SEPTEMBER 24, 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 24, 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

9-12-08
Date

9/12/08
Date
COUNCIL AGENDA

September 24, 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 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. The City of Dallas is committed to compliance with the Americans with Disabilities Act. The Council agenda is available in alternative formats upon request.

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

Rules of Courtesy

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

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

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

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación AT&T CityCable Canal 6B. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación.

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.

If you have any questions about this agenda or comments or complaints about city services, call 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 distorsión 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 24, 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

CONSENT AGENDA

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier than 9:30 a.m.

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.
AGENDA
CITY COUNCIL MEETING
SEPTEMBER 24, 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 September 10, 2008 City Council Meeting

CONSENT AGENDA

Aviation

2. Authorize Supplemental Agreement No. 4 to the professional services contract with Unison-Maximus for the following additional services: (1) financial analysis and development of funding and financing strategies for the Love Field Modernization Program (LFMP); (2) application for a new Passenger Facility Charge (PFC) authorization to partially fund the LFMP and other capital improvements; (3) assisting the development of terminal schematic design by defining concession space requirements; and (4) assistance in negotiating a Project Development Agreement (PDA) specified in the Term Sheet for the LFMP for Dallas Love Field - Not to exceed $182,400, from $339,600 to $522,000 - Financing: Aviation Current Funds

3. Authorize a contract with Applied Research Associates Inc. to update the pavement management system and pavement conditions reports for Dallas Love Field and Dallas Executive Airport - Not to exceed $202,319 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds ($151,739) and Aviation Capital Construction Funds ($50,580)
Business Development & Procurement Services

4. Authorize (1) the purchase of equipment to expand the security system at City Hall - Henry Bros. Electronics, Inc., lowest responsible bidder of two, and (2) an increase in appropriations in Equipment and Building Services’ budget - Not to exceed $56,273, from $15,877,591 to $15,933,864 - Financing: Contingency Reserve Funds

5. Authorize the purchase of McAfee internet security software licenses, maintenance and support - Austin Ribbon & Computer, lowest responsible bidder of two - Not to exceed $299,742 - Financing: Current Funds

6. Authorize a thirty-six-month master agreement for communications equipment, parts and accessories - Motorola Communications, Inc. through the Houston - Galveston Area Council of Governments Purchasing Cooperative - Not to exceed $12,936,205 - Financing: Current Funds

7. Authorize a seventy-two-month service contract for maintenance and repair of elevators and escalators - Larry Evans Elevator Service dba EMR Elevators, Inc., lowest responsible bidder of four - Not to exceed $897,912 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

City Attorney’s Office

8. Authorize settlement of the lawsuit styled Christopher Wallace and Derrick Arnold v. City of Dallas, Cause No. 04-10100-B - Not to exceed $30,440 - Financing: Current Funds

9. Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Moses, Palmer & Howell, L.L.P., for additional services in connection with the City's oil and gas leasing activities - Not to exceed $25,000, from $45,000 to $70,000 - Financing: Current Funds

City Secretary’s Office

10. Authorize a sixty-month microfilm service contract with the United States National Archives and Records Administration - Fort Worth Branch to microfilm essential and permanent city records in accordance with permanent preservation standards established by state law - Not to exceed $310,000 - Financing: Current Funds (subject to annual appropriations)

Court & Detention Services

11. Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2008 through September 30, 2009 - $6,838,945 - Financing: Current Funds (subject to appropriations)
CONSENT AGENDA (Continued)

Department of Development Services

12. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Terrell Country Club, of approximately 278,828 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $72,111 ($70,411 plus closing cost not to exceed $1,700) - Financing: Water Utilities Capital Construction Funds

13. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dione C. McBride and Coy W. McBride, of approximately 17,337 square feet of land improved with a single-family residence and workshop located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $218,111 ($215,811 plus closing cost not to exceed $2,300) - Financing: Water Utilities Capital Construction Funds

14. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jesse N. Lopez and Josephine G. Lopez, of approximately 32,583 square feet of land improved with a pond, a dock and aerobic system located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $138,280 ($136,530 plus closing cost not to exceed $1,750) - Financing: Water Utilities Capital Construction Funds

15. An ordinance abandoning portions of Meadowood Road to Steven F. Spiritas, the abutting owner, containing approximately 966 square feet of land located near the intersection of Meadowood Road and Rockbrook Drive, and authorizing the quitclaim - Revenue: $26,276 plus the $20 ordinance publication fee

16. An ordinance abandoning a portion of an alley to JLB Maple Partners, L.P., the abutting owner, containing approximately 8,001 square feet of land, located near the intersection of Maple Avenue and Kimsey Drive, and authorizing the quitclaim - Revenue: $158,000 plus the $20 ordinance publication fee

17. An ordinance authorizing a correction to Ordinance Nos. 27002, 26781, 27218, 27083, 27133, 27034, 24726, 26994, 27004, and 27045 to correct certain grammatical, formatting and other non-substantive errors - Financing: No cost consideration to the City

18. Authorize moving expense and replacement housing payments for Robert Foster as a result of an official written offer of just compensation to purchase real property to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Not to exceed $60,100 - Financing: 2006-07 Community Development Grant Funds

19. Authorize moving expense and replacement housing payments for Roy Simms, Jr. as a result of an official written offer of just compensation to purchase real property to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Not to exceed $60,200 - Financing: 2006-07 Community Development Grant Funds
CONSENT AGENDA (Continued)

Economic Development

20. Authorize the second of three twelve month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2008 through September 30, 2009 - Not to exceed $233,005 - Financing: Public/Private Partnership Funds (subject to appropriations)

Environmental & Health Services

21. Authorize a contract with Community Dental Care for the continuation of dental health services to low-income children through age 19 and persons over age 60 for the period October 1, 2008 through September 30, 2009 - Not to exceed $675,000 - Financing: Current Funds (subject to appropriations)

22. Authorize a professional services contract with Temporary Medical Staffing, Inc. to provide a phlebotomist to obtain blood specimens for lead screening for residents of the City of Dallas for the period October 1, 2008 through September 30, 2009 - Not to exceed $55,000 - Financing: Current Funds (subject to appropriations)

23. Authorize a twelve-month contract, with two twelve-month renewal options, with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services for low-income medically indigent adolescents for the period October 1, 2008 through September 30, 2009 - Not to exceed $75,000 - Financing: Current Funds (subject to appropriations)

24. Authorize an Interlocal Agreement with Dallas County Health and Human Services for the continuation of the AIDS Investigation Program for the period October 1, 2008 through September 30, 2009 - Not to exceed $44,484 - Financing: Current Funds (subject to appropriations)

25. Authorize an Interlocal Agreement with the University of Texas Southwestern Medical Center at Dallas for the continuation of a Minority AIDS Outreach Program for the period October 1, 2008 through September 30, 2009 - Not to exceed $58,500 - Financing: Current Funds (subject to appropriations)

26. Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with Dallas County Health and Human Services to reallocate funds in the amount of $51,000 from tenant-based rental assistance program to emergency assistance - Financing: No cost consideration to the City

27. Authorize the first twelve-month renewal option to the contract with AIDS Interfaith Network, Inc. to provide a citywide HIV/AIDS education, outreach, and prevention program targeting primarily high-risk African American and Hispanic populations for the period October 1, 2008 through September 30, 2009 - Not to exceed $53,016 - Financing: Current Funds (subject to appropriations)
CONSENT AGENDA (Continued)

Environmental & Health Services (Continued)

28. Authorize the second twelve-month renewal option to the contract with Homeward Bound, Inc. to provide residential substance abuse treatment services for low-income medically indigent adults for the period October 1, 2008 through September 30, 2009 - Not to exceed $150,000 - Financing: Current Funds (subject to appropriations)

29. Authorize the second twelve-month renewal option to the contract with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services for low-income uninsured adult females for the period October 1, 2008 through September 30, 2009 - Not to exceed $63,840 - Financing: Current Funds (subject to appropriations)

30. Authorize the second twelve-month renewal option to the contract with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period October 1, 2008 through September 30, 2009 - Not to exceed $80,000 - Financing: Current Funds (subject to appropriations)

Equipment & Building Services

31. Authorize (1) an increase in the contract with Entech Sales and Services, Inc. for the City Hall Security System Upgrade, in the amount of $71,491, from $573,478 to $644,969; and (2) an increase in appropriations in Equipment and Building Services' budget - Not to exceed $71,491, from $15,933,864 to $16,005,355 - Financing: Contingency Reserve Funds

32. Authorize a construction contract for the installation of a spill containment system at the Southeast Service Center located at 6500 Bexar Street - North Texas Contracting, Inc., lowest responsible bidder of two - $63,000 - Financing: 2005 Certificates of Obligation

Fire

33. Authorize a renewal to the contract with The University of Texas Southwestern Medical Center at Dallas for the required services of a Medical Director - Not to exceed $152,472 - Financing: Current Funds (subject to appropriations)

34. Authorize (1) a contract renewal for a twenty-four-month period with Parkland Memorial Hospital for Biomedical On-Line Supervision; and (2) Interlocal Agreements with participating local governmental entities - Total not to exceed $1,791,387 - Financing: Current Funds (subject to annual appropriations) ($788,209 to be received from participating cities)
CONSENT AGENDA (Continued)

Housing

35. Authorize approval of (1) a Permanent Supportive Housing Program Statement and 5-year plan endorsing city-wide implementation for the creation of 700 Permanent Supportive Housing units for chronically homeless individuals; and (2) use of Community Development Grant Funds, HOME Funds, General Obligation Bonds and Certificates of Obligation to fund project gap requirements to the extent permissible from each funding source - Financing: No cost consideration to the City

36. Authorize acquisition of a parcel improved with an occupied commercial structure at 6407 Municipal Street and a parcel improved with an occupied single-family residence at 6306 Canaan Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - $81,000 including estimated closing costs - Financing: 2006 Bond Funds

