staff conditions on property within Planned Development District No. 619 for Mixed Uses on the south side of Main Street, east of Field Street with the following two changes to the staff conditions: 1) 1,384 sq. ft. maximum floor area for the dance hall use. 2) Outside speakers or amplified sound is prohibited.

Maker: Emmons
Second: Rodgers
Result: Carried: 11 to 3

For: 11: Prothro, Strater, Gary, Davis, Rodgers, Bagley, Weiss, Lueder, Buehler, Wolfish, Emmons

Against: 3 - Lozano, Ekblad, Alcantar
Absent: 0
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 14
Replies: For: 1 Against: 0

Speakers: For: Jim Copus, 2700 Swiss Ave., Dallas, TX, 75204
Against: None
List of Partners/Principals/Officers

Applicant: Strategic Hype, LLC
  • Kevin Richardson, sole proprietor
CPC RECOMMENDED CONDITIONS
Z078-253

1. **USE:** The only use authorized by this specific use permit is an alcoholic beverage establishment, limited to a bar, lounge, or tavern use, and a commercial amusement (inside) use limited to a Class A dance hall.

2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.

3. **TIME LIMIT:** This specific use permit automatically terminates on (two years from passage of the ordinance).

4. **FLOOR AREA:**
   
   A. For an alcoholic beverage establishment limited to bar, lounge, or tavern use, maximum floor area is 12,092 square feet in the locations shown on the attached site plan.

   CPC recommended:
   
   B. For a commercial amusement (inside) use limited to a Class A dance hall, maximum area is 1,384 square feet in the locations shown on the site plan.

   Applicant requested:
   
   B. For a commercial amusement (inside) use limited to a Class A dance hall, maximum area is 4,865 square feet in the locations shown on the site plan.

5. **HOURS OF OPERATION:** The alcoholic beverage establishment limited to a bar, lounge, or tavern use and the Class A dance hall may only operate between 11:00 a.m. and 2:00 a.m.

   CPC recommended:
   
   6. **OUTSIDE SPEAKERS:** No outside speakers or amplified sound are permitted on the rooftop.

   Staff recommended:
   
   6. **OUTSIDE SPEAKERS:** Utilization of outside speakers is prohibited after 11:00 pm.

   Applicant requested:
   
   6. **OUTSIDE SPEAKERS:** As allowed per code.

7. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
8. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.
CPC Recommended Site Plan: Ground floor and basement

- Dance Area 153.84 sq ft
- Dance Area 209 sq ft
CPC Recommended Site Plan: Level 2 and roof deck

Dance Area 178.43 sq ft

Dance Area 167.75 sq ft

Dance Area 674.57 sq ft
Applicant Proposed Site Plan:
240 sf dance floor
Applicant Proposed Site Plan:
1,970 sf dance floor
### Notification List of Property Owners

#### Z078-253

14 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tr>
<td>1</td>
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<td>2</td>
<td>1302</td>
<td>ELM DAVIS METRO LP STE 170</td>
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<td>3</td>
<td>1301</td>
<td>MAIN WALKER JAMES</td>
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<td>4</td>
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<td>MAIN DAVIS METRO LP</td>
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<td>ELM ELM 1414 PPTIES, LTD SUITE 105 NORTH</td>
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<td>6</td>
<td>1407</td>
<td>MAIN DLD PROPERTIES SUITE 105 NORTH</td>
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<td>7</td>
<td>1415</td>
<td>MAIN GS RENAISSANCE LTD PS STE 1806</td>
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<td>8</td>
<td>1404</td>
<td>MAIN DOUNTOWN 1400 MAIN PS LP</td>
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<tr>
<td>9</td>
<td>211</td>
<td>AKARD SOUTHWESTERN BELL SBC COMMUNICATIONS INC</td>
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<tr>
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<td>1412</td>
<td>MAIN BN 1412 MAIN LP</td>
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<td>COMMERCE ADOLPHUS ASSOC JV</td>
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<td>14</td>
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*Monday, July 21, 2008*
<table>
<thead>
<tr>
<th>Name</th>
<th>Address 1</th>
<th>Address 2</th>
<th>City, State ZIP</th>
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<tr>
<td>Al Romero</td>
<td>PO Box 870875</td>
<td>Mesquite, TX 75150</td>
<td></td>
</tr>
<tr>
<td>Anthony Jones</td>
<td>PO Box 0711</td>
<td>Galveston, TX 77553</td>
<td></td>
</tr>
<tr>
<td>Betty Wadkins</td>
<td>2843 Modesto Drive</td>
<td>Dallas, TX 75227</td>
<td>ENZ078-253</td>
</tr>
<tr>
<td>Bill Dahlstrom</td>
<td>901 Main St., Ste 6000</td>
<td>Dallas, TX 75202</td>
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<tr>
<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospert Dr.</td>
<td>Richardson, TX 75081</td>
<td></td>
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<tr>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8</td>
<td>Dallas, TX 75205</td>
<td></td>
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<tr>
<td>Clarence F Cope</td>
<td>10404 Ferndale</td>
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<tr>
<td>Jane Guerrini</td>
<td>7032 Lupton</td>
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<tr>
<td>Jeff Bosse</td>
<td>PO Box 4738</td>
<td>Dallas, TX 75208</td>
<td></td>
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<tr>
<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200</td>
<td>Dallas, TX 75248</td>
<td></td>
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<tr>
<td>Marcus Wood</td>
<td>6060 N Central Expy Ste 333</td>
<td>Dallas, TX 75206</td>
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<tr>
<td>Pam Conley</td>
<td>901 N Madison Avenue</td>
<td>Dallas, TX 75208</td>
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<tr>
<td>Rob Baldwin</td>
<td>401 Exposition</td>
<td>Dallas, TX 75226</td>
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<tr>
<td>Robert P. Garza</td>
<td>412 E. Sixth St.</td>
<td>Dallas, TX 75203</td>
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<tr>
<td>Sheryl Jean, Newsroom-Business</td>
<td>508 Young St.</td>
<td>Dallas, TX 75265</td>
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<tr>
<td>Steve Craft</td>
<td>P O Box 542225</td>
<td>Dallas, TX 75354</td>
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<td>Steve Kim</td>
<td>4318 Sexton Ln.</td>
<td>Dallas, TX 75229</td>
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<td>Alpha Testing, Inc</td>
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<tr>
<td>Am. Metro/Study Corp</td>
<td>Marque Nelson</td>
<td>14881 Quorum Dr #400</td>
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<td>Arboriological Services, Inc</td>
<td>Bill Seaman</td>
<td>16 Steel Rd.</td>
<td>Wylie, TX 75098</td>
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<td>Bluffview Homeowner</td>
<td>Pat White</td>
<td>4714 Wildwood</td>
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<tr>
<td>Dallas ISD</td>
<td>Stu Armstrong</td>
<td>3700 Ross Ave, Box 61</td>
<td>Dallas, TX 75204</td>
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<tr>
<td>Dallas Planning Asoc</td>
<td>Stuart Pully</td>
<td>P O Box 781609</td>
<td>Dallas, TX 75378</td>
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<tr>
<td>FW Dodge Reports</td>
<td>Donna McGuire</td>
<td>9155 Sterling Dr. Ste 160</td>
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INCAP Fund  
Lauren Odell  
300 Crescent Court  
Dallas, TX 75208  

Jackson Walker  
Suzan Kedron  
901 Main St. #6000  
Dallas, TX 75202  

Jackson Walker  
Jonathan Vinson  
901 Main St. #6000  
Dallas, TX 75202  

Kiestwood Neighbors  
Neoma Shafer  
2538 W Kiest Blvd  
Dallas, TX 75233  

Koons Real Estate Law  
James Schnurr  
3400 Carlisle St, #400  
Dallas, TX 75204  

Lake Highlands AIA  
Terri Woods  
1516 San Saba Dr.  
Dallas, TX 75218  

Law Office of R Albright  
Roger Albright  
3301 Elm St  
Dallas, TX 75226  

Master Plan  
J Kimborough  
900 Jackson St  
Dallas, TX 75202  

MetroStudy Corp  
Rebecca Webb  
14881 Quorum Dr #400  
Dallas, TX 75254  

Micheal R Coker Co  
Michael R Coker  
2700 Swiss Ave. #100  
Dallas, TX 75209  

Minyards Properties Inc  
Dennis O’Malley  
777 Freeport Pkwy  
Coppell, TX 75019  

N Pk Lovefied Comm Civic League  
Joyce Lockley  
4718 Wateka Dr.  
Dallas, TX 75209  

PARC DU LAC  
Linda Sharp  
12126 Vendome Place  
Dallas, TX 75230  

PWS Architects Inc.  
Phillip Shepherd  
4616 Abbott Ave  
Dallas, TX 75205  

Quick Trip Co.  
Teri Dorazil  
14450 Trinity Blvd. #300  
Fort Worth, TX 76155  

Robert Reeves & Assoc. Inc.  
Robert Reeves  
900 Jackson St, Suite 160  
Dallas, TX 75202  

Signs Manufacturing  
William Watson  
4610 Mint Way  
Dallas, TX 75236  

United HOA  
Norma Parry  
1515 Reynaldston Ln.  
Dallas, TX 75232  

United HOA  
Thelma J. Norman  
2628 Blackstone Dr.  
Dallas, TX 75237  

W.A.R.N.  
Tashia Moseley  
5353 Maple Ave. Ste. 200  
Dallas, TX 75235  

Allen W. Rubin  
2714 Turtle Creek Circle  
Dallas, TX 75219  

Bryan K. Haywood  
City Hall, Rm. 2CN  
Dallas, TX 75201  

Cullen Rogers  
3030 McKinney Ave. #2001  
Dallas, TX 75204  

Jeannie Ball  
3030 McKinney Ave. #906  
Dallas, TX 75204  

ENZ078-053  

Jeri Arbuckle  
4800 Victor St.  
Dallas, TX 75246  

Laura French  
3856 W Beverly  
Dallas, TX 75209  

Margaret L Ray  
3211 Cherrywood  
Dallas, TX 75235
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<th>Organization</th>
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<tr>
<td>Pam Veshia</td>
<td>Vicki Keene</td>
<td>738 Cedar Hill Dr</td>
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<td>Downtown Dallas</td>
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<td>Eric Van Steenburg</td>
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<tr>
<td>Jim Wood</td>
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<td>3523 McKinney Ave, PMB 441</td>
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<td>Kara Kunkel</td>
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<tr>
<td>La Tour HA</td>
<td>Meadows Foundation, Inc.</td>
<td>Robert Weiss, V.P Admin.</td>
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<tr>
<td>Hanne Klein</td>
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<td>Frank M Stick</td>
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<td>M Thomas Lardner</td>
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<td>Cochran Heights</td>
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<td>Hector Garcia</td>
<td>Dallas, TX 75219</td>
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<td>3601 Turtle Creek Blvd #901</td>
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<tr>
<td>Kidd Springs NA</td>
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<td>Dallas, TX 75208</td>
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<td>1010 Cedar Hill Ave.</td>
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**ENZ078-253**
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45 D

SUBJECT

A public hearing to receive comments regarding an application for a Planned Development District for CR uses and attended donation center use on property zoned a CR Community Retail District on the southwest side of Haskell Avenue, between Lafayette Street and Delano Place

Recommendation of Staff and CPC: Denial

Z078-201(JH)
<table>
<thead>
<tr>
<th><strong>FILE NUMBER:</strong></th>
<th>Z078-201 (JH)</th>
<th><strong>DATE FILED:</strong></th>
<th>March 27, 2008</th>
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<tbody>
<tr>
<td><strong>LOCATION:</strong></td>
<td>Southwest side of Haskell Avenue, between Lafayette Street and Delano Place</td>
<td><strong>MAPSCO:</strong></td>
<td>45-D</td>
</tr>
<tr>
<td><strong>COUNCIL DISTRICT:</strong></td>
<td>14</td>
<td><strong>CENSUS TRACT:</strong></td>
<td>16</td>
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<tr>
<td><strong>SIZE OF REQUEST:</strong></td>
<td>Approx. 0.57 acres</td>
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| **REPRESENTATIVE:** | Jonathan Vinson, Jackson Walker |
| **APPLICANT:** | Goodwill Industries of Dallas, Inc. |
| **OWNER:** | Baylor Health Care System |
| **REQUEST:** | An application for a Planned Development District for CR uses and attended donation center use on property zoned a CR Community Retail District. |
| **SUMMARY:** | The applicant proposes to construct an approximately 3,000 square foot attended donation center. |

| **CPC RECOMMENDATION:** | Denial |
| **STAFF RECOMMENDATION:** | Denial |
BACKGROUND INFORMATION:

- The request site is currently undeveloped.

- The request site is adjacent to single family residential, multifamily, and retail uses, and undeveloped land.

- The proposed use is an attended donation center. An attended donation center is similar to a warehouse, but the donated materials are brought by passenger vehicles instead of large trucks.

Zoning History: There have been no recent zoning requests in the area.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haskell Avenue</td>
<td>Collector / Couplet</td>
<td>50 ft.</td>
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Land Use:

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<tr>
<th>Site</th>
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<tbody>
<tr>
<td>North</td>
<td>PD 305</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>Northwest</td>
<td>CR, PD 305</td>
<td>Undeveloped, Multifamily</td>
</tr>
<tr>
<td>East</td>
<td>CR</td>
<td>Undeveloped, Retail</td>
</tr>
<tr>
<td>South</td>
<td>MF-2(A), CR</td>
<td>Single Family Residential, Undeveloped, Retail</td>
</tr>
<tr>
<td>West</td>
<td>MF-2 (A)</td>
<td>Single Family Residential, Undeveloped</td>
</tr>
</tbody>
</table>
STAFF ANALYSIS:

Comprehensive Plan:

The request does not comply with the following land use goals and policies of the Comprehensive Plan because the proposed warehouse-type use is incompatible with the adjacent residential and retail uses. The CR Community Retail District would better serve the area with neighborhood services that allow for the residents to walk instead of drive.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

HOUSING ELEMENT

GOAL 3.1 ENSURE A SUSTAINABLE AND EFFICIENT LONG-RANGE HOUSING SUPPLY

Policy 3.1.3 Encourage stabilization of existing neighborhoods.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

The attached development plan shows that the layout of the proposed development puts the building approximately 30 feet from the front property line and locates the loading area at the rear of the lot, adjacent to residential uses. Staff recommended that the layout be revised to have the building address the street similarly to most nearby existing buildings and to provide a greater setback and screening of the loading area from the residential uses. Those changes would have made the development more compatible with existing buildings and residential uses. Parking lots and structures ought to be designed and screened to eliminate visual intrusion or incompatibility with the adjacent residential neighborhoods.
URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.3 Encourage complementary building height, scale, design and character.