37. Authorize the re-designation of seven census tracts comprising three Neighborhood Investment Program target areas and the designation of ten census tracts comprising two additional Neighborhood Investment Program target areas for a minimum of two years, beginning October 1, 2008 - Financing: No cost consideration to the City

38. Authorize an amendment to Resolution No. 08-0595, previously approved on February 20, 2008, authorizing the execution of an economic development loan agreement with South Dallas/Fair Park Innercity Community Development Corporation to add the following addresses for acquisition of improved and unimproved properties: 4700-4900 block of Brashear Street, 2800-3000 block of Troy Street and 4900 block of Hatcher Street - Financing: No cost consideration to the City

Park & Recreation

39. Authorize Supplemental Agreement No. 4 to the professional services contract with Carter & Burgess, Inc. for the preparation of a lighting master plan at White Rock Lake Park located at 8300 Garland Road - Not to exceed $49,340, from $253,085 to $302,425 - Financing: 2006 Bond Funds

Police

40. Authorize an agreement with the Internal Revenue Service, Criminal Investigation, a Treasury law enforcement agency, for the purpose of equitable sharing from asset seizure and forfeiture pursuant to a joint operation/task force for the period October 1, 2008 through September 30, 2009 - Financing: No cost consideration to the City

41. Authorize (1) the acceptance of the Dallas Police Department Victim Services/8 grant from the Office of the Governor, Criminal Justice Division in the amount of $49,400 to adequately respond to victims of violent crime with needed aid, for the period July 1, 2008 through June 30, 2009, (2) a local match in the amount of $12,350; and (3) execution of the grant agreement - Total not to exceed $61,750 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds ($49,400) and Current Funds ($12,350) (subject to appropriations)
Public Works & Transportation

42. Authorize the City Manager to provide a Notice of Intent for establishing a Quiet Zone along the Trinity Railway Express at the Market Center crossing as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 and 229 - Financing: No cost consideration to the City

43. Authorize a contract for the construction of reinforced concrete pavement, storm drainage, water and wastewater main improvements for Raydell Place from Schooldell Drive to Barnett Avenue - MACVAL Associates, LLC, lowest responsive bidder of six - $527,835 - Financing: 2003 Bond Funds ($364,322) and Water Utilities Capital Construction Funds ($163,513)

44. Authorize a contract for the construction of sidewalks, curbs, gutters, drive approaches, water and wastewater adjustments and barrier free ramp improvements for Sidewalk Replacement Program Group 01-08 (list attached) - Salinas Concrete L.P., lowest responsible bidder of four - $408,580 - Financing: Current Funds ($384,380) and Water Utilities Capital Construction Funds ($24,200)

45. Authorize an increase in the contract with Jeske Construction Company for additional paving materials, a clock tower, other adjustments and improvements for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane - Not to exceed $140,265, from $3,588,259 to $3,728,524 - Financing: 2003-04 Community Development Grant Funds ($137,675) and Water Utilities Capital Construction Funds ($2,590)

46. Authorize (1) an increase in the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA Building for the Dallas Black Dance Theatre in the amount of $309,845, from $4,487,655 to $4,797,500; (2) the receipt and deposit of funds from the Dallas Black Dance Theatre in an amount not to exceed $302,513; (3) an increase in appropriations in the amount of $302,513 in the Dallas Black Dance Theatre Participation Fund; and (4) acceptance of the Master Agreement Extension Option, 24-months for the Dallas Black Dance Theatre due and payable on or before December 31, 2010 - Total not to exceed $309,845 - Financing: Private Funds ($7,332) and 2003 Bond Funds ($302,513) (to be reimbursed by the Dallas Black Dance Theatre)

47. Authorize Supplemental Agreement No. 1 to the contract with TranSystems Corporation for the engineering design of various bridge improvements (list attached) - Not to exceed $74,725 - Financing: Water Utilities Capital Construction Funds

Trinity River Corridor Project

48. Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with the Texas Department of Transportation to provide additional local project funding for construction of the Beckley Avenue improvements, from Gulden Lane to approximately the Union Pacific Railroad associated with the Woodall Rodgers Extension (Spur 366) project - Not to exceed $134,024, from $3,548,304 to $3,682,328 - Financing: 1998 Bond Funds
CONSENT AGENDA (Continued)

Water Utilities

49. Authorize a contract for the installation of water and wastewater mains at 15 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of six - $5,248,305 - Financing: Water Utilities Capital Construction Funds ($3,630,613), Water Utilities Capital Improvement Funds ($1,612,034), and 2003 Bond Funds ($5,658)

50. Authorize a revision to the City of Dallas Financial Management Performance Criteria to increase the limit of tax-exempt commercial paper from 10% to 20% of the 10-year capital improvement program in effect at the time of the commercial paper authorization - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

51. 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)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Development Services

ZONING CASES - CONSENT

52. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for mixed-use development on property zoned an IR Industrial Research District on the northeast side of Redfield Street, and the northwest side of Butler Street excluding parcels at the corner of Butler Street and Redfield Street with consideration being given to an MU-2 Mixed Use District
   Recommendation of Staff: Approval of an MU-2 Mixed Use District in lieu of a Planned Development District
   Recommendation of CPC: Approval, subject to a development plan and conditions
   Z078-242(OTH)

53. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast corner of Harry Hines Boulevard and Hawes Avenue with consideration being given to an MU-2 Mixed Use District
   Recommendation of Staff and CPC: Approval of an MU-2 Mixed Use District in lieu of an MU-3 Mixed Use District
   Z078-227(WE)
ZONING CASES - CONSENT (Continued)

54. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a financial institution with drive-in window on property zoned Subdistrict B-2 in Planned Development District 749, the Baylor University Medical Center Special Purpose District, and an LO-3 Limited Office District on the north corner of Crutcher Street and Hill Avenue
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions Z078-251(MAW)

55. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an extended stay hotel or motel on property zoned an IM Industrial Manufacturing District on the southeast corner of Cockrell Hill Road and La Reunion Parkway
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions Z078-261(OTH)

56. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1683 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 northeast corner of Main Street and Field Street
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions Z078-262(OTH)

ZONING CASES - INDIVIDUAL

57. A public hearing to receive comments regarding an application for an IM Industrial Manufacturing District on property zoned an A(A) Agricultural District and a Specific Use Permit for an Outside salvage or reclamation use, on the northeast line of South Central Expressway, south of Youngblood Road
Recommendation of Staff and CPC: Denial Z078-172(RB)
Department of Development Services (Continued)

ZONING CASES - INDIVIDUAL (Continued)

58. A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict within Planned Development District No. 317, the Cedars Area Special Purpose District, and an ordinance granting a Specific Use Permit for a commercial engraving and etching facility on property zoned Subdistrict 2 within Planned Development District No. 317 on the east corner of Ervay Street and Hickory Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval of a new subdistrict and approval of a Specific Use Permit for a 15-year period, subject to a site plan and conditions
Z078-203(JH)

59. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a business school on property zoned an NO(A) Neighborhood Office District on the north side of Lyndon B. Johnson Freeway, east of Abrams Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions
Z078-205(WE)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

60. 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)
Note: This item was considered by the City Council at a public hearing on September 10, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.

61. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned an A(A) Agricultural District on the north side of Grady Niblo Road, east of Spur 408
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions
Z078-232(MAW)
Note: This item was considered by the City Council at a public hearing on August 27, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.
ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL (Continued)

62. A public hearing to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District, CS Commercial Service District, CA-2(A) Central Area District, MU-2(SAH) Mixed Use District, Planned Development District No. 774, within the Downtown Special Provision Sign District with Specific Use Permit No. 432 for a Private Animal Pound and Specific Use Permit No. 1203 for a Government Installation Other Than Listed on property generally bounded by Continental Avenue to the north, Interstate 35 to the east and south, and the Trinity River levee to the west with consideration being given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations and an ordinance granting a Planned Development District and an ordinance terminating Specific Use Permit No. 432

Recommendation of Staff and CPC: Approval of a planned development district, subject to conditions and a regulating plan for property located south of the Union Pacific Rail Line, with termination of Specific Use Permit No. 432, and no change to zoning for property located north of the Union Pacific Rail Line

Z067-148(DW)

Note: This item was considered by the City Council at public hearings on May 28, June 11, June 25 and August 27, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.

DEVELOPMENT CODE AMENDMENTS - CONSENT

63. A public hearing to receive comments regarding consideration of amendments to Chapter 51A, the Dallas Development Code, to amend regulations pertaining to dedication of floodway management areas and floodway easements and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval
DCA078-012

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

64. A public hearing to receive comments regarding consideration of amendments to Chapters 51 and 51A of the Dallas Development Code, to amend the definition of “grade” in the “Interpretations and Definitions” section of Article II and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval
DCA078-001
DEPARTMENT OF DEVELOPMENT SERVICES (Continued)

DEVELOPMENT CODE AMENDMENTS - UNDER ADVISEMENT - INDIVIDUAL

65. 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
Recommreration of Staff and CPC: Approval
DCA067-009
Note: This item was considered by the City Council at a public hearing on September 10, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.

MISCELLANEOUS HEARINGS

DEPARTMENT OF DEVELOPMENT SERVICES

66. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 2525 W. Mockingbird, LLC located near the intersection of Mockingbird Lane and Maple Avenue and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to 2525 W. Mockingbird, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommreration of Staff: Approval

67. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 6814 HH Partners, LP located near the intersection of Harry Hines Boulevard and Empire Central Drive and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to 6814 HH Partners, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommreration of Staff: Approval

68. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Occidental Chemical Corporation located near the intersection of Central Expressway and River Oaks Road and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Occidental Chemical Corporation by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommreration of Staff: Approval
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Economic Development

**Deep Ellum Public Improvement District**

*Note*: Item Nos. 69 and 70 must be considered collectively.