NEIGHBORHOOD ELEMENT

GOAL 7.1 PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS

Policy 7.1.2 Promote neighborhood-development compatibility.

This area is considered an “Urban neighborhood” on vision illustration, which does not include warehouse-type uses. These urban neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility:

The approximately 0.57-acre request site is zoned a CR Community Retail District and is currently undeveloped. The applicant is proposing to construct an attended donation center use on the property, which is not allowed by the existing zoning. An attended donation center is a warehouse-like use where individuals drop off household materials for donation and those materials are sorted and loaded on a trailer truck. The proposed use does not include retail sales of the donated material, which is often included with household donations.

The surrounding land uses are single family, multifamily, retail uses and undeveloped land.

The attached development plan shows that the layout of the proposed development puts the building approximately 30 feet from the front property line and locates the loading area at the rear of the lot, adjacent to residential uses. Staff recommended that the layout be revised to have the building address the street similarly to most nearby existing buildings and to provide a greater setback and screening of the loading area from the residential uses. Those changes would have made the development more compatible with existing buildings and residential uses.
The development plan shows a solid masonry screening wall on the rear property line. The applicant will also need to provide a 10 foot landscaping buffer according to Article X requirements. Staff is concerned that this screening is inadequate noise mitigation for two loading bays adjacent to residential uses.

The development plan shows the driveways will have wrought iron driveway gates to prevent the drop off of materials when the facility is not open. Staff is concerned that only fencing the driveways is not enough. If the City Council is inclined to approve the request, staff recommends that the wrought iron fencing span the entire front property line to further reduce after hour drop offs.

The canopy shown on the development plan provides a covered area for dropping off donation material. Staff is concerned that the driveway does not provide enough stacking or allow for passing through and stacking could back up on Haskell Avenue. If the City Council is inclined to approve the request, staff recommends that the development plan be revised to move the building as close to the street as possible to make the building more compatible with adjacent buildings, moving the loading area away from the residential uses, and provide stacking around the building to prevent stacking on the street.

Staff does not support the applicant’s request based on 1) the incompatibility of the use with adjacent residential uses; 2) the poor urban design of the development plan that could be detrimental to the appearance and future development of the urban neighborhood; 3) and the above stated conflicts with the ForwardDallas! Comprehensive Plan.

**Development Standards:**

<table>
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<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>Primary Uses</th>
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<tr>
<td><strong>Proposed</strong></td>
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<tr>
<td>PD</td>
<td>15'</td>
<td>Side: 20' adjacent to residential Other: No Min. Rear: Min. 10'</td>
<td>0.75 FAR overall 0.5 office</td>
<td>54' 4 stories</td>
<td>60%</td>
<td>Proximity Slope Visual Intrusion</td>
</tr>
<tr>
<td><strong>Existing</strong></td>
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<td></td>
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<tr>
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<tr>
<td>Community retail</td>
<td>15'</td>
<td>20' adjacent to residential OTHER: No Min.</td>
<td>0.75 FAR overall 0.5 office</td>
<td>54' 4 stories</td>
<td>60%</td>
<td>Proximity Slope Visual Intrusion</td>
</tr>
</tbody>
</table>

**Parking/Traffic:**

An attended donation center is a use defined for this specific Planned Development District. The proposed requirement for parking is one space per 500 square feet of floor area, which is similar to a recycling buy-back center use. The attached development plan shows six off-street parking spaces are provided.

**Landscaping:**

Landscaping required per Article X of the Dallas Development Code.
**CPC Minutes**  
June 5, 2008

**Motion I:** It was moved to recommend **denial** of a Planned Development District for CR uses and attended donation center use on property zoned a CR Community Retail District on the southwest side of Haskell Avenue, between Lafayette Street and Delano Place.

Maker: Strater  
Second: Rodgers  
Result: Failed: 6 to 8

For: 6 - Prothro, Strater, Gary, Rodgers, Lozano, Bagley
Against: 8 - Davis, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Alcantar
Absent: 1 - Emmons
Vacancy: 0

**Motion II:** In considering an application for a Planned Development District for CR uses and attended donation center use on property zoned a CR Community Retail District on the southwest side of Haskell Avenue, between Lafayette Street and Delano Place, it was moved to **hold** this case under advisement until July 10, 2008.

Maker: Buehler  
Second: Jones-Dodd  
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Alcantar
Against: 0
Absent: 1 - Emmons
Vacancy: 0

**Notices:**  
Area: 500  
Mailed: 136

** Replies:**  
For: 1  
Against: 28

**Speakers:**  
For: Jonathan Vinson, 6342 Vickery Blvd., Dallas, TX, 75214  
Rodney Ginther, 3020 N. Westmoreland Rd., Dallas, TX, 75212  
John Dickerson, Address not given  
Neal Sleeper, Address not given
Against: John Bond, 2020 N. Haskell Ave., Dallas, TX, 75204  
Grant Adams, 4117 Lafayette St., Dallas, TX, 75204
July 10, 2008

**Motion:** It was moved to recommend denial of a Planned Development District for CR uses and attended donation center use on property zoned a CR Community Retail District on the southwest side of Haskell Avenue, between Lafayette Street and Delano Place.

**Maker:** Emmons
**Second:** Rodgers
**Result:** Carried: 7 to 6

For: 7 - Strater, Gary, Rodgers, Lozano, Bagley, Wolfish, Emmons
Against: 6 - Davis, Weiss, Lueder, Buehler, Ekblad, Alcantar
Absent: 1 - Prothro
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 136
**Replies:** For: 1 Against: 35

**Speakers:**
For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Neal Sleeper, 3230 McKinney Ave., Dallas, TX
Against: John Bond, 2020 N. Haskell Ave., Dallas, TX, 75204
Taylor Allday, 1901 N. Haskell Ave., Dallas, TX, 75204
Grant Adams, 4117 Lafayette St., Dallas, TX, 75204
List of Partners/Principals/Officers

Owner:

Baylor Health Care System Officers

Joel Allison  President and Chief Executive Officer
Gary Brock  Chief Operating Officer
Jennifer Coleman  Senior Vice President of Consumer Affairs
Paul Convery, M.D.  Chief Medical Officer
Lydia Jumonville  Chief Financial Officer
Rosemary Luquire, R.N., Ph.D., CNAA, FAAN  Senior Vice President and Chief Nursing Officer
John McWhorter  Senior Vice President
Marshal Mills  Senior Vice President and Chief Human Resources Officer
David Muntz  Senior Vice President and Chief Information Officer
Michael Taylor  Senior Vice President
List of Partners/Principals/Officers

Applicant:

GOODWILL INDUSTRIES OF DALLAS, INC.

Officers and Directors

Rodney K. Ginther, President

Directors:

John Hallam, Chairman
Kip Tindell, Vice Chairman
John F. Dickerson, Treasurer
Charles W. Morris, Secretary

Pat S. Bolin
Diane Burnham
R. Brock Compton
Robert B. Crotty
Matthew Hildreth
Gary Huddleston
Douglas E. Hutt
Michael J. Kain
David Kennington
Douglas H. Kramp
Michael N. Maberry
Frank Mihalopoulos
Dianne H. Patterson
Becky Powell-Schwartz
Ellis M. Skinner II
Neal D. Sleeper
Gray Stogner
Myron E. Ullman III
R. Keighley Ward
Brooke Holman West
Applicant Proposed PD Conditions

ARTICLE ___.

PD ___.

SEC. 51P-___.101. LEGISLATIVE HISTORY.

PD ___ was established by Ordinance No. _____, passed by the Dallas City Council on ____________, 2008.

SEC. 51P-___.102. PROPERTY LOCATION AND SIZE.

PD ___ is established on property located on the south side of North Haskell Avenue, between Lafayette Street and Munger Street. The size of PD ___ is approximately 0.57 acres.

SEC. 51P-___.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district, ATTENDED DONATION CENTER means a facility for the receipt, collection, and temporary storage of donated clothing, furniture, household items, and other goods that does not permit the sale of items on site.

(a) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(d) This district is considered to be a nonresidential zoning district.

SEC. 51P-___.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit ___A: development plan.

SEC. 51P-___.105. DEVELOPMENT PLAN.

(a) Development and use of the Property must comply with the development plan (Exhibit ___A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-___.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this district are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail District subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in this district; etc.
(b) The following additional main use is permitted by right:

   -- Attended donation center. [Limited to a maximum of 3,000 square feet of floor area.]

SEC. 51P-___107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-___108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Except as provided in this section, the yard, lot and space regulations for the CR Community Retail District apply.

(b) Rear yard. Minimum rear yard is 10 feet.

SEC. 51P-___109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For an attended donation center use, one space per 500 square feet of floor area is required.

SEC. 51P-___110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-___111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-___112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P-___113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) A minimum-six foot high solid masonry screen wall must be provided along the rear property line in the location shown on the development plan.

(d) Driveway gates must be provided in the locations shown on the development plan and must remain closed when the attended donation center is closed to the public.

SEC. 51P-___.114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. 51P-___.115. ZONING MAP.

PD ___ is located on Zoning Map No. I-7.
Notification List of Property Owners

Z078-201

136 Property Owners Notified

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<th>Address</th>
<th>Owner</th>
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Friday, April 25, 2008
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<tr>
<td>Leanne Witek</td>
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Law Office of R Albright
Roger Albright
3301 Elm St
Dallas, TX 75226

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

N Pk Lovefeld Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

PWS Architects Inc.
Phillip Shepherd
4616 Abbott Ave
Dallas, TX 75205

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Alan Pierce
3912 Cedar Springs
Dallas, TX 75219

Allen W. Rubin
2714 Turtle Creek Circle
Dallas, TX 75219

Bryan K. Haywood
City Hall, Rm. 2CN
Dallas, TX 75201

Cullen Rogers
3030 McKinney Ave. #2001
Dallas, TX 75204

Jeannie Ball
3030 McKinney Ave. #906
Dallas, TX 75204

Jeri Arbuckle
4800 Victor St.
Dallas, TX 75246

J Peterson & S Graham
4203 Junius St.
Dallas, TX 75246

Laura French
3856 W Beverly
Dallas, TX 75209

Margaret L Ray
3211 Cherrywood
Dallas, TX 75235

Megan P Bryant
1010 Allen St. #214
Dallas, TX 75204

Pam Veshia
City Hall, Rm. 2CN
Dallas, TX 75201

Vicki Keene
738 Cedar Hill Dr
Dallas, TX 75208

Bryan Place NA
Sonali Patnaik
928 Pavillion St
Dallas, TX 75204

Bryan Place NA
Christopher R Craig
1540 McCoy Street
Dallas, TX 75204

Bryan Place NA
Drake Frazier
3112 Trevolle Place
Dallas, TX 75204

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<td>Rene</td>
<td>Schmidt</td>
<td>715 Parkmont</td>
<td>Dallas, TX 75214</td>
</tr>
<tr>
<td>Lower Greenville Assoc</td>
<td>Chuck</td>
<td>Cole</td>
<td>5820 Penrose Ave</td>
<td>Dallas, TX 75206</td>
</tr>
<tr>
<td>Munger Place Historic Dist Assoc</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Orion Real Estate Group</td>
<td>Bill</td>
<td>Lamm</td>
<td>PO Box 540021</td>
<td>Dallas, TX 75354</td>
</tr>
<tr>
<td>Preston Hollow Asso</td>
<td>M Thomas</td>
<td>Lardner</td>
<td>5811 Redwood Court</td>
<td>Dallas, TX 75209</td>
</tr>
<tr>
<td>Trust For Public Land</td>
<td>Paul M</td>
<td>Lehner</td>
<td>1717 Main St. Ste 3060</td>
<td>Dallas, TX 75201</td>
</tr>
<tr>
<td>Harwood International, Inc.</td>
<td>Julie</td>
<td>Morris</td>
<td>2828 N Harwood, Suite</td>
<td>Dallas, TX 75201</td>
</tr>
<tr>
<td>Junius Heights Historic Dist</td>
<td>Rene</td>
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<td>Lehner</td>
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<td>Dallas, TX 75201</td>
</tr>
</tbody>
</table>

**Note:** The text appears to be a list of addresses and contact information for various organizations in Dallas, Texas. The list is organized by group names, with contact names and addresses provided for each group.
A public hearing to receive comments regarding an application for a Specific Use Permit for an alcoholic beverage establishment for a Private club-bar on property within a portion of Subarea 4 of Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay and an IM-D-1 Industrial Manufacturing District with a D-1 Liquor Control Overlay on the northeast corner of Buckner Boulevard and Kipling Drive
Recommendation of Staff and CPC: Denial
Z078-250(WE)
FILE NUMBER: Z078-250 (WE)  DATE FILED: June 11, 2008

LOCATION: Kipling Drive and Buckner Boulevard, northeast corner

COUNCIL DISTRICT: 5  MAPSCO: 58-U

SIZE OF REQUEST: Approx. 4.42 acres  CENSUS TRACT: 117.01

APPLICANT/OWNER: What's Hot Fun World, Ltd.

REPRESENTATIVE: Jackson Walker L.L.P.

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment for a Private club-bar on property within a portion of Subarea 4 of Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District with a Dry-1 Dry Liquor Control Overlay and an IM-D-1 Industrial Manufacturing District with a Dry-1 Dry Liquor Control Overlay.

SUMMARY: The applicant is proposing to use the property for a private club-bar use in conjunction with a dance floor. The applicant is also proposing to develop the east portion of the property with a surface lot.

CPC RECOMMENDATION: Denial

STAFF RECOMMENDATION: Denial
BACKGROUND INFORMATION:

- The applicant’s request for a Specific Use Permit for an alcoholic beverage establishment will allow for the operation of a Private club-bar to sell alcoholic beverages.

- The western two-thirds of the request site are developed with a retail structure that is currently utilized as a teen amusement center. The eastern third of the property is undeveloped.

- The dance floor component is a use permitted by right by the underlying zoning, subject to appropriate licensing and parking.

- On August 2006, the City Council denied a Specific Use Permit for an alcoholic beverage establishment for a Private club-bar.

- On May 14, 2008, the City Council approved a waiver of the two year waiting period. The approval of the waiver permitted the applicant to submit a Specific Use Permit application for the proposed development.

- The request site is surrounded by office and retail uses. There are several single family dwellings that are east of the request site. In addition, west of the site, across Buckner Boulevard, a DART light rail with approximately 500 off-street parking spaces under construction.

Zoning History: There have been two zoning change requests in the area.

1. Z056-288 On Wednesday, October 25, 2006, the City Council approved a Specific Use Permit for a transit passenger station or transfer station center on property zoned an IM-D-1 Industrial Manufacturing District with a Dry Liquor Control Overlay, a CS-D-1 Commercial Service District with a Dry Liquor Control Overlay and a portion of Subarea 4 of PDD No. 366-D-1, the Buckner Boulevard Special Purpose District with a Dry Liquor Control Overlay.

2. Z056-231 On Wednesday, August 9, 2006, the City Council denied a Specific Use Permit for an alcoholic beverage establishment for a Private club-bar on property within a portion of Subarea 4 of Planned Development District No. 366, the Buckner Boulevard Special purpose District and
an IM Industrial Manufacturing District with a Dry Liquor Control Overlay.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buckner Boulevard</td>
<td>Principal Arterial</td>
<td>100 ft.</td>
<td>107 ft.</td>
</tr>
<tr>
<td>*Kipling Drive</td>
<td>Local</td>
<td>50 ft.</td>
<td>50 ft.</td>
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</table>

*40 feet reservation between improved portion and Pleasant Drive

Land Use:

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site PDD No. 366-D-1, Subarea 4 &amp; IM-D-1</td>
<td>Teen amusement center, undeveloped</td>
</tr>
<tr>
<td>North CR-D-1 w/SUP No. 1072 on a portion</td>
<td>Offices, Cell Tower</td>
</tr>
<tr>
<td>South IM-D-1</td>
<td>Post Office</td>
</tr>
<tr>
<td>East R-7.5(A)</td>
<td>Single Family</td>
</tr>
<tr>
<td>West IM-D-1 w SUP No. 1133 on a portion</td>
<td>DART light rail under construction</td>
</tr>
</tbody>
</table>

Comprehensive Plan: The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies to strengthen existing neighborhoods.

The proposed Specific Use Permit for an alcoholic beverage establishment for a Private club-bar may have a negative impact on the adjacent residential uses east and southeast of the request site. Even though the request is located across from a proposed DART light rail station, staff believes that the proposed use is incompatible due to the residential adjacency and the negative impact the alcoholic beverage establishment could have on the surrounding area.

Land use

Goal 1.2 Align land use strategies with economic development priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics. Acknowledge the importance of neighborhoods to the city’s long-term health and vitality.

Goal 2.5 Foster a City of great neighborhoods
Policy 2.5.1 Promote strong and distinctive neighborhood to enhance Dallas’ quality of life.

STAFF ANALYSIS:

Land Use Compatibility: The 4.42 acre site is developed with a teen amusement center and is contiguous to various retail and office uses to the north and south. A post office is developed across the improved portion of Kipling Drive to the south. In addition, west of the site, across Buckner Boulevard, is a DART light rail station and a park-and-ride under construction. Single family uses are developed on properties to the east and southeast.

The applicant’s request for a Specific Use Permit for an alcoholic beverage establishment will allow for the operation of a Private club-bar on the property. In addition, the applicant has indicated that a dance floor will be provided. The dance floor use is permitted by right within the underlying zoning. The applicant will be required to apply for a dance hall license prior to issuance of a certificate of occupancy. The site plan that was submitted provides for an expanded off-street parking area within the eastern third of the site. This parking area is adjacent to several single family uses and a church.

The request is approximately 245 feet from the established residential uses to the east and southeast. Staff is concerned about the impact of the proposed uses on this residential area. There are characteristics associated with these types of uses, such as late hours, activity within the off-street parking area, and the impact of lighted surface parking areas into late hours.

As a result of these factors, staff cannot support the applicant’s request. The City Plan Commission recommended denial because of the negative impact the applicant’s request may have on future development and the adjacent residential uses.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Landscaping: Landscaping of any development will be in accordance with Article X
requirements, as amended.

**Traffic:** The Engineering Section of the Department Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

**CPC Action** (July 24, 2008)

**Motion:** It was moved to recommend **denial** of a Specific Use Permit for an alcoholic beverage establishment for a Private club-bar on property within a portion of Subarea 4 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District and an IM Industrial Manufacturing District on the northeast corner of Buckner Boulevard and Kipling Drive. Both zoning districts possess the D-1 Liquor Control Overlay.

Maker: Rodgers  
Second: Davis  
Result: Carried: 14 to 0  

For: 14 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar  

Against: 0  
Absent: 0  
Vacancy: 1 - District 8  

**Notices:**  
Area: 300  
Mailed: 23  

**Replies:**  
For: 6  
Against: 2  

**Speakers:**  
For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202  
Blake Ingram, 343 Town East, Sunnyvale, TX  
Ralph Castro, 920 S. Buckner Blvd., Dallas, TX, 75215  
Robert Milligan, Address not given  

Against: Darlene Reynolds, 5716 Hillicroft St., Dallas, TX, 75227  
Carolyn Johnson, 5311 Banting Way, Dallas, TX, 75227  
Bonnie Spencer, 410 Satinwood Dr., Dallas, TX, 75217  
Eugene Thomas, 5654 Winding Woods Tr., Dallas, TX, 75227  

Against(did not speak): Sherrie Davis, 9524 Military Pkwy., Dallas, TX, 75227  
Against(did not speak): Shirley Davidson, 123 Deepwood St., Dallas, TX, 75217  
Against(did not speak): Eloise Edwards, 107 Deepwood St., Dallas, TX, 75217
LIST OF PARTNERS
WHAT'S HOT FUN WORLD, LTD

- Robert K. Milligan
- Blake W. Ingram
- John M. Giofreddi
- Rogers S. Moore
1. **USE:** The only use authorized by this specific use permit is an alcoholic beverage establishment use.

2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.

3. **TIME LIMIT:** This specific use permit is approved for a ten-year period with ten year automatic renewals.

4. **INGRESS-EGRESS:** Vehicular ingress and egress must be provided as shown on the attached site plan.

9. **MAINTENANCE:** The entire Property must be properly maintained in a state of good repair and neat appearance.

10. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas."
## Notification List of Property

### Z078-250

#### 23 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>400</td>
<td>BUCKNER WHATS HOT FUN WORLD LTD</td>
</tr>
<tr>
<td>2</td>
<td>8106</td>
<td>KIPLING MILLIGAN ROBERT K</td>
</tr>
<tr>
<td>3</td>
<td>8028</td>
<td>ELAM DALLAS AREA RAPID TRANSIT</td>
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<tr>
<td>4</td>
<td>555</td>
<td>2ND DART</td>
</tr>
<tr>
<td>5</td>
<td>440</td>
<td>BUCKNER PATEL MILAN</td>
</tr>
<tr>
<td>6</td>
<td>426</td>
<td>BUCKNER MILLIGAN ROBERT</td>
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<td>7</td>
<td>432</td>
<td>BUCKNER CASAS MANUEL</td>
</tr>
<tr>
<td>8</td>
<td>8114</td>
<td>ELAM SOUTHWESTERN BELL SBC COMM INC PPTY TAX DEP</td>
</tr>
<tr>
<td>9</td>
<td>8202</td>
<td>ELAM RPS VENTURES INC</td>
</tr>
<tr>
<td>10</td>
<td>8214</td>
<td>ELAM CARTER JOSEPH LEWIS</td>
</tr>
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<td>11</td>
<td>8228</td>
<td>ELAM CARTER JOSEPH L</td>
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<td>X 12</td>
<td>8234</td>
<td>ELAM ELAM BAPTIST CHURCH</td>
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<td></td>
<td>8238</td>
<td>ELAM FIRST BAPTIST CHURCH OF ELAM</td>
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<td>X 14</td>
<td>423</td>
<td>PLEASANT ELAM BAPTIST CHURCH EXEMPT 1959</td>
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<td>15</td>
<td>411</td>
<td>PLEASANT MONROY VERONICA &amp; RAUL F</td>
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<td>405</td>
<td>PLEASANT AGUILAR PRISCILLA M</td>
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<td>17</td>
<td>415</td>
<td>PLEASANT CASTANEDA JOSE</td>
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<tr>
<td>18</td>
<td>350</td>
<td>BUCKNER U S POSTAL SERVICE</td>
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<td>19</td>
<td>351</td>
<td>PLEASANT BUSSELL JAMES PHILLIPS</td>
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<tr>
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<td>363</td>
<td>PLEASANT BUSSELL MICHAEL D</td>
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<td>343</td>
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<td>PLEASANT BUSSELL PHILLIP B</td>
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*Tuesday, July 08, 2008*
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State ZIP</th>
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<tbody>
<tr>
<td>Al Romero</td>
<td>PO Box 870875, Mesquite, TX 75150</td>
<td></td>
</tr>
<tr>
<td>Anthony Jones</td>
<td>PO Box 0711, Galveston, TX 77553</td>
<td></td>
</tr>
<tr>
<td>Betty Wadkins</td>
<td>2843 Modesto Drive, Dallas, TX 75227</td>
<td>ENZ078-250</td>
</tr>
<tr>
<td>Bill Dahlstrom</td>
<td>901 Main St., Ste 6000, Dallas, TX 75202</td>
<td></td>
</tr>
<tr>
<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospert Dr., Richardson, TX 75081</td>
<td></td>
</tr>
<tr>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8, Dallas, TX 75205</td>
<td></td>
</tr>
<tr>
<td>Clarence F Cope</td>
<td>10404 Ferndale, Dallas, TX 75238</td>
<td></td>
</tr>
<tr>
<td>Jane Guerrini</td>
<td>7032 Lupton, Dallas, TX 75225</td>
<td></td>
</tr>
<tr>
<td>Jeff Bosse</td>
<td>PO Box 4738, Dallas, TX 75208</td>
<td></td>
</tr>
<tr>
<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200, Dallas, TX 75248</td>
<td></td>
</tr>
<tr>
<td>Marcus Wood</td>
<td>6060 N Central Expy Ste 333, Dallas, TX 75206</td>
<td></td>
</tr>
<tr>
<td>Pam Conley</td>
<td>901 N Madison Avenue, Dallas, TX 75208</td>
<td></td>
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<tr>
<td>Rob Baldwin</td>
<td>401 Exposition, Dallas, TX 75226</td>
<td></td>
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<tr>
<td>Robert P. Garza</td>
<td>412 E. Sixth St., Dallas, TX 75203</td>
<td></td>
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<tr>
<td>Sheryl Jean, Newsroom-Business</td>
<td>508 Young St., Dallas, TX 75265</td>
<td></td>
</tr>
<tr>
<td>Steve Craft</td>
<td>P O Box 542225, Dallas, TX 75354</td>
<td></td>
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<tr>
<td>Steve Kim</td>
<td>4318 Sexton Ln., Dallas, TX 75229</td>
<td></td>
</tr>
<tr>
<td>Alpha Testing, Inc</td>
<td>Virginia Brown, 2209 Wisconsin St, Ste 100, Dallas, TX 75229</td>
<td></td>
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<tr>
<td>Am. Metro/Study Corp</td>
<td>Marque Nelson, 14881 Quorum Dr #400, Dallas, TX 75240</td>
<td></td>
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<tr>
<td>Arboriologcal Services, Inc</td>
<td>Bill Seaman, 16 Steel Rd., Wylie, TX 75098</td>
<td></td>
</tr>
<tr>
<td>Bluffview Homeowner</td>
<td>Pat White, 4714 Wildwood, Dallas, TX 75209</td>
<td></td>
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<tr>
<td>Dallas ISD</td>
<td>Stan Armstrong, 3700 Ross Ave, Box 61, Dallas, TX 75204</td>
<td></td>
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<tr>
<td>Dallas Planning Asoc</td>
<td>Stuart Pully, P O Box 781609, Dallas, TX 75378</td>
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<tr>
<td>FW Dodge Reports</td>
<td>Donna McGuire, 9155 Sterling Dr. Ste 160, Dallas, TX 75063</td>
<td></td>
</tr>
<tr>
<td>INCAP Fund</td>
<td>Lauren Odell, 300 Crescent Court, Dallas, TX 75208</td>
<td></td>
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<tr>
<td>Jackson Walker</td>
<td>Suzan Kedron, 901 Main St. #6000, Dallas, TX 75202</td>
<td></td>
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<tr>
<td>Jackson Walker</td>
<td>Jonathan Vinson, 901 Main St. #6000, Dallas, TX 75202</td>
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</table>
Z078-250 (WE)
Kiestwood Neighbors  
Neoma Shafer  
2538 W Kiest Blvd  
Dallas, TX 75233

Koons Real Estate Law  
James Schnurr  
3400 Carlisle St, #400  
Dallas, TX 75204

Lake Highlands AIA  
Terri Woods  
1516 San Saba Dr.  
Dallas, TX 75218

Law Office of R Albright  
Roger Albright  
3301 Elm St  
Dallas, TX 75226

Master Plan  
J Kimborough  
900 Jackson St  
Dallas, TX 75202

MetroStudy Corp  
Rebecca Webb  
14881 Quorum Dr #400  
Dallas, TX 75254

Micheal R Coker Co  
Michael R Coker  
2700 Swiss Ave. #100  
Dallas, TX 75209

Minyards Properties Inc  
Dennis O'Malley  
777 Freeport Pkwy  
Coppell, TX 75019

N Pk Lovefied Comm Civic League  
Joyce Lockley  
4718 Wateka Dr.  
Dallas, TX 75209

PARC DU LAC  
Linda Sharp  
12126 Vendome Place  
Dallas, TX 75230

PWS Architects Inc.  
Philip Shepherd  
4616 Abbott Ave  
Dallas, TX 75205

Quick Trip Co.  
Teri Dorazil  
14450 Trinity Blvd. #300  
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.  
Robert Reeves  
900 Jackson St, Suite 160  
Dallas, TX 75202

Signs Manufacturing  
William Watson  
4610 Mint Way  
Dallas, TX 75236

United HOA  
Norma Parry  
1515 Reynaldston Ln.  
Dallas, TX 75232

United HOA  
Thelma J. Norman  
2628 Blackstone Dr.  
Dallas, TX 75237

W.A.R.N.  
Tashia Moseley  
5353 Maple Ave. Ste. 200  
Dallas, TX 75235

BSEAT  
Allen McGill  
P O Box 41561  
Dallas, TX 75241

Pleasant Wood/Grove  
J. Eugene Thomas  
P O Box 50051  
Dallas, TX 75250

ENZ078-250
SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-2 Mixed Use District Uses on property zoned an MU-2 Mixed Use District at the northeast corner of Greenville Avenue and Walnut Hill Lane

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions
Z078-141(RB)

Note: This item was considered by the City Council at public hearings on June 11 and August 13, 2008, and was held under advisement until September 10, 2008, with the public hearing open.
FILE NUMBER: Z078-141(RB)       DATE FILED: December 19, 2007
LOCATION: Greenville Avenue and Walnut Hill Lane, Northeast Corner
COUNCIL DISTRICT: 13       MAPSCO: 26 L
SIZE OF REQUEST: Approx. 2.387 Acres       CENSUS TRACT: 78.15

APPLICANT: Medistar Walnut Green, LP. Owner
REPRESENTATIVE: Kirk R. Williams
REQUEST: An application for a Planned Development District for MU-2 Mixed Use District Uses on property zoned an MU-2 Mixed Use District.
SUMMARY: The applicant proposes to permit a 150 bed hospital use by right as well as provide an increase in permitted floor area for the use.
CPC RECOMMENDATION: Approval, subject to a development plan, landscape plan, and conditions.
STAFF RECOMMENDATION: Approval, subject to a development plan, landscape plan, and conditions.
BACKGROUND INFORMATION:

- The request site is developed with an office structure and structured parking.