69. * A public hearing to receive comments regarding the 2008 annual assessment rate for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Deep Ellum Public Improvement District for the purpose of providing supplemental services and improvements, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

70. * 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 Deep Ellum Public Improvement District (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

**Dallas Downtown Public Improvement District**

*Note*: Item Nos. 71 and 72 must be considered collectively.

71. * A public hearing to receive comments regarding the annual assessment rate for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

72. * 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 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 - Not to exceed $300,000 - Financing: Current Funds (subject to appropriations)
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Economic Development (Continued)

Lake Highlands Public Improvement District

Note: Item Nos. 73 and 74 must be considered collectively.

73. * A public hearing to receive comments regarding the annual assessment rate for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

74. * 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

Prestonwood Public Improvement District

Note: Item Nos. 75 and 76 must be considered collectively.

75. * A public hearing to receive comments regarding the annual assessment rate for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

76. * 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
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Economic Development (Continued)

Note: Item Nos. 77 and 78 must be considered collectively.

**South Side Public Improvement District**

77. * A public hearing to receive comments regarding the annual assessment rate for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Note: Item Nos. 79 and 80 must be considered collectively.

**Uptown Public Improvement District**

79. * A public hearing to receive comments concerning the 2008 annual assessment rate for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

80. * 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 Uptown 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 assessment; and providing an effective date - Financing: No cost consideration to the City
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Economic Development (Continued)

**Vickery Meadow Public Improvement District**

Note: Item Nos. 81 and 82 must be considered collectively.

81. * A public hearing to receive comments concerning the 2008 annual assessment rate for the Vickery Meadow Public Improvement District (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 services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

82. * 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 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

Public Works & Transportation

83. A benefit assessment hearing to receive comments on alley paving, storm drainage and water and wastewater adjustments for the alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with MACVAL Associates, LLC, lowest responsible bidder of seven - $71,001 - Financing: 2006 Bond Funds ($69,571) Water Utilities Capital Construction Funds ($1,430)
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<th>Property Address</th>
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Sidewalk Replacement Program Group 01-08  
Agenda Item #44 (Continued)

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| 7211 Brennans Drive                 | 9
| 8626 Angora Street                  | 9
| 11639 Rouge Way                     | 9
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| 11307 Aledo Drive                   | 9
| 2251 Highwood Drive                 | 9
| 2706 San Medina Avenue              | 9
| 2015 Peavy Road                     | 9
| 1715 Loree Drive                    | 9
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## Sidewalk Improvements

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<tbody>
<tr>
<td>16508 Fallkirk Drive</td>
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<tr>
<td>6902 Windy Ridge Drive</td>
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<tr>
<td>6812 Saint Anne Street</td>
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<tr>
<td>7323 La Manga Drive</td>
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<td>6905 La Manga Drive</td>
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<td>6331 Pineview Road</td>
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<td>7110 Colada Court</td>
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<td>16706 Lauder Lane</td>
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<td>16321 Dalmalley Lane</td>
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<td>7714 Lairds Lane</td>
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<td>7431 Roundrock Road</td>
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<td>3049 Westforest Drive</td>
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<td>3534 Orchard Ridge Court</td>
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<td>3339 Lancelot Drive</td>
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<td>3237 Duchess Trail</td>
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<td>3238 Leahy Drive</td>
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<td>3222 Norcross Lane</td>
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<td>7547 Greenbrier Drive</td>
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<td>7409 Marquette Drive</td>
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<td>12503 Renoir Lane</td>
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<td>3305 Leahy Drive</td>
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<td>9909 Lakemont Drive</td>
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<td>5110 Stoneleigh Avenue</td>
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<td>4336 Concho Street</td>
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<td>5418 Longview Street</td>
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<td>5811 Vanderbilt Avenue</td>
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<td>5928 Velasco Avenue</td>
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<tr>
<td>6025 Lewis Street</td>
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<td>6049 Bryan Parkway</td>
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<td>5422 Gaston Avenue</td>
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<td>4124 Herschel Avenue</td>
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<tr>
<td>5824 Goliad Avenue</td>
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## Bridge Repair and Modification Project
### Agenda Item #47

<table>
<thead>
<tr>
<th>Location</th>
<th>Council District</th>
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<tbody>
<tr>
<td>Lake June Road over Prairie Creek</td>
<td>5</td>
</tr>
<tr>
<td>Continental Avenue over Trinity River</td>
<td>6</td>
</tr>
<tr>
<td>Gayglen Drive over Elam Creek</td>
<td>8</td>
</tr>
<tr>
<td>Clover Hill Road over Hickory Creek</td>
<td>8</td>
</tr>
<tr>
<td>Simpson Stuart Road over Five Mile Creek</td>
<td>8</td>
</tr>
<tr>
<td>Lawther Drive (west) over White Rock Creek</td>
<td>9</td>
</tr>
</tbody>
</table>
Installation of Water and Wastewater Mains at 15 Locations
Agenda Item #49

**District 1**

Alley between 9th Street and Melba Street from Tyler Street to Van Buren Avenue
Alley between 10th Street and Wentworth Street from Marlborough Avenue east
Alley between 12th Street and Gladstone Drive from Superior Street to Franklin Street
Catherine Street from Ravinia Drive to Hampton Road
Chalmers Street from 12th Street south
Chalmers Street from Burlington Boulevard to Catherine Street
Clarendon Drive from Hampton Road east
Hampton Road from Catherine Street to Brooklyn Avenue
Hollywood Avenue from Brandon Street to Emmett Street
Page Avenue from Polk Street to Adams Avenue
Page Avenue from Rosemont Avenue to Windomere Avenue
Polk Street from Lebanon Avenue to Clarendon Drive
Alley between Marlborough Avenue and Brighton Avenue from Wentworth Street north*
Clarendon Drive from Winnetka Avenue to Tyler Street*