- The applicant is proposing to utilize the existing structure for a 150 bed hospital. The increase in floor area will be provided by an at-grade addition along the eastern building façade of the existing structure.

- A PDD is being requested for consideration of the following: 1) permit the hospital use by right, and 2) permit an increase in floor area for a hospital use.

Zoning History: There has not been any recent zoning activity in the immediate area relevant to this request.

<table>
<thead>
<tr>
<th>Thoroughfare</th>
<th>Designation; Existing &amp; Proposed ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenville Avenue</td>
<td>Principal Arterial; 100’ &amp; 100’ ROW</td>
</tr>
<tr>
<td>Walnut Hill Lane</td>
<td>Principal Arterial; 100’ &amp; 100’ ROW</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS:

Comprehensive Plan

The applicant is proposing to utilize the existing structure for a hospital. Additional floor area will be developed to match the existing structure and located along the eastern building façade. The Walnut Hill DART station is located approximately 1,600 feet to the west and a DART stop connecting with the Park Lane station (south at Park Lane and Greenville Avenue) is in close proximity to the site.

The scale of the proposed development is consistent with the existing developments in the immediate area. The existing landscaping will remain undisturbed during any new expansion as well as providing for additional landscape materials within the built environment. As a result of this analysis, staff has determined the request complies with the Urban Design Element outlined in forwardDallas!

GOAL 5.1 Promote a sense of place, safety, and walkability.

Policy 5.1.3 Encourage complementary building height, scale, design and character.
**Land Use Compatibility:** The request site is developed with an office structure and structured parking. The applicant is proposing to utilize the existing structure for a 150 bed hospital and plans have been provided to add the additional floor area abutting the existing footprint. A PDD is being requested for consideration of the following: 1) permit a hospital use by right, and 2) permit an increase in floor area for a hospital.

The site is situated at the intersection of two thoroughfares. Presbyterian Hospital (PDD No. 453) occupies the southwest quadrant of Greenville Avenue and Walnut Hill Lane. Various office and retail uses are developed on the remaining intersections. A mini-warehouse use (PDD No. 454) abuts the eastern line of the request site.

The MU-2 District, like all the mixed use districts, provides for a ‘bonus’ of development rights based on whether a site is developed with a single use or mix of uses. The applicant is not proposing any additional uses, however, they have asked for an increase in permitted floor area ratio (FAR), from 1.6:1 to 1.85:1 for what equates to a ‘Base FAR with no mixed use project’ for the proposed hospital. The development plan submitted by the applicant provides for a maximum height and number of stories of 120 feet and eight stories, respectively. It should be noted the proposed expansion will be accommodated by an addition (approximately 9,800 square feet at first floor plus approximately 100 square feet for floors two through eight) along the eastern building façade and will be constructed to match the existing eight story structure.

As a result of staff’s analysis, support for the request is provided, subject to the attached development plan and conditions.

**Traffic:** The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the request and determined that it will not have a significant impact on the surrounding street system.

**Off-Street Parking:** Required off-street parking for a hospital is based on the number of beds. The applicant is providing for required parking on site within the existing parking structure as well as plans for revised surface parking area along the Walnut Hill Lane frontage. It should be noted that other permitted uses will be required to provide off-street parking based on their respective ratios.

**Landscaping:** The site possesses significant landscaping at its perimeter. The proposed addition will require landscaping that complies with Article X. Due to the presence of the existing improvements, it will be difficult to comply with Article X. Therefore, staff has worked with the applicant to consider alternative landscape regulations that take into consideration the built environment on the property as well maintaining a focus for the creative use and placement of new landscape materials.
**Miscellaneous-Traffic Study:** On June 11, 2008, the City Council held this request under advisement with the public hearing left open to permit the applicant time to prepare a traffic flow analysis. Staff has reviewed the analysis and determined that the Level of Service (LOS) at the intersection of Walnut Hill Lane and Greenville Avenue would be impacted by the proposed use. As a result, staff is preparing the feasibility of providing an additional access point that would provide for a left-turn storage pocket and new median opening from southbound Greenville Avenue into the site’s northwest corner.
CPC ACTION

(March 27, 2008)

Motion: It was moved to recommend approval of a Planned Development District for MU-2 Mixed Use District Uses, subject to a development plan, landscape plan and revised conditions on property zoned an MU-2 Mixed Use District at the northeast corner of Greenville Avenue and Walnut Hill Lane.

Maker: Ekblad
Second: Lueder
Result: Carried: 9 to 5

For: 9 - Prothro, Strater, Davis, Rodgers, Lozano, Lueder, Buehler, Wolfish, Ekblad
Against: 5 - Gary, Bagley, Jones-Dodd, Emmons, Alcantar
Absent: 0
Vacancy: 0
Conflict: 1 - Weiss

Notices: Area: 500 Mailed: 18
Replies: For: 0 Against: 4

Speakers: For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75201
Against: Michael Jung, 4400 Bank of America plaza, Dallas, TX, 75202
Steve Stoner, 400 S. Houston St., Dallas, TX, 75201
Medistar Walnut Green Medical Center, Ltd.

General Partner: Medistar Walnut Green GP, LLC
President: Monzer Hourani
Vice President and Secretary: Robert M. Hodge

Limited Partner: Paladin Construction Company
President: Monzer Hourani
Vice President and Secretary: Robert M. Hodge
CPC RECOMMENDED

"ARTICLE __.  PD ______.

SEC. 51P-___.101.  LEGISLATIVE HISTORY.

PD ______ was established by Ordinance No. __________, passed by the Dallas City Council on ________________, 2007.

SEC. 51P-___.102.  PROPERTY LOCATION AND SIZE.

PD ______ is established on property generally located at the northeast intersection of Greenville Avenue and Walnut Hill Lane. The size of PD ____ is approximately 2.39 acres.

SEC. 51P-___.103.  DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

SEC. 51P-___.104.  EXHIBITS.

The following exhibits are incorporated into this article:

(a) Exhibit __A: development plan.

(b) Exhibit __B: landscape plan.

SEC. 51P-___.105.  DEVELOPMENT PLAN.

(a) For a hospital use, development and use of the Property must comply with the attached Development Plan (Exhibit __). If there is a conflict between the text of this article and the Development Plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, development schedule, and landscape plan do not apply.
(c) This district is considered to be a nonresidential district.

SEC. 51P-___106. MAIN USES PERMITTED.

(a) Unless otherwise stated in this section, the only main uses permitted on the Property are those permitted in MU-2 Mixed Use District 2, as set out in Chapter 51A. For example, a use permitted in the MU-2 Mixed Use District 2 only by specific use permit (SUP) is permitted in this district only by SUP, and a use subject to development impact review (DIR) in the MU-2 Mixed-Use District 2 is subject to DIR in this district, etc.

(b) A hospital is a permitted use on the Property.

(c) The following uses are not permitted:

-- Alcoholic beverage establishments.

-- Animal shelter or clinic without outside runs.

-- Auto service center.

-- Cemetery or mausoleum.

-- Commercial amusement (inside).

-- Commercial amusement (outside).

-- Convent or monastery.

-- Mortuary, funeral home, or commercial wedding chapel.

-- Swap or buy shop.

SEC. 51P-___107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.
SEC. 51P-108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) The yard, lot and space regulations for the MU-2 Mixed Use district apply, with the following exceptions:

(1) **Floor Area Ratio.** For a hospital use, maximum floor area ratio is 1.85:1.

(2) **Hospital Beds.** For a hospital use, the maximum number of beds is 150.

SEC. 51P-109. OFF-STREET PARKING AND LOADING.

(a) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P-111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-111. LANDSCAPING AND TREE MITIGATION.

(a) Landscaping will be provided in accordance with the attached landscape plan (Exhibit __).

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-112. SIGNS.

(a) The provisions for business zoning districts in Article VII apply.

SEC. 51P-113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
SEC. 51P-.114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets and drainage structures, if any, must be constructed in accordance with standard city specification and compiled to the satisfaction of the Director of Public Works.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use in this district until there has been full compliance for that use with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SEC. 51P-.115. ZONING MAP.

PD ___ is located on Zoning Map No.____."
Notification List of Property Owners

Z078-141 (RB)(CS)

18 Property Owners Notified

<table>
<thead>
<tr>
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<tr>
<td>1</td>
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<td>GREENVILLE SOKOL ZIZKA SCHOOL</td>
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<tr>
<td>X18</td>
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<td>WALNUT HILL TEXAS HEALTH SYSTEM</td>
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</table>

Monday, January 07, 2008
Al Romero  
PO Box 870875  
Mesquite, TX 75150

Anthony Jones  
PO Box 0711  
Galveston, TX 77553

Betty Wadkins  
2843 Modesto Drive  
Dallas, TX 75227

Bill Dahlstrom  
901 Main St., Ste 6000  
Dallas, TX 75202

Bridge Ballew c/o Nextel  
1680 N. Prospert Dr.  
Richardson, TX 75081

Cindy Harris  
4310 Buena Vista #8  
Dallas, TX 75205

Clarence F Cope  
10404 Ferndale  
Dallas, TX 75238

Jane Guerrini  
7032 Lupton  
Dallas, TX 75225

Jeff Bosse  
PO Box 4738  
Dallas, TX 75208

Leanne Witek  
16660 N Dallas Pkwy #1200  
Dallas, TX 75248

Marcus Wood  
6060 N Central Expwy Ste 333  
Dallas, TX 75206

Pam Conley  
901 N Madison Avenue  
Dallas, TX 75208

Rob Baldwin  
401 Exposition  
Dallas, TX 75226

Robert P. Garza  
412 E. Sixth St.  
Dallas, TX 75203

Steve Craft  
P O Box 542225  
Dallas, TX 75354

Steve Kim  
4318 Sexton Ln.  
Dallas, TX 75229

Alpha Testing, Inc  
Virginia Brown  
2209 Wisconsin St, Ste 100  
Dallas, TX 75229

Am. Metro/Study Corp  
Marque Nelson  
14881 Quorum Dr #400  
Dallas, TX 75240

Arborilogical Services, Inc.  
Bill Seaman  
16 Steel Rd.  
Wylie, TX 75098

Bluffview Homeowner  
Pat White  
4714 Wildwood  
Dallas, TX 75209

Dallas ISD  
Stan Armstrong  
3700 Ross Ave, Box 61  
Dallas, TX 75204

Dallas Planning Asoc  
Stuart Pully  
P O Box 781609  
Dallas, TX 75378

FW Dodge Reports  
Donna McGuire  
9155 Sterling Dr. Ste 160  
Dallas, TX 75063

INCAP Fund  
Lauren Odell  
300 Crescent Court  
Dallas, TX 75208
Jackson Walker
Suzan Kedron
901 Main St. #6000
Dallas, TX 75202

Koons Real Estate Law
James Schnurr
3400 Carlisle St, #400
Dallas, TX 75204

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

Hillcrest Forest HOA
Mark Tarletz
11450 St Michaels Dr
Dallas, TX 75230

Northaven Park NA
Edwin B Bright
3969 Alta Vista Ln
Dallas, TX 75229

Jackson Walker
Jonathan Vinson
901 Main St. #6000
Dallas, TX 75202

Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

N Pk Lovefied Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

PWS Architects Inc.
Phillip Shepherd
4616 Abbott Ave
Dallas, TX 75205

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Hillcrest-Forest NA
Jane Pak
7107 Churchill Way
Dallas, TX 75230

Oakhurst HA
Carol Kent
6 Twin Bridge
Dallas, TX 75243

Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

Law Office of R Albright
Roger Albright
3301 Elm St
Dallas, TX 75226

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

Bruce Wilke
7227 N Janmar Dr
Dallas, TX 75230

Meadows NA
Eric Anderson
7329 Lakehurst Ave.
Dallas, TX 75230

Orion Real Estate Group
Bill Lamm
PO Box 540021
Dallas, TX 75354
<table>
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<tr>
<th>Richardson ISD</th>
<th>Stults Road HOA</th>
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<td>Michael Longanecker</td>
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<td>John Hoagland</td>
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<td>John M. Bradley</td>
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<td>Alan &amp; Deborah Gnutti</td>
<td>Mr. &amp; Milton Thomas</td>
<td>Mark MacDonald</td>
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<td>7223 Ashington Dr.</td>
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<td>ENZ078-141</td>
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<tr>
<td>Mr. &amp; Mrs. C.B. Sutherland</td>
<td>David A. McGee</td>
<td></td>
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<tr>
<td>9101 Villa Park Circle</td>
<td>9121 Beodeker Circle</td>
<td></td>
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</table>
AGENDA ITEM # 68

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45 K P

SUBJECT

A public hearing to receive comments regarding an application for an amendment to the provisions of the Downtown Special Provision Sign District, to create a new Subdistrict to allow for video board signs on a tract of land generally between Main Street and Elm Street west of Akard Street

Recommendation of Staff: Approval, subject to staff conditions

Recommendation of CPC: Denial

SPSD067-003

Note: This item was considered by the City Council at public hearings on November 28, 2007, February 27, March 26 and June 25, 2008, and was taken under advisement until September 10, 2008, with the public hearing open.
LOCATION: Generally located on the north side of Main St, west of Akard St

APPLICANT/OWNER: DLD Properties, LTD

REPRESENTATIVE: Willie Cothrum, Masterplan

REQUEST: An application for an amendment to the provisions of the Downtown Special Provision Sign District, to create a new subdistrict and to amend the provisions for video board signs.

SUMMARY: The applicant is proposing to amend the provisions for video board signs and create a new subdistrict, the Main at Akard Subdistrict, where a maximum of 3 video board sign faces would be permitted, each restricted to a maximum 150 square feet of effective area. The applicant is proposing that any message be allowed on the signs including non-premise advertising.

STAFF RECOMMENDATION: Approval subject to staff conditions

CPC RECOMMENDATION: Denial


BACKGROUND INFORMATION:

- A Special Provision Sign District (SPSD) is an overlay district for the purpose of establishing, enhancing, preserving, or developing the unique character and quality of an area through special sign standards. The Special Provision Sign District only addresses sign standards and does not impact the land uses allowed on those properties.

- The Downtown SPSD was created to allow different sign regulations to promote a pedestrian environment, such as banners, awning signs, canopy signs, projecting attached signs and marquee signs. Other regulations were intended to encourage preserving the architecture of buildings by restricting the locations of most signs to the lower level (below 36 ft) and upper areas (12 ft to 36 ft below the top of a building depending on its height).

- The District has been amended to allow other types of signs such as supergraphic signs and kiosk signs which may display non-premise advertising.

- Generally the city prohibits new non-premise advertising signs but has approved exceptions to this policy in the Downtown SPSD, Deep Ellum SPSD and the Victory SPSD.

- DowntownDallas: The Association, has submitted a letter in support of the applicant’s request.

Proposal Summary:

The applicant’s request is two fold; 1) to create a new subdistrict limited to a single building site on the north side of Main St, 50 ft west of Akard; and 2) to amend the provisions for video board signs to allow up to three video board signs faces, two on the Main St side of the subject area and one on the Elm St side of the subject area. Additionally the signs would be allowed to display any message (both premise and non-premise messages), be limited to 150 s/f in effective area, and be allowed to extend to the curb edge provided they were a minimum of 15 ft above the surface grade.
### Existing Provisions

<table>
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<tr>
<th>Requirement</th>
<th>Proposed Provisions</th>
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<tbody>
<tr>
<td>One video board sign may be located on a building adjacent to the Main St subdistrict (Pegasus Plaza)</td>
<td>Allow up to three video board sign faces in a new subdistrict, the Main at Akard subdistrict.</td>
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<tr>
<td>Maximum effective area (lower level)</td>
<td>Maximum effective area (lower level)</td>
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<tr>
<td>- Video board signs no maximum</td>
<td>- Video board signs 150 s/f</td>
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<tr>
<td>- Projecting attached signs 30 s/f</td>
<td>- Others the same</td>
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<tr>
<td>- Flat attached signs 40 to 60 s/f</td>
<td></td>
</tr>
<tr>
<td>No portion of a sign may be located less than two feet from the back of curb</td>
<td>Signs may project to the curb but may not project out over a street</td>
</tr>
<tr>
<td>Non-premise advertising allowed on</td>
<td>Same</td>
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<tr>
<td>- Supergraphics</td>
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</tr>
<tr>
<td>- Kiosks</td>
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<tr>
<td>- Video boards</td>
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### Comprehensive Plan:

The proposed amendments can be evaluated against the following goals and policies of the comprehensive plan.

**URBAN DESIGN ELEMENT**

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

**Policy 5.1.4 Enhance visual enjoyment of public space.**

- Public signage and gateway features will help define neighborhoods and districts.

- Civic institutions and community events, such as street fairs, parades, farmers markets and live performances, all give Dallas an important cultural and urban flair.

**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

**Policy 5.2.2 Promote the character of the city’s significant districts, linkages and areas.**

The quality and character of developed and natural destinations and amenities in Dallas attract tourists, visitors and residents alike. Their perception and experiences of these significant areas, as well as key pathways throughout the city, contribute collectively to the identity and image of Dallas as a whole. Enhancing these assets, which define Dallas’ character, should be fostered through strong urban design principles.
STAFF ANALYSIS:

Staff is generally supportive of signage which helps promote a pedestrian environment and contributes to giving the downtown area a unique atmosphere. However, staff is concerned with continuing to expand the exceptions to the general prohibition on non-premise advertising and further diluting this general prohibition. Staff is especially concerned with allowing non-premise advertising overhanging the right-of-way. To date only small scale advertising or sponsorship has been allowed in the right-of-way. Banners on street light poles are limited to 20 s/f in area and sponsor areas are limited to 10 percent of the area of the banner. Kiosks sign faces are approximately 22 s/f in area and one sign face is dedicated to a public message.

Staff is also concerned with the proposed scale of the signage. The largest effective area allowed for lower level signs (the building façade area from grade to 36 ft in height), is 40 s/f for signs within 15 ft of the right-of-way (60 s/f if setback more than 15 ft). The one exception to this is marquee signs associated with an entertainment venue which can be up to 375 s/f for venues with more than 150 seats (225 s/f for venues less than 150 seats). The scale of the proposed signage, as well as the allowed projection, indicates to staff that the target audience for the sign is as much vehicular traffic as pedestrian.

Staff is concerned that streaming video on signs oriented towards traffic could pose a hazard to pedestrian traffic and vehicular traffic. There is a crosswalk without traffic controls mid-block on Main Street between Akard and Field and streaming video could be a distraction to motorist. Depending on the placement of the sign, streaming video could be a distraction.

The applicant has correctly observed that larger video board signs are allowed in the Victory SPSD. However the sliding media wall signs are only allowed on a façade facing the plaza. While visible from adjacent streets the signs are not oriented to vehicular traffic. The additional changeable message sign above the WFAA studio is clearly visible from traffic approaching on Houston Street but it is a flat attached sign and does not overhang right-of-way. The signs are intended to promote the festival atmosphere of the plaza area and the entertainment complex. Similarly the permitted video board sign allowed adjacent to Pegasus Plaza is intended to promote pedestrian oriented plaza activities.

Staff recommends the following restrictions:

- Limit the effective area of video board signs in the new subdistrict to 60 s/f
- Require a minimum 2 feet setback from back of curb
- Prohibit streaming video on any sign overhanging ROW and oriented towards traffic (Such signs may only display static messages)
- Require a minimum of 8 seconds between static copy changes
- Prohibit non-premise advertising on any sign overhanging ROW except messages advertising district activities
CPC ACTION (September 20, 2007)

Motion I: In considering an amendment to the provisions of the Downtown Special Provision Sign District, to create a new Subdistrict to allow for video board signs on a tract of land generally bounded by Main Street, Akard Street, Elm Street and Field Street it was moved to hold this case under advisement until October 4, 2007.

Maker: Jones-Dodd  
Second: Prothro

Commissioner Jones-Dodd withdrew her motion and Commissioner Prothro withdrew his second.

Motion II: It was moved to recommend approval of an amendment to the provisions of the Downtown Special Provision Sign District, to create a new Subdistrict to allow for video board signs, subject to staff’s conditions on a tract of land generally bounded by Main Street, Akard Street, Elm Street and Field Street with the following conditions: 1) Limit the effective area of video board signs of this new district to 150 sq. ft. 2) Allow three video board panels; two facing Main Street and one facing Elm Street. 3) Require video board signs to be setback a minimum of 2 ft. from back of curb. 4) Allow video board signs to display screening videos, however; requiring static messages a minimum of eight second between static copies. 5) Allow video board signs to display non-premise and premise messages.

Maker: Jones-Dodd  
Second: Weiss  
Result: Failed: 4 to 8  
For: 4 - Jones-Dodd, Weiss, Buehler, Ekblad

Against: 8 - Prothro, Strater, Gary, Marshall, Bagley, Hill, Wolfish, Emmons

Absent: 2 - Woolen Lipscomb, Cunningham

Vacancy: 1 - District 6

Substitute Motion: It was moved to recommend denial without prejudice of an amendment to the provisions of the Downtown Special Provision Sign District, to create a new Subdistrict to allow for video board signs on a tract of land generally bounded by Main Street, Akard Street, Elm Street and Field Street.

Maker: Emmons  
Second: Gary  
Result: Carried: 11 to 1
For: 11 - Protho, Strater, Gary, Marshall, Bagley, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons
Against: 1 - Weiss
Absent: 2 - Woolen Lipscomb, Cunningham
Vacancy: 1 - District 6

Notices: Area: 500  Mailed: 120
Replies: For: 0  Against: 0

Speakers: For: Robert Miklos, 1717 Main St., Dallas, TX, 75201
          John Crawford, 1412 Main St., Dallas, TX, 75202
Against: None
List of Partners / Principals / Officers

The General Partner of Applicant DLD Properties, Ltd. is DLD Management, LLC.
The Limited Partner of Applicant DLD Properties, Ltd. is LBL Management Trust.
The Officers are as follows:

President: Brian Bergersen
PROPOSED DRAFT ORDINANCE
AMENDING THE DOWNTOWN SPECIAL PROVISION SIGN DISTRICT

Division 51A-7.900. Downtown Special Provision Sign District.

SEC. 51A-7.901. DESIGNATION OF DOWNTOWN SPECIAL PROVISION SIGN DISTRICT.

(a) The Downtown Special Provision Sign District is designated to be known as the Downtown Sign District. For purposes of this article, the boundaries of the Downtown Sign District is that area bounded by the following lines:......

SEC 51A-7.901.1. DESIGNATION OF SUBDISTRICTS.

(a) This district is divided into four five subdistricts: the Retail Subdistrict, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, and the Main Street at Akard Subdistrict.

(b) The Retail Subdistrict is that central area of downtown within the following described boundaries: ......

(c) The General CBD Subdistrict is that area of the district within the Freeway Loop, more particularly described in metes and bounds as follows:....

(d) The Downtown Perimeter Subdistrict is that area outside of the freeway loop within the downtown sign district.

(e) The Main Street Subdistrict is that area of downtown described in Exhibit A, which is attached to and made a part of this ordinance.

(Ord. Nos. 24606; 24925)

(f) The Main at Akard Subdistrict is that area of downtown described in Exhibit B, which is attached to and made a part of this ordinance.

SEC. 51A-7.902. PURPOSE.

The purpose of this division is to regulate both the construction of new signs and the alterations of existing signs with a view towards enhancing, preserving, and developing the unique character of the downtown area while addressing the diversity of businesses and promoting the economy of downtown. The general objectives of this division include those listed in Section 51A-7.101 as well as aesthetic considerations to ensure that signs are appropriate to the architecture of the district, do not obscure significant architectural features of its buildings, and lend themselves to the developing retail and residential uses and the pedestrian character of the area. The district regulations are in large part inspired by the high level of pedestrian activity and the need to maximize effective orientation of signage toward the walking public. (Ord. Nos. 19455; 20167; 21404; 24606)

SEC. 51A-7.903. DEFINITIONS.

In this division:
(1) ACTIVITY DISTRICT means a group of entertainment, cultural, performance, retail, or restaurant establishments that generate pedestrian activity within a particular geographic area, and that has a known name as a destination such as, but not limited to, the Farmers Market, Main Street, or the Arts District.

(2) ARCADE SIGN means any sign that is mounted under a canopy or awning and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(3) AWNING means a fabric or vinyl surface supported by a metal structure, which is applied to the face of a building.

(4) AWNING SIGN means a sign attached to, painted on, or otherwise applied to an awning.

(5) BANNER means a sign applied on a strip of cloth, vinyl, or similar material and attached to a building or structure. Awning, canopy signs, and flags are not banners.

(6) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

(7) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy, with no changeable message area.

(8) CHANGEABLE MESSAGE SIGN means a sign composed of LED/LCD elements, slide lettering, slated rotating surfaces, or other changeable message technology that displays different designs or advertisements.

(9) DISTRICT or THIS DISTRICT means the Downtown Sign District.

(10) DISTRICT ACTIVITIES means activities that take place on five or more premises within an activity district.

(11) EFFECTIVE AREA means:

   (A) for a detached sign other than outlined in (B) below, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign, excluding its supports. This rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are moveable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view;

   (B) for signs placed on a fence, non enclosing wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure may not be computed, and the effective area must be measured by the rule for effective area for attached signs; and

   (C) for an attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.
(12) ENTERTAINMENT FACILITY means a structure or building for sports events or the performing arts, including indoor motion picture theaters, theaters for live musical or dramatic performances, indoor and outdoor concert halls, and exhibition halls.

(13) FACADE means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space, chimneys, roof-mounted equipment, mounted antennas, or water towers. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single facade. A roof is not a facade or part of a facade. Multiple buildings on the same lot will each be deemed to have separate facades.

(14) FLAT ATTACHED SIGN means an attached sign projecting 12 inches or less from a building, and the face of which is parallel to the building facade.

(15) FREEWAY LOOP means the area of the city within Woodall Rogers Freeway, R.L. Thornton Freeway, Central Expressway (elevated bypass), and Stemmons Freeway.

(16) GENERIC GRAPHICS means any pattern of shapes, colors, or symbols that does not commercially advertise.

(17) KIOSK means a multi-sided structure for the display of premise and nonpremise signs.

(18) LANDSCAPE SIGN means a sign that is a part of a single landscape design which creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material.

(19) LOWER LEVEL SIGN means an attached sign wholly situated within the lower level sign area.

(20) LOWER LEVEL SIGN AREA means the portion of a facade less than 36 feet above grade.

(21) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.

(22) MESSAGE AREA means the area within the effective area of a sign that provides a specific commercial or non-commercial message and that excludes all extremity and intra-areas associated with the sign fixture.