**District 3**

Kyle Avenue from Mary Cliff Road to Montclair Avenue

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

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

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

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

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

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

### AGENDA DATE: September 24, 2008

<table>
<thead>
<tr>
<th>ITEM</th>
<th>OK</th>
<th>DEF</th>
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<th>TYPE</th>
<th>DEPT.</th>
<th>DOLLARS</th>
<th>LOCAL</th>
<th>MWBE</th>
<th>DESCRIPTION</th>
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<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 September 10, 2008 City Council Meeting</td>
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<tr>
<td>2</td>
<td>14</td>
<td>C</td>
<td>AVI</td>
<td>$182,400.00</td>
<td>0.00%</td>
<td>0.00%</td>
<td>Authorize Supplemental Agreement No. 4 to the professional services contract with Unison-Maximus for the following additional services: financial analysis and development of funding and financing strategies for the Love Field Modernization Program (LFMP); application for a new Passenger Facility Charge authorization to partially fund the LFMP and other capital improvements; assisting the development of terminal schematic design by defining concession space requirements; and assistance in negotiating a Project Development Agreement specified in the Term Sheet for the LFMP for Dallas Love Field</td>
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<tr>
<td>3</td>
<td>8, 14</td>
<td>C</td>
<td>AVI</td>
<td>GT</td>
<td>0.00%</td>
<td>18.57%</td>
<td>Authorize a contract with Applied Research Associates Inc. to update the pavement management system and pavement conditions reports for Dallas Love Field and Dallas Executive Airport</td>
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<td>4</td>
<td>2</td>
<td>C</td>
<td>PBD, EBS</td>
<td>$56,273.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize the purchase of equipment to expand the security system at City Hall</td>
<td></td>
<td></td>
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<tr>
<td>5</td>
<td>All</td>
<td>C</td>
<td>PBD, CIS</td>
<td>$299,742.00</td>
<td>100.00%</td>
<td>100.00%</td>
<td>Authorize the purchase of McAfee internet security software licenses, maintenance and support</td>
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<tr>
<td>6</td>
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<td>PBD, CIS</td>
<td>$12,936,205.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a thirty-six-month master agreement for communications equipment, parts and accessories</td>
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<td>7</td>
<td>2</td>
<td>C</td>
<td>PBD, CES</td>
<td>$897,912.00</td>
<td>5.00%</td>
<td>100.00%</td>
<td>Authorize a seventy-two-month service contract for maintenance and repair of elevators and escalators</td>
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<td>8</td>
<td>N/A</td>
<td>C</td>
<td>ATT, WTR</td>
<td>$30,440.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize settlement of the lawsuit styled Christopher Wallace and Derrick Arnold v. City of Dallas, Cause No. 04-10100-B</td>
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<tr>
<td>9</td>
<td>N/A</td>
<td>C</td>
<td>ATT</td>
<td>$25,000.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize a sixty-month microfilm service contract with the United States National Archives and Records Administration Fort Worth Branch to microfilm essential and permanent city records in accordance with permanent preservation standards established by state law</td>
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<tr>
<td>10</td>
<td>All</td>
<td>C</td>
<td>SEC</td>
<td>$310,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved by Resolution No. 97-1965, for the period October 1, 2008 through September 30, 2009</td>
<td></td>
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<tr>
<td>11</td>
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<td>C</td>
<td>CDS</td>
<td>$6,838,945.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Terrell Country Club, of approximately 278,828 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline</td>
<td></td>
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<tr>
<td>12</td>
<td>Outside</td>
<td>C</td>
<td>DDS, WTR</td>
<td>$72,111.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dione C. McBride and Coy W. McBride, of approximately 17,337 square feet of land improved with a single-family residence and workshop located in Kaufman County for the Lake Tawakoni 144-inch Pipeline</td>
<td></td>
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<tr>
<td>13</td>
<td>Outside</td>
<td>C</td>
<td>DDS, WTR</td>
<td>$218,111.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jesse N. Lopez and Josephine G. Lopez, of approximately 32,583 square feet of land improved with a pond, a dock and aerobic system located in the Kaufman County for the Lake Tawakoni 144-inch Pipeline</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Outside</td>
<td>C</td>
<td>DDS, WTR</td>
<td>$138,280.00</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance abandoning portions of Meadowood Road to Steven F. Spiritas, the abutting owner, containing approximately 966 square feet of land located near the intersection of Meadowood Road and Rockbrook Drive, and authorizing the quitclaim</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>13</td>
<td>C</td>
<td>DDS</td>
<td>REV $26,276</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance abandoning a portion of an alley to JLB Maple Partners, L.P., the abutting owner, containing approximately 8,001 square feet of land, located near the intersection of Maple Avenue and Kimsey Drive, and authorizing the quitclaim</td>
<td></td>
<td></td>
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<tr>
<td>16</td>
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<td>C</td>
<td>DDS</td>
<td>REV $158,000</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance authorizing a correction to Ordinance Nos. 27002, 26781, 27218, 27083, 27133, 27034, 24726, 26994, 27004, and 27045 to correct certain grammatical, formatting and other non-substantive errors</td>
<td></td>
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<td>17</td>
<td>2, 3, 4, 5, 6, 7, 14</td>
<td>C</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize moving expense and replacement housing payments for Roy Simms, Jr. as a result of an official written offer of just compensation to purchase real property to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program</td>
<td></td>
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<tr>
<td>18</td>
<td>7</td>
<td>C</td>
<td>DDS, HSG</td>
<td>$60,100.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize moving expense and replacement housing payments for Robert Foster as a result of an official written offer of just compensation to purchase real property to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program</td>
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<tr>
<td>ITEM</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
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<td>MWBE</td>
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<tr>
<td>20</td>
<td>All</td>
<td>C</td>
<td>ECO</td>
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<td></td>
<td>$233,005.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the second of three twelve month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2008 through September 30, 2009</td>
</tr>
<tr>
<td>21</td>
<td>All</td>
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<td>EHS</td>
<td></td>
<td></td>
<td>$675,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a contract with Community Dental Care for the continuation of dental health services to low-income children through age 19 and persons over age 60 for the period October 1, 2008 through September 30, 2009</td>
</tr>
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<td>22</td>
<td>All</td>
<td>C</td>
<td>EHS</td>
<td></td>
<td></td>
<td>$55,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a professional services contract with Temporary Medical Staffing, Inc. to provide a phlebotomist to obtain blood specimens for lead screening for residents of the City of Dallas for the period October 1, 2008 through September 30, 2009</td>
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<td>23</td>
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<td>$75,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a twelve-month contract, with two twelve-month renewal options, with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services for low-income medically indigent adolescents for the period October 1, 2008 through September 30, 2009</td>
</tr>
<tr>
<td>24</td>
<td>All</td>
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<td>EHS</td>
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<td></td>
<td>$44,484.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an Interlocal Agreement with Dallas County Health and Human Services for the continuation of the AIDS Investigation Program for the period October 1, 2008 through September 30, 2009</td>
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<tr>
<td>25</td>
<td>All</td>
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<td>EHS</td>
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<td>$58,500.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an Interlocal Agreement with the University of Texas Southwestern Medical Center at Dallas for the continuation of a Minority AIDS Outreach Program for the period October 1, 2008 through September 30, 2009</td>
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<tr>
<td>26</td>
<td>All</td>
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<td>EHS</td>
<td></td>
<td></td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with Dallas County Health and Human Services to reallocate funds in the amount of $51,000 from tenant-based rental assistance program to emergency assistance</td>
</tr>
<tr>
<td>27</td>
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<td>EHS</td>
<td></td>
<td></td>
<td>$53,016.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the first twelve-month renewal option to the contract with AIDS Interfaith Network, Inc. to provide a citywide HIV/AIDS education, outreach, and prevention program targeting primarily high-risk African American and Hispanic populations for the period October 1, 2008 through September 30, 2009</td>
</tr>
<tr>
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<td>C</td>
<td>EHS</td>
<td></td>
<td></td>
<td>$150,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the second twelve-month renewal option to the contract with Homeward Bound, Inc. to provide residential substance abuse treatment services for low-income medically indigent adults for the period October 1, 2008 through September 30, 2009</td>
</tr>
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<td>29</td>
<td>All</td>
<td>C</td>
<td>EHS</td>
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<td></td>
<td>$63,840.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the second twelve-month renewal option to the contract with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services for low-income uninsured adult females for the period October 1, 2008 through September 30, 2009</td>
</tr>
<tr>
<td>30</td>
<td>4, 5, 8</td>
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<td></td>
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<td>$80,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the second twelve-month renewal option to the contract with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period October 1, 2008 through September 30, 2009</td>
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<tr>
<td>31</td>
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<td></td>
<td>$71,491.00</td>
<td>0.00%</td>
<td>17.78%</td>
<td>Authorize an increase in the contract with Entech Sales and Services, Inc. for the City Hall Security System Upgrade</td>
</tr>
<tr>
<td>32</td>
<td>4</td>
<td>C</td>
<td>EBS</td>
<td></td>
<td></td>
<td>$63,000.00</td>
<td>27.78%</td>
<td>24.60%</td>
<td>Authorize a construction contract for the installation of a spill containment system at the Southeast Service Center located at 6500 Bexar Street</td>
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<td>33</td>
<td>All</td>
<td>C</td>
<td>FIR</td>
<td></td>
<td></td>
<td>$152,472.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a renewal to the contract with The University of Texas Southwestern Medical Center at Dallas for the required services of a Medical Director</td>
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<tr>
<td>34</td>
<td>All</td>
<td>C</td>
<td>FIR</td>
<td></td>
<td></td>
<td>$1,791,387.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a contract renewal for a twenty-four-month period with Parkland Memorial Hospital for Biomedical On-Line Supervision; and Interlocal Agreements with participating local governmental entities</td>
</tr>
<tr>
<td>35</td>
<td>All</td>
<td>C</td>
<td>HSG</td>
<td></td>
<td></td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize approval of a Permanent Supportive Housing (PSH) Program Statement and 5-year plan endorsing city-wide implementation for the creation of 700 PSH units for chronically homeless individuals; and use of Community Development Grant Funds, HOME Funds, General Obligation Bonds and Certificates of Obligation to fund project gap requirements to the extent permissible from each funding source</td>
</tr>
<tr>
<td>36</td>
<td>7</td>
<td>C</td>
<td>HSG</td>
<td></td>
<td></td>
<td>$81,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition of a parcel improved with an occupied commercial structure at 6407 Municipal Street and a parcel improved with an occupied single-family residence at 6306 Canaan Street for the proposed Bexar Street Redevelopment Project, which is being implemented as part of the Neighborhood Investment Program</td>
</tr>
<tr>
<td>37</td>
<td>1, 2, 3, 4, 5, 6, 7, 8</td>
<td>C</td>
<td>HSG</td>
<td></td>
<td></td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the redesignation of seven census tracts comprising three Neighborhood Investment Program target areas and the designation of ten census tracts comprising two additional Neighborhood Investment Program target areas for a minimum of two years, beginning October 1, 2008</td>
</tr>
<tr>
<td>ITEM</td>
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<td>DISTRICT</td>
<td>TYPE DEPT.</td>
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<td>38</td>
<td>7 C</td>
<td>HSG</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an amendment to Resolution No. 08-0595, previously approved on February 20, 2008, authorizing the execution of an economic development loan agreement with South Dallas/Fair Park Innersity Community Development Corporation to add the following addresses for acquisition of improved and unimproved properties: 4700-4900 block of Brashear Street, 2800-3000 block of Troy Street and 4900 block of Hatcher Street</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>39</td>
<td>9 C</td>
<td>PKR</td>
<td>$49,340.00</td>
<td>18.93%</td>
<td>31.63%</td>
<td>Authorize Supplemental Agreement No. 4 to the professional services contract with Carter &amp; Burgess, Inc. for the preparation of a lighting master plan at White Rock Lake Park located at 8300 Garland Road</td>
<td></td>
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<tr>
<td>40</td>
<td>All C</td>
<td>POL</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an agreement with the Internal Revenue Service, Criminal Investigation, a Treasury law enforcement agency, for the purpose of equitable sharing from asset seizure and forfeiture pursuant to a joint operation/task force for the period October 1, 2008 through September 30, 2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>All C</td>
<td>POL</td>
<td>$12,350.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the acceptance of the Dallas Police Department Victim Services/8 grant from the U.S. Department of Justice pass through State Office of the Governor, Criminal Justice Division to adequately respond to victims of violent crime with needed aid, for the period July 1, 2008 through June 30, 2009 and execution of the grant agreement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>2 C</td>
<td>PWT</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the City Manager to provide a Notice of Intent for establishing a Quiet Zone along the Trinity Railway Express at the Market Center crossing as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 229 and 229</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>43</td>
<td>1 C</td>
<td>PWT, WTR</td>
<td>$527,834.50</td>
<td>100.00%</td>
<td>100.00%</td>
<td>Authorize a contract for the construction of reinforced concrete pavement, storm drainage, water and wastewater main improvements for Raydell Place from Schooldell Drive to Barnett Avenue</td>
<td></td>
<td></td>
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<tr>
<td>44</td>
<td>All C</td>
<td>PWT, WTR</td>
<td>$408,580.00</td>
<td>0.73%</td>
<td>99.26%</td>
<td>Authorize an increase in the contract with Jeske Construction Company for additional paving materials, a clock tower, other adjustments and improvements for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>45</td>
<td>7 C</td>
<td>PWT, HSG, WTR</td>
<td>$140,265.00</td>
<td>100.00%</td>
<td>2.35%</td>
<td>Authorize an increase in the contract with TMV LLC dba Trine Associates for renovation of the Moorland YMCA Building for the Dallas Black Dance Theatre and acceptance of the Master Agreement Extension Option, 24-months for the Dallas Black Dance Theatre due payable on or before December 31, 2010</td>
<td></td>
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<tr>
<td>46</td>
<td>14 C</td>
<td>PWT, OCA</td>
<td>$309,844.56</td>
<td>79.31%</td>
<td>45.44%</td>
<td>Authorize the acceptance of the Dallas Police Department Victim Services/8 grant from the U.S. Department of Justice pass through State Office of the Governor, Criminal Justice Division to adequately respond to victims of violent crime with needed aid, for the period July 1, 2008 through June 30, 2009 and execution of the grant agreement</td>
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<tr>
<td>47</td>
<td>5, 6, 8, 9 C</td>
<td>PWT, WTR</td>
<td>$74,725.00</td>
<td>80.19%</td>
<td>19.81%</td>
<td>Authorize Supplemental Agreement No. 1 to the contract with TranSystems Corporation for the engineering design of various bridge improvements</td>
<td></td>
<td></td>
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<tr>
<td>48</td>
<td>6 C</td>
<td>TRC</td>
<td>$134,024.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with the Texas Department of Transportation to provide additional local project funding for construction of the Beckley Avenue improvements, from Gulden Lane to approximately the Union Pacific Railroad associated with the Woodall Rodgers Extension (Spur 366) project</td>
<td></td>
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</tr>
<tr>
<td>49</td>
<td>1, 3 C</td>
<td>WTR, PWT</td>
<td>$5,287,304.50</td>
<td>89.73%</td>
<td>72.58%</td>
<td>Authorize a revision to the City of Dallas Financial Management Performance Criteria to increase the limit of tax-exempt commercial paper from 10% to 20% of the 10-year capital improvement program in effect at the time of the commercial paper authorization</td>
<td></td>
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<tr>
<td>50</td>
<td>All C</td>
<td>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>
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<tr>
<td>51</td>
<td>N/A I</td>
<td>SEC</td>
<td>NC</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for mixed-use development on property zoned an IR Industrial Research District on the northeast side of Redfield Street, and the northwest side of Butler Street excluding parcels at the corner of Butler Street and Redfield Street with consideration being given to an MU-2 Mixed Use District</td>
<td></td>
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<tr>
<td>52</td>
<td>2 PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast corner of Henry Hines Boulevard and Hawes Avenue with consideration being given to an MU-2 Mixed Use District</td>
<td></td>
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<tr>
<td>53</td>
<td>2 PH</td>
<td>DDS</td>
<td>NC</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 financial institution with drive-in window on property zoned Subdistrict B-2 in Planned Development District 749, the Baylor University Medical Center Special Purpose District, and an LO-3 Limited Office District on the north corner of Crutcher Street and Hill Avenue</td>
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<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>55</td>
<td>3</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for an extended stay hotel or motel on property zoned an IM Industrial Manufacturing District on the southeast corner of Cockrell Hill Road and La Reunion Parkway</td>
<td></td>
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<tr>
<td>56</td>
<td>14</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1683 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 northeast corner of Main Street and Field Street</td>
<td></td>
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<tr>
<td>57</td>
<td>8</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for an IM Industrial Manufacturing District on property zoned an A(A) Agricultural District and a Specific Use Permit for an Outside salvage or reclamation use, on the northeast line of South Central Expressway, south of Youngblood Road</td>
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<tr>
<td>58</td>
<td>2</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict within Planned Development District No. 317, the Cedars Area Special Purpose District, and an ordinance granting a Specific Use Permit for a commercial engraving and etching facility on property zoned Subdistrict 2 within Planned Development District No. 317 on the east corner of Ervay Street and Hickory Street</td>
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<tr>
<td>59</td>
<td>11</td>
<td>DDS</td>
<td>NC</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 business school on property zoned an NO(A) Neighborhood Office District on the north side of Lyndon B. Johnson Freeway, east of Abrams Road</td>
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<tr>
<td>60</td>
<td>14</td>
<td>DDS</td>
<td>NC</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>
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<tr>
<td>61</td>
<td>3</td>
<td>DDS</td>
<td>NC</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 open enrollment charter school on property zoned an A(A) Agricultural District on the north side of Grady Niblo Road, east of Spur 408</td>
<td></td>
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<tr>
<td>62</td>
<td>2, 6</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District, CS Commercial Service District, CA-2(A) Central Area District, MU-2(SAH) Mixed Use District, Planned Development District No. 774, within the Downtown Special Provision Sign District with Specific Use Permit No. 432 for a Private Animal Pound and Specific Use Permit No. 1203 for a Government Installation Other Than Listed on property generally bounded by Continental Avenue to the north, Interstate 35 to the east and south, and the Trinity River levee to the west with consideration being given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations and an ordinance granting a Planned Development District and an ordinance terminating Specific Use Permit No. 432</td>
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<tr>
<td>63</td>
<td>All</td>
<td>DDS</td>
<td>NC</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 amend regulations pertaining to dedication of floodway management areas and floodway easements and an ordinance granting the amendments</td>
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<tr>
<td>64</td>
<td>All</td>
<td>DDS</td>
<td>NC</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 amend the definition of “grade” in the “Interpretations and Definitions” section of Article II and an ordinance granting the amendments</td>
<td></td>
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<tr>
<td>65</td>
<td>All</td>
<td>DDS</td>
<td>NC</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>
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<tr>
<td>66</td>
<td>2</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 2525 W. Mockingbird, LLC located near the intersection of Mockingbird Lane and Maple Avenue and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to 2525 W. Mockingbird, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water</td>
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<tr>
<td>ITEM</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
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<tr>
<td>67</td>
<td></td>
<td>2</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 6814 HH Partners, LP located near the intersection of Harry Hines Boulevard and Empire Central Drive and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to 6814 HH Partners, LP, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water.</td>
</tr>
<tr>
<td>68</td>
<td></td>
<td>5</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Deep Ellum Public Improvement District: A public hearing to receive comments regarding the 2008 annual assessment rate for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Deep Ellum Public Improvement District for the purpose of providing supplemental services and improvements, to be funded by assessments on real property and real property improvements in the District.</td>
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<tr>
<td>69</td>
<td></td>
<td>2, 14</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Deep Ellum Public Improvement District: 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 Deep Ellum Public Improvement District (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>70</td>
<td></td>
<td>2, 14</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Dallas Downtown Improvement District: A public hearing to receive comments regarding the annual assessment rate for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District.</td>
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<tr>
<td>71</td>
<td></td>
<td>2, 14</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Dallas Downtown Improvement District: 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 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>
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<tr>
<td>72</td>
<td></td>
<td>2, 14</td>
<td>ECO</td>
<td>$300,000.00</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Lake Highlands Public Improvement District: A public hearing to receive comments regarding the annual assessment rate for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District.</td>
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<tr>
<td>73</td>
<td></td>
<td>6</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Lake Highlands Public Improvement District: 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.</td>
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<tr>
<td>74</td>
<td></td>
<td>6</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Prestonwood Public Improvement District: A public hearing to receive comments regarding the annual assessment rate for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District.</td>
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<td>ITEM</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
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<tr>
<td>76</td>
<td>12</td>
<td>PH</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td></td>
<td></td>
<td>Prestonwood Public Improvement District: 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.</td>
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<tr>
<td>77</td>
<td>2</td>
<td>PH</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td></td>
<td></td>
<td>South Side Public Improvement District: A public hearing to receive comments regarding the annual assessment rate for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District.</td>
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<tr>
<td>78</td>
<td>2</td>
<td>PH</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td></td>
<td></td>
<td>South Side Public Improvement District: 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 (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>
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<tr>
<td>79</td>
<td>14</td>
<td>PH</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td></td>
<td></td>
<td>Uptown Public Improvement District: A public hearing to receive comments concerning the 2008 annual assessment rate for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District.</td>
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<td>80</td>
<td>14</td>
<td>PH</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td></td>
<td></td>
<td>Uptown Public Improvement District: 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 Uptown 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 assessment; and providing an effective date.</td>
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<tr>
<td>81</td>
<td>9, 13</td>
<td>PH</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td></td>
<td></td>
<td>Vickery Meadow Public Improvement District: A public hearing to receive comments concerning the 2008 annual assessment rate for the Vickery Meadow Public Improvement District (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 services, to be funded by assessments on real property and real property improvements in the District.</td>
</tr>
<tr>
<td>82</td>
<td>9, 13</td>
<td>PH</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td></td>
<td></td>
<td>Vickery Meadow Public Improvement District: 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 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>83</td>
<td>14</td>
<td>PH</td>
<td>PWT, WTR</td>
<td>$71,001.00</td>
<td>100.00%</td>
<td>100.00%</td>
<td></td>
<td></td>
<td>A benefit assessment hearing to receive comments on alley paving, storm drainage and water and wastewater adjustments for the alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction.</td>
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</tbody>
</table>