(23) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

(24) MOVEMENT CONTROL SIGN means a sign that directs vehicular and pedestrian movement within this district.

(25) PROJECTING ATTACHED SIGN means an attached sign projecting more than 12 inches from a building at an angle other than parallel to the facade.

(26) PROMOTIONAL MESSAGE means a message that identifies or promotes a cultural activity within this district, any special event being conducted in this district, any event
being conducted, in whole or in part, in an entertainment complex, or any other event that will benefit the city. Benefit to the city is established by:

(A) use of city property in accordance with a contract, license, or permit;

(B) the receipt of city monies for the activity or event; or

(C) an ordinance or resolution of the city council that recognizes the activity or event as benefitting the city.

27) PUBLIC AREA means any publicly or privately-owned outdoor area that is accessible to the public.

28) RESIDENTIAL USES means those uses defined in Section 51A-4.209.


30) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.

31) SPECIAL SIGN DISTRICT ADVISORY COMMITTEE means that committee created by Section 51A-7.504 of the Dallas Development Code, as amended.

32) TEMPORARY SIGN means a sign erected for a limited time that identifies an event or activity of limited duration. Examples include signs advertising the sale or lease of property, construction activity in progress, or a concert or other cultural event.

33) UPPER LEVEL SIGN means an attached sign wholly or partially situated 36 feet above grade.

34) UPPER LEVEL SIGN AREA means the portion of a facade more than 36 feet above grade and within the top 12 feet of a facade on buildings 18 stories or less, or within the top 36 feet of a facade on buildings more than 18 stories.

34.1) VIDEOBOARD SIGN means a sign consisting of a flat screen that is capable of displaying intermittent changeable messages and moving images similar to television images, by light-emitting diode or other similar technology, and that is mounted to the exterior of a building.

35) WELCOME MESSAGE means a message that identifies and greets heads of state, foreign dignitaries, groups using city property in accordance with a contract, license, or permit, or government organizations.

36) WINDOW ART DISPLAY means an exhibit or arrangement placed within a storefront window of a building and designed to be viewed from a street or public area.

37) WINDOW SIGN means a sign painted or affixed to a window.

38) WORD: For purposes of this division, each of the following is considered to be one word:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.
SEC. 51A-7.904. DETACHED NON-PREMISE SIGNS.

Except as provided in this division, no person may erect a detached non-premise sign in this district. (Ord. Nos. 19455; 20167; 21404; 24606; 24925)

SEC. 51A-7.905. SIGN PERMIT REQUIREMENT.

(a) Except as provided in Sections 51A-7.908, 51A-7.914 and 51A-7.915, a person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city.

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505 of this article. Section 51A-7.602 of this article does not apply to signs in this district.

(c) A person who violates Subsection (a) is guilty of a separate offense for each day or portion of a day during which the violation is continued. (Ord. Nos. 20167; 21404; 24606; 24925)

SEC. 51A-7.906. GENERAL PROVISIONS FOR ALL SIGNS IN THE DOWNTOWN SIGN DISTRICT.

(a) Except as provided in Subsection (b) and (c), the regulations of Section 51A-7.303 apply in this district.

(b) For retail and personal service uses within the retail and Main Street subdistricts, the measurements of luminance are taken from any premise or public right-of-way other than an alley outside the retail subdistrict or and Main Street subdistrict, respectively.

(c) Section 51A-7.303 does not apply to videoboard signs in the Main at Akard Subdistrict. No part of the structure of a videoboard sign in the Main at Akard Subdistrict may move or rotate.

(d) Illuminated signs in this district must comply with Section 51A-6.104 of the Dallas Development Code, as amended. (Ord. Nos. 24606; 24925)
SPECIAL PROVISIONS FOR SIGNS WITHIN
THE GENERAL CBD, MAIN STREET AND RETAIL SUBDISTRICTS.

SEC. 51A-7.907. GENERAL PROVISIONS.

(a) Signs over the right-of-way.

(1) Signs may be located within the public right-of-way subject to the franchise requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, as amended, Chapter 45 of the Dallas Building Code, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(2) The director of development services shall review the location of any sign located in or overhanging the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction.

APPLICANT

(3) No With the exception of videoboard signs in the Main at Akard Subdistrict, no portion of a sign may be located less than two feet from the back of a street curb. No videoboard sign in the Main at Akard Subdistrict may project over a street.

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(3) No portion of a sign may be located less than two feet from the back of a street curb.

(b) Signs in general.

(1) Except as provided in Division 51A-7.900 of Article VII, all applications for certificates of appropriateness for detached signs in this district must be reviewed by the special sign district advisory committee using the permit procedures set forth in Division 51A-7.500. The director procedure in Division 51A-7.500 is not available for detached signs in this district. All applications for certificates of appropriateness for other types of signs in this district must be in accordance with Division 51A-7.500 of Article VII.

(2) Unless otherwise provided, all signs in this district must be premise signs.

(3) All wind devices except for flags and banners are prohibited in this district unless allowed under a special events permit issued under Chapter 42A of the Dallas City Code, as amended. (Ord. 24606; 24925; 25047)

SEC. 51A-7.908. VIDEOBOARD SIGN.

(a) One videoboard sign may be attached to a building adjacent to the Main Street Subdistrict.

(b) The videoboard sign may display any message.
A maximum of two videoboard signs may be attached to any building located wholly within the Main at Akard Subdistrict, one of which may be located adjacent to Main Street and the other which may be located adjacent to Elm Street. The videoboard sign adjacent to Main Street may contain two sign faces that face different directions. The videoboard sign adjacent to Elm Street shall be limited to one sign face. Each sign face shall be limited to 150 square feet in effective area. If a videoboard sign overhangs a sidewalk, there shall be a minimum clearance of 15 feet between the sidewalk and the lowest portion of a videoboard sign. Intermittent changeable messages (as opposed to streaming video, or moving images similar to television images) on a videoboard sign shall not change messages more often than every six seconds. Nothing herein is intended to prevent streaming video on a videoboard sign. The regulations in this subsection apply only to videoboard signs in the Main at Akard Subdistrict.

(c) A videoboard sign may display any message.

A maximum of two videoboard signs may be attached to any building located wholly within the Main at Akard Subdistrict, one of which may be located adjacent to Main Street and the other which may be located adjacent to Elm Street. The videoboard sign adjacent to Main Street may contain two sign faces that face different directions. The videoboard sign adjacent to Elm Street shall be limited to one sign face. Each sign face shall be limited to 60 square feet in effective area. Intermittent changeable messages (as opposed to streaming video, or moving images similar to television images) on a videoboard sign shall not change messages more often than every eight seconds. Nothing herein is intended to prevent streaming video on a videoboard sign that is a flat attached sign. All images and messages on a video board sign which overhangs right-of-way that is not a flat attached sign is limited to intermittent changeable messages. The regulations in this subsection apply only to videoboard signs in the Main at Akard Subdistrict.

(c) A videoboard sign in the Main Street subdistrict may display any message. A videoboard sign in the Main at Akard subdistrict may display premise messages and messages promoting district activities.

A certificate of appropriateness is required for approval of the specific size and location of the videoboard sign.

The videoboard sign may not be placed on a landmark structure. (Ord. 24925)

SECS. 51A-7.909 THRU 51A-7.910. RESERVED.

(Ord. Nos. 20167; 21404; 24606; 24925)

SEC. 51A-7.911. ATTACHED PREMISE SIGNS.

(a) Attached signs in general.

(1) Attached signs must be securely attached.
(2) Attached signs overhanging the public way are permitted, except that no sign may project closer than two feet to the vertical plane extending through the back of a street curb.

(3) The total effective area for all signs on a facade may not exceed 30 percent of the area in the lower or upper level sign area. Projecting attached signs are not included in these effective area calculations.

(4) Except as otherwise provided, attached signs may only be located in the lower level sign area or in the upper level sign area.

(5) Attached signs may not project more than four feet above the roof line.

(b) Arcade signs.

(1) An arcade sign must be located at least 15 feet from any other arcade sign.

(2) No arcade sign may exceed six square feet in effective area.

(3) No arcade sign may be lower than 10 feet above grade.

(c) Awning signs.

(1) Awning signs in the general CBD subdistrict.

(A) No awning sign may:

(i) project more than two inches from the surface of the awning; or

(ii) be lower than 10 feet above grade.

(B) The total effective area for any one awning sign may not exceed six square feet.

(C) The total effective area for all awning signs combined on each street frontage may not exceed 150 square feet.

(2) Awning signs in the Main Street and retail subdistricts.

(A) No awning sign may:

(i) project more than two inches from the surface of the awning; or

(ii) be lower than 10 feet above grade.

(B) The total effective area for each awning sign may not exceed eight square feet.

(C) The total effective area for all awning signs combined on each premise may not exceed 180 square feet on each street frontage.

(d) Canopy signs.

(1) Canopy signs in the general CBD subdistrict.

(A) No canopy sign may:

(i) exceed 50 percent of the length of the canopy facade to which it is attached;
(ii) project horizontally more than two inches from the surface of the canopy; or  
(iii) be lower than 10 feet above grade.

(B) The total effective area for all canopy signs combined on each street frontage may not exceed 150 square feet.

(C) No canopy sign may project vertically above the surface of the canopy if a lower level flat attached sign is maintained at that occupancy on the same facade.

(D) No canopy sign may project vertically above the surface of the canopy more than 15 percent of the overall length of the sign.

(E) A canopy sign may only be located over a pedestrian entrance to a premise.

(2) Canopy signs in the Main Street and retail subdistricts.

(A) No canopy sign may:

(i) exceed 60 percent of the length of the canopy facade to which it is attached;
(ii) project horizontally more than 12 inches from the surface of the canopy; or
(iii) be lower than 10 feet above grade.

(B) The total effective area for all canopy signs combined on each street frontage may not exceed 180 square feet.

(C) No canopy sign may project vertically above the surface of the canopy if a lower level flat attached sign is maintained at that occupancy on the same facade.

(D) No canopy sign may project vertically above the surface of the canopy more than 20 percent of the overall length of the sign.

(E) Canopy signs may only be located over a pedestrian entrance to a premise.

(e) Flat attached signs.

(1) Lower level flat attached signs.

(A) The maximum number of lower level flat attached signs permitted on a facade is the sum obtained by counting all of the street entrances and first floor occupants with windows on that facade with no street entrances.

(B) In the general CBD subdistrict, the maximum effective area for a lower level flat attached sign is:

(i) 30 square feet if the sign is within 15 feet of the right-of-way; and
(ii) 50 square feet if the sign is more than 15 feet from the right-of-way.

(C) In the Main Street and retail subdistricts, the maximum effective area for a lower level flat attached sign is:

(i) 40 square feet if the sign is within 15 feet of the right-of-way; or
(ii) 60 square feet if the sign is more than 15 feet from the right-of-way.

(2) **Upper level flat attached signs.**

(A) Each upper level flat attached sign may have a maximum of eight words that contain any character of a height equal to or exceeding four inches.

(B) Upper level flat attached signs must be wholly located within the upper level sign area.

(f) **Marquee signs.**

(1) No marquee sign may:

(A) exceed 225 square feet for buildings with an entertainment facility housing 150 seats or less; or

(B) exceed 375 square feet for buildings with an entertainment facility housing more than 150 seats.

(2) No marquee sign may be longer than two-thirds of the length of the frontage of the building to which the marquee is attached.

(3) The message area on a marquee sign may consist of LED, LCD, or other changeable message technology. The message area on any marquee sign may not exceed 60 percent of the effective area of the sign.

(4) Marquee signs must have a height dimension of not less than two feet.

(5) No premise may have more than one marquee sign per street frontage.

(6) Only an entertainment facility may have a marquee sign.

(g) **Projecting attached signs.**

(1) **Lower projecting attached signs.**

(A) No premise may have more than one lower projecting attached sign per pedestrian entrance.

(B) No lower projecting attached sign may exceed 15 square feet in effective area in the general CBD subdistrict, or 30 square feet in effective area in the retail and Main Street subdistricts.

(C) No lower projecting attached sign may be lower than 10 feet above grade, or project vertically above the roof of a building, or 25 feet above grade, whichever is lower.

(D) No lower projecting attached sign may project more than five feet into the public right-of-way.

(2) **Upper projecting attached signs.**

(A) No premise may have more than one upper projecting attached sign.
(B) No upper projecting attached sign may project more than five feet into the public right-of-way.

(C) An upper projecting attached sign:
   (i) may be located outside the upper level sign area; and
   (ii) may not be lower than 12 feet above grade.

(D) The lowest point of an upper projecting attached sign must be located within 36 feet above grade.

(E) No upper projecting attached sign may exceed 180 square feet in effective area.

(3) The board of adjustment may authorize a special exception to the effective area, height, or location restrictions for a projecting attached sign if the board finds, after a public hearing, that the special exception will not be contrary to the public interest, adversely affect neighboring properties, or create a traffic hazard and that the special exception will be in harmony with the general purpose and intent of this division. In no event may a special exception granted under this paragraph authorize a sign to exceed 300 square feet in effective area or 45 feet in height. (Ord. 20927; 21404; 21694; 24606; 24925)

SEC. 51A-7.912. DETACHED PREMISE SIGNS.

(a) Unless otherwise provided, all detached premise signs must be monument signs or landscape signs.

(b) No detached premise sign may be located within five feet of a public right-of-way, except for monument signs or landscape signs, which may be located at the building line.

(c) Detached premise signs located within 15 feet of a public right-of-way may not exceed 20 square feet in effective area, or five feet in height.

(d) Detached premise signs with a setback of 15 feet or greater from a public right-of-way may not exceed 50 square feet in effective area, or 15 feet in height.

(e) A detached premise sign may contain only the name, logo, and address of the premise building and its occupants.

(f) Section 51A-7.304(c) of the Dallas Development Code, as amended, does not apply to monument signs or landscape signs in these subdistricts.

(g) A premise having more than 450 feet of frontage along a street may have no more than one additional detached premise sign for each additional 100 feet of frontage or fraction thereof. For purposes of this subsection, "street" means a right-of-way that provides primary access to adjacent property. (Ord. Nos. 20167; 21404; 22425; 24606; 24925)

SEC. 51A-7.913. SIGNS ON CONSTRUCTION BARRICADES.