**TOTAL** $33,049,182.56
AUTHORIZE SUPPLEMENTAL AGREEMENT NO. 4 TO THE PROFESSIONAL SERVICES CONTRACT WITH UNISON-MAXIMUS FOR THE FOLLOWING ADDITIONAL SERVICES:

1. Financial analysis and development of funding and financing strategies for the Love Field Modernization Program (LFMP);
2. Application for a new Passenger Facility Charge (PFC) authorization to partially fund the LFMP and other capital improvements;
3. Assisting the development of terminal schematic design by defining concession space requirements; and
4. Assistance in negotiating a Project Development Agreement (PDA) specified in the Term Sheet for the LFMP for Dallas Love Field - Not to exceed $182,400, from $339,600 to $522,000 - Financing: Aviation Current Funds

BACKGROUND

On June 13, 2007, City Council awarded a Professional Services Contract to Unison-Maximus, Inc. to conduct a study of airport revenues and rates and charges for Dallas Love Field, Dallas Executive Airport and the Dallas Heliport as well as perform an analysis of capital financing, and to prepare an application to the FAA for a Passenger Facility Charge (PFC), in an amount not to exceed $239,600 (Resolution No. 07-1722). The study includes development of a financial model that will allow the City to (1) determine appropriate, cost-based rates and charges for airline tenants and users at the City’s airports and (2) analyze the financial implications of the Department of Aviation's current Capital Improvement Program (CIP), the Love Field Modernization Program (LFMP), and the Automated People Mover Project.
BACKGROUND (Continued)

On June 25, 2008, Council Resolution No. 08-1877, approved a Term Sheet negotiated by the City and Southwest Airlines which, among other things, approved the conceptual plan for the LFMP and committed the parties to move forward with negotiation of a Project Development Agreement (PDA). Supplemental Agreement No. 4 amends the scope of services to expand the financial analysis to assist with briefing FAA and applying for federal financial assistance to fund the LFMP, and to include consultant support in negotiating a PDA with Southwest Airlines, and in defining and developing a concession program to support the development of terminal schematic design requirements, in addition to adding services for financial analysis to further develop capital funding and financing strategies, and the preparation of a new PFC application.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)


Authorized by City Council, Supplemental Agreement No. 3, to Unison-Maximus to amend the scope of services, not increasing the amount of the contract, on July 25, 2008.

Authorized by City Council, Supplemental Agreement No. 2, in the amount of $75,000 increasing the contract amount to $339,600, by Council Resolution No. 08-1872, on June 25, 2008.

Briefed to the Finance, Audit, and Accountability Committee, on the progress of the Rates and Charges Study, on February 11, 2008.

Authorized by City Council, Professional Services Contract to Unison-Maximus, Inc. for $239,600, by Resolution No. 07-1722, on June 13, 2007.

Briefed to the Finance, Audit and Accountability Committee, on follow up questions on the recommended vendor for Rates and Charges Study, on May 29, 2007.

Briefed to the Finance, Audit and Accountability Committee, on the recommended vendor for the Rates and Charges Study, on May 14, 2007.

Briefed to the Finance, Audit and Accountability Committee, on the Rates and Charges Study, on January 22, 2007.

FISCAL INFORMATION

$182,400 - Aviation Current Funds
M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Unison-Maximus, Inc.

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OWNER

Unison-Maximus, Inc.

Anthony Q. Drake, President
John D. Sorensen, Vice President
David R. Francis, Secretary
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Unison-Maximus for the following additional services: (1) financial analysis and development of funding and financing strategies for the Love Field Modernization Program (LFMP); (2) application for a new Passenger Facility Charge (PFC) authorization to partially fund the LFMP and other capital improvements; (3) assisting the development of terminal schematic design by defining concession space requirements; and (4) assistance in negotiating a Project Development Agreement (PDA) specified in the Term Sheet for the LFMP for Dallas Love Field - Not to exceed $182,400, from $339,600 to $522,000 - Financing: Aviation Current Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

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

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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WHEREAS, on June 13, 2007, City Council authorized a professional services contract with Unison-Maximus, Inc. to conduct a study of the rates and charges for Dallas Love Field, Dallas Executive Airport and the Dallas Heliport by Resolution No. 07-1722 in an amount not to exceed $239,600; and,

WHEREAS, due to the protracted period of time expended in the Love Field Modernization Program negotiations, on June 5, 2008, pursuant to Administrative Action No. 08-1492 the City authorized Supplemental Agreement No. 1 to the contract with Unison-Maximus in the amount of $25,000, from $239,600 to $264,600; and,

WHEREAS, on June 25, 2008, Resolution No. 08-1872 authorized six months of additional services to update and refine the Financial Plan to adapt to the developing business arrangements for implementing the LFMP and to participate in meetings and presentations, in the amount of $75,000, from $264,000 to $339,600; and,

WHEREAS, on June 25, 2008, Resolution No. 08-1877, approved a Term Sheet negotiated by the City and Southwest Airlines which, among other things, approved the conceptual plan for the LFMP and committed the parties to move forward with negotiation of a Project Development Agreement (PDA) and Project Definition Manual (PDM), it is now desirable to authorize Supplemental Agreement No. 4 to the Professional Services Contract with Unison-Maximus, Inc. in the amount of $182,400, from $339,600 to $522,000;

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 execute a Supplemental Agreement No. 4 to the professional services contract with Unison-Maximus for the following additional services: 1) financial analysis and development of funding and financing strategies for the Love Field Modernization Program (LFMP); 2) application for a new Passenger Facility Charge (PFC) authorization to partially fund the LFMP and other capital improvements; 3) assisting the development of terminal schematic design by defining concession space requirements; 4) assistance in negotiating a Project Development Agreement (PDA) specified in the Term Sheet for the LFMP for Dallas Love Field in an amount not to exceed $182,400, from $339,600 to $522,000, after approval as to form by the City Attorney.
Section 2. That the City Controller is hereby authorized to disburse funds from the following appropriation, in an amount not to exceed $182,400 to be paid to Unison-Maximus, Inc. out of Aviation Current Funds, to be paid upon approval of invoice by the Director of Aviation, as follows: Fund 0130; Dept. AVI; Unit 7710; Obj. 3070; ACTV AV07; Encumbrance CTAVI77100603; Vendor # VS0000018229.

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: Dan Weber, Aviation Department, Dallas Love Field
Brenda Hozak, Aviation Department, Dallas Love Field
Bob Sims, City Attorney Office, 7DN
KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 8, 14

DEPARTMENT: Aviation

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

MAPSCO: 34E & 63M

SUBJECT

Authorize a contract with Applied Research Associates Inc. to update the pavement management system and pavement conditions reports for Dallas Love Field and Dallas Executive Airport - Not to exceed $202,319 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds ($151,739) and Aviation Capital Construction Funds ($50,580)

BACKGROUND

The FAA mandates that all airports receiving federal funds must implement an Airport Pavement Maintenance Program. This Program is required to provide ongoing and documented pavement inventory, monthly inspections, distress identification, inspection reporting method, economic analysis and prioritizing system with funding requirements for all airport maintained pavement.

Utilizing their “MicroPaver” computer program, Applied Research Associates (ARA) Inc., (under a previous contract) has inventoried, documented and studied the airport’s roadways, aprons, taxiways and runways pavement condition and has developed the Pavement Management System (PMS) for Dallas Love Field and Dallas Executive Airport. PMS is a management tool for identifying substandard pavements, estimating pavement lifecycle, identifying pavement areas for repair or replacement projects, scheduling of projects, budgeting and forecasting of expenditures for repair or replacement of airport pavement projects.

A Request for Qualifications to update the existing system and reports was issued in April 2008 and five firms responded. The Selection Committee chose ARA, Inc. to provide the Pavement Management System and Reports and Update.
BACKGROUND (Continued)

This council action will authorized ARA Inc. to update the initial Pavement Maintenance System and Pavement Condition Analysis reports with current assessment of Dallas Love Field and Dallas Executive Airport pavements to determine estimated useful life of pavements. Data gathered, drawings, test results, findings and recommendations are to be summarized into a final report; that will assist airport staff in the development of the revised Airport Capital Improvement Program.

ESTIMATED SCHEDULE OF PROJECT

Begin Project November 2008
Complete Project December 2009

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$151,739 - Federal Aviation Administration Airport Improvement Program Grant Funds
$  50,580 - Aviation Capital Construction Funds

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MWBE INFORMATION

See attached.

ETHNIC COMPOSITION


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OWNER

Applied Research Associates, Inc., is an employee owned company
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract with Applied Research Associates Inc. to update the pavement management system and pavement conditions reports for Dallas Love Field and Dallas Executive Airport - Not to exceed $202,319 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds ($151,739) and Aviation Capital Construction Funds ($50,580)

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

PROJECT CATEGORY: Professional Services

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

LOCAL/NON-LOCAL CONTRACT SUMMARY

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LOCAL/NON-LOCAL DBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

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TOTAL DBE CONTRACT PARTICIPATION

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<tr>
<td>WBE</td>
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Total | $0.00   | 0.00%             | $37,575.00 | 18.57% |
WHEREAS, in the receipt of federal funds from the Federal Aviation Administration (FAA), the City of Dallas has agreed to public agency sponsor assurances and federal covenants, as a condition of acceptance of funds from the FAA, to comply with certain federal performance requirements in monitoring and maintaining airport pavements to federal specifications; and,

WHEREAS, the City has previously contracted with Applied Research Associates, Inc., to develop and provide the Pavement Management System of airside and landside pavements at Dallas Love Field and Dallas Executive Airport; and,

WHEREAS, the computerized Pavement Management System and Reports are in need of updating, it is further desired that Applied Research Associates, Inc. provide the update of the airside and landside pavements at Dallas Love Field and Dallas Executive Airport by resurvey for pavement condition analysis; including an update of the pavement condition index databases, drawings and final reports on findings and recommendations for maintenance and repairs; for a fee not to exceed $202,319;

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, subject to City Attorney approval to update the pavement management system and pavement conditions reports for Dallas Love Field and Dallas Executive Airport, with Applied Research Associates, Inc., not to exceed a total amount of $202,319.

Section 2. That the City Manager is hereby authorized to increase appropriations in the Aviation AIP Grant Fund 013B; Dept. AVI; Unit Q304; Obj. 4110, in an amount not to exceed $202,319.

Section 3. That the City Manager be and is hereby authorized to transfer City’s share of $39,461 which is 25% of the Dallas Love Field portion of total project cost and $11,119 which is 25% of the Dallas Executive Airport portion of total project cost from the Aviation Capital Construction Fund 0131, Dept. AVI; Balance Sheet Account 0001 (Cash Account), to the Aviation AIP Grant Fund 013B; Dept. AVI; Balance Sheet Account 0001 (Cash Account).
Section 4. That the City Controller is hereby authorized and directed to record 75% of the total eligible project cost reimbursements for Dallas Love Field of $118,383 and 75% of the total eligible project cost reimbursements for Dallas Executive Airport of $33,356 from the Federal Aviation Administration (FAA Grant No. 3-48-0062-31-2007) in the Aviation AIP Grant Fund 013B; Unit Q304; Revenue Source 9907 (reimbursement from FAA was approved by City Council Resolution 07-2334 on August 22, 2007).