(a) The director of development services shall review all signs to be placed on a construction barricade for consistency with the construction fence requirements of the Dallas Central Business District Streetscape plan. Upon approval of the signs by the director, a sign permit for the signs may be issued. This review is a condition precedent for any permit issued for
a construction barricade. No additional sign permits for the barricade may be issued after the barricade permit is issued.

(b) A sign that is affixed to a construction barricade may not project more than two inches from the surface of the construction barricade.

(c) A sign that is affixed to a construction barricade may neither be lighted nor contain any moving parts.

(d) A sign that is affixed to a construction barricade must be removed when the construction barricade is removed.

(e) The information contained on a sign placed on a construction barricade may only convey information regarding what is being constructed on the site and who is conducting the construction, including the owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors. The sign may not advertise a product.

(f) The message area on a sign that is affixed to a construction barricade may not exceed 50 square feet in effective area.

(g) A construction barricade may be fully decorated or graphically designed if:

(1) no decoration or graphic horizontally projects more than two inches from the surface of the barricade; or

(2) no decoration or graphic vertically projects more than four feet above the top of the barricade. (Ord. Nos. 19455; 20167; 21404; 24606; 24925; 25047)

SEC. 51A-7.914. BANNERS ON STREETLIGHT POLES.

Banners on streetlight poles in the freeway loop are subject to the following regulations:

(a) A banner must display a promotional message, a welcome message, or generic graphics.

(b) No more than 10 percent of the effective area of a banner may contain a welcome message that identifies and greets a group using city property in accordance with a contract, license, or permit.

(c) Up to 10 percent of the effective area of a banner may contain the word(s) or logo(s) that identify a sponsor of a cultural event or activity if the sponsor's name is part of the name of the activity or event.

(d) A banner having either a promotional message or a welcome message may not be erected more than 90 days prior to the beginning of the advertised activity or event, and must be removed no later than 15 days after that activity or event has ended. The sign hardware for a banner may be left in place between displays of a banner.

(e) A banner and its sign hardware must:

(1) be mounted on a streetlight pole;

(2) meet the sign construction and design standards in the Dallas Building Code;
(3) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;
(4) be made out of weather-resistant and rust-proof material;
(5) not project more than three feet from the pole onto which it is mounted; and
(6) not exceed 20 square feet in effective area.

(f) No sign permit or certificate of appropriateness is required to erect or remove a banner. (Ord. Nos. 21404; 24606; 24925)

SEC. 51A-7.915. WINDOW ART DISPLAYS IN VACANT BUILDINGS.

Window art displays on the ground floor of a vacant building are allowed subject to the following regulations:

(a) A window art display may contain only a promotional message, generic graphics (including three-dimensional artifacts), a message identifying the sponsor of the display, or a message referring to the sale or lease of the premises.

(b) Window signs in a window art display may not:
   (1) cover more than 25 percent of the surface area of a window;
   (2) contain a logo or word that has any character that exceeds five inches in height;
   (3) advertise a specific product or service other than the cultural event or activity; or
   (4) have more than 10 percent or four square feet, whichever is less, of its effective area devoted to sponsorship identification.

(c) No sign permit or certificate of appropriateness is required to erect or remove a window art display. (Ord. Nos. 21404; 24606; 24925)

SEC. 51A-7.916. NONCOMMERCIAL MESSAGE NONDISCRIMINATION.

Notwithstanding any other provision of this division, any sign that may display a type of noncommercial message may display in place of that message any other type of noncommercial message, so long as the sign complies with other requirements of this article and other ordinances that do not pertain to the content of the message displayed. Section 51A-7.209 of the Dallas Development Code, as amended, applies to this district. (Ord. Nos. 21404; 24606; 24925)

SEC. 51A-7.917. ACTIVITY DISTRICT CHANGEABLE MESSAGE SIGNS.

(a) No more than six activity district changeable message signs may be located in this district.

(b) Activity district changeable message signs in the general CBD subdistrict:
   (1) may be attached or detached signs;
   (2) must be located at least 1500 feet apart;
(3) if attached signs, must be located on separate facades; and
(4) may not exceed 450 square feet in effective area.

(c) Activity district changeable message signs in the retail and Main Street subdistricts:
(1) must be attached signs;
(2) must be located at least 300 feet apart;
(3) must be located on separate facades; and
(4) may not exceed 200 square feet in effective area.

(d) A maximum of four activity district changeable message signs may be located in the
general CBD subdistrict, and a maximum of two activity district changeable message signs may
be located in the retail and Main Street subdistricts collectively.

(e) Activity district changeable message signs may not exceed 60 feet in height.

(f) Activity district changeable message signs may only promote district activities within
this district or West End Special Provision Sign District, Deep Ellum Special Provision Sign
District, Arts District Special Provision Sign District, and Farmers Market Special Provision
Sign District.

(g) No more than 10 percent of the effective area of a district changeable message sign may
be devoted to sponsorship identification.

(h) No more than eight permanent words may be located on an activity district changeable
message sign.

(i) There is no limit to the number of words on the changeable message portion of an
activity district changeable message sign.

(j) No attached activity district changeable message sign may project above the roof.

(k) Activity district changeable message signs must be securely anchored and meet design
standards approved by the Special Sign District Advisory Committee. (Ord. Nos. 24606; 24925)

SEC. 51A-7.918. KIOSKS.

(a) Kiosks for which permits were issued after March 9, 2005.
(1) Kiosks may only be erected as part of a city- wide kiosk program approved by the
city council.
(2) Kiosks are not subject to this section, and must meet the design standards of a city-
wide kiosk program approved by the city council.

(b) Kiosks for which permits were issued on or before March 9, 2005.
(1) Kiosks may display premise or non-premise messages.
(2) Kiosks must be spaced at least 300 feet apart.
(3) No kiosk may be illuminated by a detached, independent external light source.

(4) Kiosks may not be located on sidewalks unless:
   (A) an unobstructed sidewalk width of 10 feet is maintained on any side with a message area; or
   (B) an unobstructed sidewalk width of seven feet is maintained with no message area.

(5) Kiosks must be securely anchored.

(6) Except as provided in this section, kiosks must meet the design standards of a city-wide kiosk program approved by the city council.

(7) Kiosks may contain coin-operated public toilets.

(8) Kiosks may not exceed:
   (A) 10 feet in height;
   (B) 80 square feet in effective area; or
   (C) 100 square feet in effective area if a kiosk contains a coin-operated public toilet.

(9) The effective area of a kiosk is measured using the rule for measuring the effective area of detached signs.

(10) The message area of a kiosk may not exceed 60 percent of the effective area of the kiosk.

   (A) One-third of the message area of a kiosk must identify a district activity or be an area way-finding map. The message area identifying a district activity or containing an area way-finding map must be oriented to be visible from a sidewalk within the public right-of-way.

   (B) There is no limit as to the number of words containing characters of a height equal to or exceeding four inches on a kiosk.

(11) Kiosks with area way-finding maps must have the word "information" or an information symbol above the message area.

(12) Kiosks may be relocated within this district, provided the new location and kiosk design complies with this section. (Ord. Nos. 24606; 24925; 25926)

SEC. 51A-7.919. MOVEMENT CONTROL SIGNS.

(a) Movement control signs must direct vehicular or pedestrian movement within this district or to adjacent districts and may include the name or logo of any premise located in this district or the name or logo of any adjacent district.

(b) Movement control signs that include the name or logo of two or more premises may:
   (1) be attached or detached signs;
(2) not exceed 30 square feet in effective area;
(3) be located in a public right-of-way; or
(4) be erected anywhere within the district without limit as to number.

(c) Movement control signs that include the name or logo of one premise may:
(1) be attached or detached signs;
(2) be erected on the premise without limit as to number;
(3) not exceed two square feet in effective area; and
(4) not be located in the public right-of-way. (Ord. Nos. 24606; 24925)

SEC. 51A-7.920. DISTRICT IDENTIFICATION SIGNS.

(a) A district identification sign may only:
(1) identify the name or logo of the Main Street or retail subdistrict as approved by the city council; and
(2) be located in the subdistrict that it identifies.

(b) A district identification sign may be located in the right-of-way.

(c) No district identification sign may be a changeable message sign.

(d) A district identification sign may only be a monument sign, a banner sign, or be located on a structure that spans a right-of-way or on a nonenclosing wall.

(e) A maximum of six district identification signs are allowed in the retail and Main Street subdistricts collectively.

(f) No district identification sign may exceed 50 square feet in effective area.

(g) No district identification sign may exceed five words.

(h) A structure that spans a right-of-way or a nonenclosing wall containing a district identification sign:
(1) may not exceed 900 square feet in effective area;
(2) must be at least 15 feet above grade; and
(3) may not exceed 25 feet in height.

(i) Monument identification signs located within 15 feet of a public right-of-way may not exceed 20 square feet in effective area, or five feet in height.

(j) Monument identification signs located more than 15 feet from a public right-of-way may not exceed 50 square feet in effective area, or 15 feet in height.
(k) Banner district identification signs and their hardware must meet the sign construction and design standards contained in the Dallas Building Code, and be at least 12 feet above grade, unless they overhang a roadway, in which case they must be at least 15 feet above grade;

(1) No banner district identification sign and its hardware may exceed 25 feet in height;

(2) No banner district identification sign and its hardware may project more than three feet from the pole on which they are mounted;

(3) A banner district identification sign and its hardware must be spaced at least 100 feet from other banner district identification signs;

(4) A banner district identification sign and its hardware may not exceed 24 square feet in effective area; and

(5) A banner district identification sign and its hardware must be made of weather-resistant and rust proof material. (Ord. Nos. 24606; 24925)

SEC. 51A-7.921. PROTECTIVE SIGNS.

(a) The occupant of a premise may erect no more than two detached protective signs in accordance with the following provisions:

(1) No sign may exceed 700 square inches in effective area.

(2) No detached sign may exceed two feet in height.

(3) No word may exceed four inches in height, unless otherwise required by law.

(b) The occupant of a premise may erect attached protective signs at each entrance to a premise in accordance with the following provisions:

(1) No sign may exceed 700 square inches in effective area.

(2) The cumulative messages may not exceed 1,300 square inches per entrance.

(3) No word may exceed four inches in height, unless otherwise required by law. (Ord. Nos. 24606; 24925)

SEC. 51A-7.922. SPECIAL PURPOSE SIGNS.

(a) Illumination. Special purpose signs may be externally or internally illuminated.

(1) Attached signs.

(A) Only one attached premise special purpose sign may be located on each facade per premise up to four times within any 12-month period as long as:

(i) the sign is maintained for no more than 45 days each time during that 12-month period;

(ii) the sign conforms to all other regulations for attached signs; and

(iii) the effective area of the sign does not exceed:
(aa) 30 percent of the building facade for an entertainment facility; or
(bb) 10 percent of the building facade for other uses.

(B) There is no limit to the number of words permitted on an attached premise special purpose sign.

(2) Detached special purpose signs are prohibited in this district. (Ord. Nos. 24606; 24925)

SEC. 51A-7.923. OTHER TEMPORARY SIGNS.

(a) In addition to the protective signs permitted under Section 51A-7.921, temporary protective signs may be erected anywhere on a construction site at anytime during construction subject to the following provisions:

(1) There is no limit on the number of temporary protective signs on a construction site.

(2) No sign may exceed 20 square feet in effective area, or eight feet in height.

(3) Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface, or six inches above the top, of the sign.

(4) All temporary protective signs must be removed upon completion of the construction.

(b) "For Sale," "For Lease," "Remodeling," and "Under Construction" signs. Signs that relate exclusively to the sale, lease, remodeling, or construction of the premises on which they are located are permitted subject to the following provisions:

(1) Attached signs.

(A) There is no limit on the number of attached signs permitted.

(B) If the sign is attached to a window, the maximum effective area of the sign is 16 square feet.

(C) If the sign is attached to other portions of a facade, the maximum effective area of the sign is 32 square feet.

(2) Detached signs.

(A) Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement.

(B) No detached sign may exceed 128 square feet in effective area, or 16 feet in height. (Ord. Nos. 24606; 24925)

SECS. 51A-7.924 THRU 51A-7.929. RESERVED.

SEC. 51A-7.930. SUPERGRAPHIC SIGNS.

(a) Definitions. In this section:
(1) INNER LOOP AREA means the Main Street Subdistrict, the Retail Subdistrict and the General CBD Subdistrict.

(2) SUPERGRAPHIC SIGN means a large attached premise or non-premise sign on a mesh-type surface.

(b) Visual display and coverage.

(1) A supergraphic sign must have one large visual display with a minimum of 92 percent non-textual graphic content (no more than eight percent text). Multiple displays giving an appearance of multiple signs are prohibited.

(2) A supergraphic sign must cover at least 90 percent of the face of the building to which it is attached. The lower 10 feet of the face may not be covered and is disregarded in calculating the coverage area.

(3) Supergraphic signs are intended to be creative and artful and not strictly a representation of an advertised product. It is the intent of this provision to:
    (A) encourage the use of illustrative images or other non-repetitive design elements;
    (B) encourage visually interesting, vibrant, and colorful designs;
    (C) discourage use of solid colors or repetitive design elements; and
    (D) discourage an image of a single product or product logo without other graphic elements.

(c) Effective area. Maximum permitted effective area of a supergraphic sign is 20,000 square feet. Minimum permitted effective area is 10,000 square feet.

(d) Height. No supergraphic sign may exceed 150 feet in height.

(e) Number of signs permitted. No more than six supergraphic signs are permitted within the inner loop area. No supergraphic signs are permitted outside of the inner loop area.

(f) Extensions prohibited. A supergraphic sign may not extend beyond the edge of the face of the building to which it is attached.

(g) Location.

(1) A supergraphic sign may only be located on a blank face of a building.

(2) No supergraphic sign may:
    (A) cover any window or architectural or design feature of the building to which it is attached;
    (B) be attached to an historic or landmark structure; or
    (C) be attached to a building or structure erected after June 1, 2005.

(h) Message duration. A supergraphic sign may not display the same message for more than four consecutive months in any 12-month period.
(i) **Hardware fasteners.** All hardware fasteners for a supergraphic sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(j) **HBA signs prohibited.** No supergraphic sign may be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(k) **Sign permit application review.** All applications for sign permits for supergraphics signs shall be reviewed using the director procedure in Section 51A-7.505.

(l) **Mandatory removal in 2008.** All supergraphic signs must be removed on or before September 1, 2008. This section does not confer a nonconforming or vested right to maintain a supergraphic sign after September 1, 2008, and all permits authorizing supergraphic signs shall automatically expire on that date.

(m) **Sunset.** This section expires on September 1, 2008, unless re-enacted with amendment prior to that date. The city plan commission and city council shall review this section prior to its expiration date. (Ord. Nos. 24717; 24925; 24926; 25291; 25995)
Rendering of proposed sign on Main Street façade of the building
## Notification List of Property Owners

**SPSD067-003 (DC)(KRua)**

120 Property Owners Notified

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*Thursday, September 06, 2007*
A public hearing to receive comments regarding consideration of amendments to Chapters 51 and 51A of the Dallas Development Code to revise the regulations regarding recycling drop-off containers to require screening in certain circumstances and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA056-010
FILE NUMBER: DCA056-010   DATE INITIATED: March 3, 2006

TOPIC: Screening of Recycle Bins

CITY COUNCIL DISTRICTS: All   CENSUS TRACTS: All

PROPOSAL: Consideration of amendment to Chapters 51 and 51A of the Dallas Development Code to revise the regulations regarding recycling drop-off containers to require screening in certain circumstances.

SUMMARY: The purpose of this proposal is to consider how to best address the possible negative impacts of recycling drop-off containers on the surrounding areas and whether screening should be required similar to that required for garbage storage areas. The City Plan Commission recommendation is to prohibit recycling containers from being located in a yard adjacent to a street. The City Council Economic Development Committee was briefed on this proposal and recommended that they be required to be screened from view of any street or residential area and be limited to two containers per site.

STAFF RECOMMENDATION: Approval.

CPC RECOMMENDATION: Approval.
BACKGROUND INFORMATION:

- Recycling drop-off containers are not currently required to be screened or meet a minimum setback requirement.

- Currently, the Dallas Development Code requires that dumpsters be screened in the following manner:
  - garbage storage areas must be screened on ANY side visible from a street or adjoining property unless a minimum of 200 feet from a street or adjoining property;
  - ‘landscaping’ may be used as screening materials; and
  - allows a portion of the screen that is within one-foot above ground to be 50% open in nature for air circulation and visibility purposes.

- While the City of Dallas has implemented a recycling program for single family areas, recycling containers are not always available for multifamily uses or other uses. In part to address this need, private sector companies have many newspaper recycling containers which are located at a variety of locations. The city has also recently implemented a program to make single stream city containers available to multifamily developments.

- Many not for profit organizations, including schools and churches, use newspaper recycling as a fund raising mechanism.

- While recycling bins and dumpsters are structurally similar and both serve to temporarily store refuse, recycle bins, especially in residential areas such as at schools and religious institutions, are more typically utilized by individuals off-site and not by the premise they are located on.

- A major paper recycling company in the area has indicated that they have approximately 522 containers at 293 separate locations including 70 DISD school sites. They indicated thousands of dollars are raised annually through the recycling program for schools and other entities.

ANALYSIS:

Staff identified the following issues in relation to this proposal:

1. Recycle bins visual and aesthetic impact on the areas they are located in.
2. The benefits to the community they are located in (convenience of access, fund raising).
3. The benefits to the city through savings by diverting materials from the landfill.
4. Safety concerns related to their use by citizens and safety concerns related to having areas that are screened from view at locations such as schools.
One proposal considered by the Zoning Ordinance Advisory Committee (ZOAC) and the City Plan Commission (CPC) was to require that recycle containers be screened in a similar manner as garbage storage areas. ZOAC and CPC did not recommend solid screening, but recommended requiring a minimum setback to prohibit containers from being located in front yards adjacent to streets. Both committees expressed concern that requiring screening would diminish the use of the bins and potentially create safety concerns.

The proposal was briefed several times to the City Council Economic Development Committee. On August 15, 2008, the committee recommended that bins be limited to two per site and be required to be screened wherever visible from a street right-of-way or residential property. To address concerns with safety, the committee did recommend requiring any screening fence to be elevated 1 foot above a grade except for support posts. This would make it easy to identify if any individual was behind the screening fence. The committee also recommended allowing a sign to be located on the screening fence identifying the location of the recycling containers.
CPC ACTION (October 26, 2006)

Motion: It was moved to recommend approval of amendments to Chapters 51 and 51A of the Dallas Development Code to revise the regulations regarding recycling drop-off containers to prohibit recycling containers from being located in a yard adjacent to a street and to strike “(3) or 501(c)(4).”, under (F) Nonprofit organization exempt from fees.

Maker: Neumann
Second: Wilson
Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Bagley, Weiss, Avery, Buehler, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Burnham
Vacancy: 1 - District 8

Speakers: None
CITY PLAN COMMISSION RECOMMENDATION

ORDINANCE NO. ______

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code, by amending Section 51A.4-213; amending the regulations for recycling drop-off container; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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


"(E) Additional provisions:

(i) A multifamily or nonresidential use must be located on the same building site as this use.

(ii) This use may not be located within a visibility triangle as defined in Section 51A-4.602 [of this chapter].

(iii) No more than six containers are permitted on a building site. Five of the containers may have no more than 3.5 cubic yards of storage capacity. One container for paper collection may have no more than 20 cubic yards of storage capacity. No container may exceed six feet in height. All deposit openings must be designed to prevent dispersion of the container's contents, or the container must be staffed at all times when collection may occur. Containers must be constructed of solid materials and placed on concrete paving, hot mix asphalt paving that consists of a binder and surface course, or a material that has equivalent characteristics."
(iv) Containers may not occupy required off-street parking spaces, impede free traffic flow, or be located in a yard that abuts a street. For purposes of this provision, yard means the area extending the length of the lot between the main structure and a street.

(v) Trailers and automatic collection machines are prohibited.

(vi) Mechanical processing of the recyclable materials is prohibited on site.

(vii) Materials stored at this use must be removed at least once a week or before reaching capacity. The facilities must be maintained in proper repair and the exterior must have a neat and clean appearance.

(viii) A sign must be provided for each container. Each sign must identify the use, the operator responsible for the use, and the telephone number of the operator. No sign may exceed 30 square feet.

(ix) No more than one recycling use is permitted on a building site.

(x) This use must be located at least 1,000 feet from another recycling use. Measurements of distance under this paragraph are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the building sites where recycling uses are located.

(xi) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

(F) Nonprofit organizations exempt from fees. Nonprofit organizations are exempt from payment of SUP application fees for this use. For purposes of this provision, nonprofit organization means an organization eligible for an exemption from taxation pursuant to Sections 501(c)(3) or [and] 501(c)(4) of the Internal Revenue Code. At the time of application, a nonprofit applicant must submit an affidavit, acknowledged before a notary public, stating the organization's eligibility for a fee exemption under this paragraph.

(G) Time limit on SUP. No SUP for this use may be granted for more than a two-year time period.

(H) Exemption for parks. If this use is located on property controlled, managed, or maintained by the park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

[(xiv) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.]
SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

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

SECTION 5. That this ordinance 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

Passed________________________________
CITY COUNCIL ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATION

ORDINANCE NO. __________

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code, by amending Section 51A.4-213; amending the regulations for recycling drop-off container and SUP fee exemption for 502(c); providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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


“(E) Additional provisions:

(i) A multifamily or nonresidential use must be located on the same building site as this use.

(ii) This use may not be located within a visibility triangle as defined in Section 51A-4.602 [of this chapter].

(iii) No more than two [six] containers are permitted on a building site. [Five of the] Containers may have no more than 3.5 cubic yards of storage capacity except that one container for paper collection may have no more than 20 cubic yards of storage capacity. No container may exceed six feet in height. All deposit openings must be designed to prevent dispersion of the container's contents, or the container must be staffed at all times when collection may occur. Containers must be constructed of solid materials and placed on concrete paving, hot mix asphalt paving
that consists of a binder and surface course, or a material that has equivalent characteristics.

(iv) Containers may not occupy required off-street parking spaces, [or] impede free traffic flow, or be located in a yard that abuts a street. For purposes of this provision, yard means the area extending the length of the lot between the main structure and a street.

(v) Trailers and automatic collection machines are prohibited.

(vi) Mechanical processing of the recyclable materials is prohibited on site.

(vii) Materials stored at this use must be removed at least once a week or before reaching capacity. The facilities must be maintained in proper repair and the exterior must have a neat and clean appearance.

(viii) A sign must be provided for each container on the container. Each sign must identify the use, the operator responsible for the use, and the telephone number of the operator. No sign on a container may exceed 30 square feet. One sign that does not exceed 20 square feet may be provided on a required screening fence within 5 ft of a container.

(ix) No more than one recycling use is permitted on a building site.

(x) This use must be located at least 1,000 feet from another recycling use. Measurements of distance under this paragraph are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the building sites where recycling uses are located.

(xi) Recycling drop-off containers must be visually screened on any side visible from a street or an adjoining residential property by a brick, stone, concrete masonry, stucco, concrete, or wood wall or fence or by landscape screening. To allow air circulation and visibility, the screening from grade to one foot above grade must be open except for support posts. Screening must be properly maintained so that:

(aa) the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and

(bb) any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials and any dead or damaged landscaping materials are repaired or replaced."

(xii) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.
(F) Nonprofit organizations exempt from fees. Nonprofit organizations are exempt from payment of SUP application fees for this use. For purposes of this provision, nonprofit organization means an organization eligible for an exemption from taxation pursuant to Sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code. At the time of application, a nonprofit applicant must submit an affidavit, acknowledged before a notary public, stating the organization's eligibility for a fee exemption under this paragraph.

(G) Time limit on SUP. No SUP for this use may be granted for more than a two-year time period.

(H) Exemption for parks. If this use is located on property controlled, managed, or maintained by the park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

[xiv] The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

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

SECTION 5. That this ordinance 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

Passed______________________________
AGENDA ITEM # 70

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

A public hearing to receive comments regarding consideration of amendments to Chapter 51A, the Dallas Development Code, to delete the ability to request a variance to maximum floor area requirements (FAR) and an ordinance granting the amendments. Recommendation of Staff and CPC: Approval

DCA067-009
PROPOSAL: Amendments to Chapter 51A, the Dallas Development Code, to delete the ability to request a variance to maximum floor area requirements.

SUMMARY: The proposed amendments would delete the ability for an applicant to request a variance to the maximum floor area ratio requirements for a given zoning district. Today the Board of Adjustment has the ability to consider variances to the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area ratios, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations that will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the code would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

ZOAC RECOMMENDATION: Approval of the attached ordinance.

STAFF RECOMMENDATION: Approval of the attached ordinance.
BACKGROUND

- Currently the Board of Adjustment has the ability to consider variances to the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area ratios, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations that will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the code would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

- This provision has been used to consider variances to FAR requirements and to consider variances to requirements limiting the floor area of any one accessory structure accessory to a single family use to no more than 25 percent of the floor area of the main structure and of all accessory structures to no more than 50 percent of the floor area of the main structure.

- The development code defines floor area as:

  (38) FLOOR AREA means the total square feet of floor space in a building measured to the outside faces of exterior walls or to the omitted wall lines, whichever produces the larger area, excluding the following:

  (A) Area used solely for off-street parking.

  (B) Area between an omitted wall line and the structural wall when the area is used solely for foot or vehicular traffic or landscaping.

  (C) Area of a private balcony that is not accessible to the public and does not provide a means of ingress or egress.

  (D) Area of a breezeway or an unenclosed stairway located within the first three stories, excluding any basement, of a residential use.

- The development code defines floor area ratio as:

  (39) FLOOR AREA RATIO means the ratio of floor area to lot area. (Note: A 1:1 FAR is stated as "1.0," 2:1 is stated as "2.0," 2.5:1 is stated as "2.5," etc.)

PROPOSAL

Physical constraints on a property affecting where a structure can be placed does not impact the floor area ratio (FAR). FAR is a calculation based on the area of the lot times some multiple to give the maximum developable floor area exclusive of parking garages. For example, a 10,000 square foot lot with an FAR of 2.0 could be developed with a building a maximum of 20,000 square feet. The shape, slope, or other physical constraints of a lot do not restrict a lot’s FAR, so there should not be a need for a variance to the FAR requirements.
Staff is recommending deleting the provision that allows variances to be considered to the FAR requirements. Staff is supportive of allowing single family homeowners the ability to ask for a variance to the maximum floor area restrictions on accessory structures.

CPC ACTION (November 15, 2007)

Motion: It was moved to recommend approval of amendments to Chapter 51A, the Dallas Development Code, to delete the ability to request a variance to maximum floor area requirements (FAR) but allow requests for variances to the single family floor area restrictions on accessory structures.

Maker: Buehler
Second: Weiss
Result: Carried: 13 to 0

For: 13 - Prothro, Strater, Gary, Davis, Rodgers, Lozano*, Bagley, Weiss, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 2 - Jones-Dodd, Hill
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None
CPC RECOMMENDATION
DRAFT ORDINANCE

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51A-3.102(d)(10); eliminating variances to floor area ratios; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Paragraph (10) of Subsection (d), “Powers and duties,” of Section 51-3.102, “Board of Adjustment,” of Article III, “Decision Making and Administrative Bodies,” of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(10) To grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area requirements for single family accessory structures, floor area ratios, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations that will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done. The variance must be necessary to permit development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification. A variance may not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in districts with the same zoning classification.”
SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 3. That Chapter 51A of the Dallas City Code, shall remain in full force and effect, save and except as amended by this ordinance.

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

SECTION 5. 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
AGENDA ITEM # 71

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 10, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Dave Cook, 670-7804

MAPSCO: N/A

SUBJECT

A public hearing to receive comments on the proposed 74.79¢/$100 property tax rate for the 2008-09 fiscal year - Financing: No cost consideration to the City

BACKGROUND

The City Manager's recommended FY 2008-09 budget includes a tax rate of 74.79¢/$100. On August 25, 2008, Council voted to consider a tax rate not to exceed 74.79¢/$100. To set a property tax rate above the FY 2008-09 calculated effective rate of 71.88¢/$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 11, 2008.

City Council was briefed on the proposed tax rate at a Budget Workshop on August 25, 2008.

City Council authorized the public hearings on August 25, 2008.

FISCAL INFORMATION

No cost consideration to the City