Section 5. That the City Controller is hereby authorized and directed to encumber an amount not to exceed $202,319 to be paid to Applied Research Associates Inc. out of the Aviation AIP Grant Fund 013B; to be paid upon approval of invoice by the Director of Aviation, as follows:

Aviation AIP Grant Funds; Fund 013B; Dept. AVI; Unit Q304; Obj. 4110; Act. AVI2; Job AQ304-02; PD CT AVI Q304H017; Commodity 92500; Vendor No. 338371 in amount not to exceed $202,319.

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

Distribution: Dan Weber, Aviation Department, Dallas Love Field
Brenda Hozak, Aviation Department, Dallas Love Field
Bob Sims, City Attorney Office, 7DN
City Controller Office
Office of Financial Services
City Secretary Office
AGENDA ITEM # 4

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 2

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services

CMO: Dave Cook, 670-7804
     David O. Brown, 670-3390

MAPSCO: 45Q

SUBJECT

Authorize (1) the purchase of equipment to expand the security system at City Hall - Henry Bros. Electronics, Inc., lowest responsible bidder of two, and (2) an increase in appropriations in Equipment and Building Services’ budget - Not to exceed $56,273, from $15,877,591 to $15,933,864 - Financing: Contingency Reserve Funds

BACKGROUND

This purchase will furnish parts to expand the City Hall security system to provide additional security equipment at City Hall 4EN, 5EN, 5ES, 5FN, 5FS and 6ES. New devices included additional access control card readers, video surveillance cameras and related devices necessary to provide additional security coverage to the Mayor and City Council offices, City Manager offices, meeting rooms and briefing areas. Installation will be completed under change order to the City Hall Security System Upgrade contract by the original installation contractor in order to avoid conflict with the system warranty and maintenance contract.

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 898 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, the City Council authorized the purchase of equipment to upgrade the existing building security system by Resolution #06-2269.

On August 21, 2006, the Public Safety Committee was briefed.

FISCAL INFORMATION
$56,273.00 – Contingency Reserve Funds

M/WBE INFORMATION
225 - Vendors contacted
225 - No response
  0 - Response (Bid)
  0 - Response (No Bid)
  0 - Successful

898 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
Henry Bros. Electronics, Inc.

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<tr>
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BID INFORMATION
The following bids were received from solicitation number BU0826 and opened on August 20, 2008. This purchase is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

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<td>8416 Sterling Street Irving, Texas 75063</td>
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OWNER

Henry Bros. Electronics, Inc.

Brian Reach, President
David Fitzgerald, Vice President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) the purchase of equipment to expand the security system at City Hall - Henry Bros. Electronics, Inc., lowest responsible bidder of two, and (2) an increase in appropriations in Equipment and Building Services' budget - Not to exceed $56,273, from $15,877,591 to $15,933,864 - Financing: Contingency Reserve Funds

Henry Bros. Electronics, 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

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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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WHEREAS, on August 23, 2006, the City Council authorized the purchase of equipment to upgrade the existing building security system by Resolution #06-2269;

NOW, THEREFORE,

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

Section 1. That the purchase of equipment to expand the security system at City Hall is authorized with Henry Bros. Electronics, Inc. (342433) in an amount not to exceed $56,273.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for equipment to expand the security system at City Hall. 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 Manager is hereby authorized to transfer funds in an amount not to exceed $56,273.00 from Fund 0001, Department NBG, Unit 1000, Revenue Source RTRF to Fund 0001, Department EBS, Unit 3064, Revenue Source 9229; and increase total General Fund revenue appropriations by $56,273.00, from $1,052,590,735.00 to $1,052,647,008.00.

Section 4. That the City Manager is hereby authorized to increase Equipment and Building Services’ appropriations by $56,273.00, from $15,877,591.00 to $15,933,864.00 in Fund 0001, Department EBS, Unit 3064, and increase total General Fund expenditure appropriations by $56,273.00 from $1,052,590,735.00 to $1,052,647,008.00.

Section 5. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed $56,273.00:

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</table>

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:

Business Development & Procurement Services
Equipment & Building Services
KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

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

SUBJECT

Authorize the purchase of McAfee internet security software licenses, maintenance and support – Austin Ribbon & Computer, lowest responsible bidder of two - Not to exceed $299,742 - Financing: Current Funds

BACKGROUND

This purchase will provide renewal on 7,000 current licenses and 1,000 additional licenses, software maintenance, technical support and updates of McAfee internet security software. The software will provide constant monitoring and prevention of threats against the City's computer network. Protection provided by the software also include anti-spam, anti-spyware, anti-virus, data loss prevention, encryption, host intrusion prevention, mobile security, messaging and email security. The software will also detect viruses brought into the City's network by outside sources such as email attachments, compact disks, PDA's and laptops.

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 464 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)

This item has no prior action.
FISCAL INFORMATION

$299,742.00 - Current Funds

M/WBE INFORMATION

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

464 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

Austin Ribbon & Computer

White Female 16       White Male 29
Hispanic Female 2      Hispanic Male 7
Black Female 2         Black Male 2
Other Female 0         Other Male 2

BID INFORMATION

The following bids were received from solicitation number BG0810 and opened on August 20, 2008. This purchase is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

Bidders                      Address                                  Amount of Bid
--                            --                                      --
*Austin Ribbon & Computer    111 W. Spring Valley Rd. Suite 235
                              Richardson, TX  75081
Paragon Micro, Inc.          31632 N. Ellis Dr. Suite 112
                              Allen, TX  75002

OWNER

Austin Ribbon & Computer

Ryan Grant, President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of McAfee internet security software licenses, maintenance and support – Austin Ribbon & Computer, lowest responsible bidder of two - Not to exceed $299,742 - Financing: Current Funds

Austin Ribbon & Computer is a local, 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>$299,742.00</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>$299,742.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Ribbon &amp; Computer WFWB35471N1008</td>
<td>$299,742.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

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>
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<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
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<tr>
<td>WBE</td>
<td>$299,742.00</td>
<td>$299,742.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$299,742.00</td>
<td>$299,742.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the purchase of McAfee internet security software licenses, maintenance and support is authorized with Austin Ribbon & Computer (263234) in an amount not to exceed $299,742.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for McAfee internet security software licenses, maintenance and support. 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 $299,742.00:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>AMOUNT</th>
<th>ENCUMBRANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0198</td>
<td>DSV</td>
<td>1667</td>
<td>3438</td>
<td>$299,742.00</td>
<td>PO DSV00000059389</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 & Procurement Services
Communication and Information Services
Subject: Authorize a thirty-six-month master agreement for communications equipment, parts and accessories - Motorola Communications, Inc. through the Houston - Galveston Area Council of Governments Purchasing Cooperative - Not to exceed $12,936,205 - Financing: Current Funds

Background:

This master agreement will allow the purchase of mobile and handheld two-way radio systems, accessories, repairs parts, repair service and auxiliary equipment to maintain the City's radio communication systems. This communication equipment is purchased through coordination with Communication and Information Services for public safety and non-public safety departments such as:

- Communication & Information Services
- Police
- Fire
- Street Services
- Sanitation Services
- Park and Recreation
- Public Works
- Equipment and Building Services
- Dallas Water Utilities

The City has approximately 17,000 communication units which consist of mobile vehicle radios, portable handheld radios, mobile data computers, electronic vehicle sirens, emergency warning notification system, radio base stations, radio dispatch consoles, radio remote receivers and pagers.

Previously, parts and equipment were purchased from separate master agreements. The new agreement will combine these into one master agreement thereby providing the City with administrative cost savings over the term of the contract.
BACKGROUND (Continued)

Competitive bids for communication equipment, parts and accessories were issued on July 17, 2008 and opened on August 20, 2008. Bid pricing was then compared to governmental cooperative purchasing agreements, and was found that pricing received from Motorola, Inc. was identical to the Houston–Galveston Area Council of Governments (HGAC). However, HGAC offers a provision for volume pricing discounts not otherwise available through standard agreements. Therefore, Business Development and Procurement Services determined that HGAC provided the most advantageous agreement for the City for communication equipment, parts and accessories.

HGAC conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, HGAC receives bids from manufacturers and dealers throughout the United States.

Although Good Faith Effort initiatives are not taken into account for cooperative agreements, this particular agreement will utilize certified minority subcontractor resulting in 9.4% participation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 26, 2008, City Council authorized an increase in the master agreement for accessories, repair and parts for two-way radio equipment not to exceed $842,800, from $3,371,200 to $4,214,000 by Resolution #08-0830.

On March 26, 2008, City Council authorized an increase in the master agreement for radio equipment not to exceed $901,360, from $3,605,438 to $4,506,798 by Resolution #08-0831.

On April 26, 2006, City Council authorized a thirty-six-month master agreement for accessories, repair, and parts for two-way radio equipment to be used city-wide by Resolution #06-1205.

On January 12, 2005, City Council authorize a twenty-four-month price agreement for radio equipment by Resolution #05-0148.

FISCAL INFORMATION

$12,936,205.00 - Current Funds
ETHNIC COMPOSITION

Motorola, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
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</tr>
<tr>
<td>Black</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
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<td>1</td>
</tr>
<tr>
<td>White</td>
<td>9</td>
<td>52</td>
</tr>
</tbody>
</table>

BID INFORMATION

Competitive bids for communication equipment, parts and accessories were issued on July 17, 2008 and opened on August 20, 2008. Bid pricing was then compared to governmental cooperative purchasing agreements, and was found that pricing received from Motorola, Inc. was identical to the Houston–Galveston Area Council of Governments (HGAC). However, HGAC offers a provision for volume pricing discounts not otherwise available through standard agreements. Therefore, Business Development and Procurement Services determined that HGAC provided the most advantageous agreement for the City for communication equipment, parts and accessories.

OWNER

Motorola, Inc.

Edward J. Zander, President
Gregory Q. Brown, Vice President
A. Peter Lawson, Secretary
David W. Devonshire, Treasurer
WHEREAS, on January 12, 2005, City Council authorize a twenty-four-month price agreement for radio equipment by Resolution #05-0148; and,

WHEREAS, on April 26, 2006, City Council authorized a thirty-six-month master agreement for accessories, repair, and parts for two-way radio equipment to be used city-wide by Resolution #06-1205; and,

WHEREAS, on March 26, 2008, City Council authorized an increase in the master agreement for radio equipment not to exceed $901,360.00, from $3,605,438.00 to $4,506,798.00 by Resolution #08-0831; and,

WHEREAS, on March 26, 2008, City Council authorized an increase in the master agreement for accessories, repair and parts for two-way radio equipment not to exceed $842,800.00, from $3,371,200.00 to $4,214,000.00 by Resolution #08-0830;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of communications equipment, parts and accessories is authorized with Motorola Communications, Inc. (033581) for a term of thirty-six months in an amount not to exceed $12,936,205.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for communications equipment, parts and accessories. If a written contract is required or requested for any or all purchases of communications equipment, parts and accessories 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 $12,936,205.00.

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 & Procurement Services
Communication and Information Services
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 2

DEPARTMENT: Business Development & Procurement Services
Convention and Event Services

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

MAPSCO: 45-P

SUBJECT

Authorize a seventy-two-month service contract for maintenance and repair of elevators and escalators - Larry Evans Elevator Service dba EMR Elevators, Inc., lowest responsible bidder of four - Not to exceed $897,912 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

BACKGROUND

This service contract will provide for the maintenance and repair of sixty-three elevators located at the Convention Center, Reunion Arena, Union Station and Farmers’ Market. Forty-three escalators, located at the Convention Center, Reunion Arena and Union Station are also covered.

Contractor will furnish all supervision, labor, tools, diagnostic equipment, materials, parts, supplies and equipment required to fully maintain and repair all elevators and escalators to prescribed American National Standard Institute safety standards and manufacturer's specification. In addition to regularly scheduled preventative maintenance, contractor will be on call twenty-four hours a day, every day of the year, for emergency repairs. Contractor will respond to emergency calls within one hour and will complete emergency repairs within forty-eight hours.

The Convention Center covers two million square feet and hosts 150 events in an average year. Up to 100,000 people may be attending an event at any one time; making it imperative that elevators and escalators work properly to move people within the facility.

This bid provided a savings of 40% over the bid awarded in 2003.
BACKGROUND (Continued)

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 115 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 October 22, 2003, City Council authorized a sixty-month service contract for elevator and escalator maintenance and repair by Resolution #03-2822.

FISCAL INFORMATION

$897,912.00 - Convention and Event Services Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

115 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

Larry Evans Elevator Service dba EMR Elevators, Inc.

<table>
<thead>
<tr>
<th></th>
<th>Hispanic</th>
<th>Black</th>
<th>Other</th>
<th>White</th>
</tr>
</thead>
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<td>7</td>
</tr>
<tr>
<td>Other Male</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>White Female</td>
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<td></td>
<td></td>
<td>34</td>
</tr>
<tr>
<td>White Male</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
BID INFORMATION

The following bids were received from solicitation number BC0827 and were opened on July 10, 2008. This service contract 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>*Larry Evans Elevator Service dba EMR Elevators, Inc.</td>
<td>705 Secretary Drive Arlington, TX 76015</td>
<td>$897,912.00</td>
</tr>
<tr>
<td>Guthrie Elevator Company, LLC</td>
<td>110 A. Rose Lane #103 Frisco, TX 75034</td>
<td>$1,316,856.00</td>
</tr>
<tr>
<td>American Eagle Elevator, LLC</td>
<td>4872 PR 2671 Royse City, TX 75189</td>
<td>$1,617,548.52</td>
</tr>
<tr>
<td>United Elevator Services Company</td>
<td>2126 113th Street Grand Prairie, TX 75050</td>
<td>$3,379,260.00</td>
</tr>
</tbody>
</table>

OWNER

Larry Evans Elevator Service dba EMR Elevators, Inc.

Larry Evans, President/Secretary
Hope Evans, Vice President/Treasurer
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a seventy-two-month service contract for maintenance and repair of elevators and escalators - Larry Evans Elevator Service dba EMR Elevators, Inc., lowest responsible bidder of four - Not to exceed $897,912 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

Larry Evans Elevator Service dba EMR Elevators, Inc. is a non-local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$44,895.60</td>
<td>5.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$853,016.40</td>
<td>95.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$897,912.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>AC/DC Electric Motor Service BMD837710N0609</td>
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<tr>
<td>Total Minority - Local</td>
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<td>100.00%</td>
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</table>

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larry Evans Elevator Service dba EMR Elevators, Inc. WFDB35687Y1108</td>
<td>$853,016.40</td>
<td>100.00%</td>
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<tr>
<td>Total Minority - Non-local</td>
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<td>100.00%</td>
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</table>

TOTAL M/WBE CONTRACT PARTICIPATION

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<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<tr>
<td>African American</td>
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<td>5.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
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<td>Asian American</td>
<td>$0.00</td>
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<td>$0.00</td>
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<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
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</tr>
<tr>
<td>WBE</td>
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<td>0.00%</td>
<td>$853,016.40</td>
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<tr>
<td>Total</td>
<td>$44,895.60</td>
<td>100.00%</td>
<td>$897,912.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on October 22, 2003, City Council authorized a sixty-month service contract for elevator and escalator maintenance and repair by Resolution #03-2822;

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 service contract with Larry Evans Elevator Service dba EMR Elevators, Inc. (506814) for maintenance and repair of elevators and escalators, for a term of seventy two months in an amount not to exceed $897,912.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Larry Evans Elevator Service dba EMR Elevators, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Larry Evans Elevator Service dba EMR Elevators, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed $897,912.00 (subject to annual appropriations):

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>0080</td>
<td>CCT</td>
<td>7821</td>
<td>3110</td>
<td>$897,912.00</td>
</tr>
</tbody>
</table>

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Convention and Event Services
AGENDA ITEM # 8

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

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
             Water Utilities

CMO: Thomas P. Perkins, Jr., 670-3491
     Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Christopher Wallace and Derrick Arnold v. City of Dallas, Cause No. 04-10100-B - Not to exceed $30,440 - Financing: Current Funds

BACKGROUND

Plaintiffs are represented by Rolle, Breeland, Ryan, Landau, Wingler & Hindman.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Council was briefed in Closed Session on September 17, 2008.

FISCAL INFORMATION

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

$30,440 - Current Funds
WHEREAS, a lawsuit styled Christopher Wallace and Derrick Arnold v. City of Dallas, Cause No. 04-10100-B, was filed by Plaintiffs seeking compensation from the City of Dallas for bodily injuries sustained in an automobile accident on November 18, 2002, involving a Water Utilities Department vehicle; and

WHEREAS, Plaintiffs, Christopher Wallace and Derrick Arnold, through their attorney, Rolle, Breeland, Ryan, Landau, Wingler & Hindman, have agreed to settle this lawsuit for the amount of $30,440; Now, therefore,

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

SECTION 1. That the settlement of the lawsuit styled Christopher Wallace and Derrick Arnold v. City of Dallas, Cause No. 04-10100-B, in an amount not to exceed $30,440 is hereby approved.

SECTION 2. That the City Controller is authorized to pay to Christopher Wallace and his attorney, Rolle, Breeland, Ryan, Landau, Wingler & Hindman, the amount of $17,122.75 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 3. That the City Controller is authorized to pay to Derrick Arnold and his attorney, Rolle, Breeland, Ryan, Landau, Wingler & Hindman, the amount of $13,317.25 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

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 # 9

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

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Moses, Palmer & Howell, L.L.P., for additional services in connection with the City’s oil and gas leasing activities - Not to exceed $25,000, from $45,000 to $70,000 - Financing: Current Funds

BACKGROUND

On August 9, 2007, pursuant to Administrative Action No. 07-2229, the City entered into a professional services contract with the law firm of Moses, Palmer & Howell, L.L.P., in an amount not to exceed $25,000 for legal services necessary to provide legal advice and counsel to the City of Dallas in connection with oil and gas leasing activities.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council was briefed in closed session on September 17, 2008.

On February 6, 2008, pursuant to Resolution No. 08-0358, the City entered into Supplemental Agreement No. 1 to the professional services contract with the law firm of Moses, Palmer & Howell, L.L.P., in an amount not to exceed $20,000 for additional legal services in connection with the City’s oil and gas leasing activities, increasing the original contract amount from $25,000 to $45,000.

FISCAL INFORMATION

$25,000 – Current Funds

MWBE INFORMATION

See attached.
ETHNIC COMPOSITION

Moses, Palmer & Howell, L.L.P.

<table>
<thead>
<tr>
<th>Ethnicity</th>
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OWNER

Moses, Palmer & Howell, L.L.P.

Shayne D. Moses, Partner
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Moses, Palmer & Howell, L.L.P., for additional services in connection with the City’s oil and gas leasing activities - Not to exceed $25,000, from $45,000 to $70,000 - Financing: Current Funds

Moses, Palmer & Howell, L.L.P. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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<tr>
<td>Non-local contracts</td>
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TOTAL THIS ACTION $25,000.00 100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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<tr>
<td>WBE</td>
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Total $0.00 0.00% $0.00 0.00%
WHEREAS, on August 9, 2007, pursuant to Administrative Action No. 07-2229, the City entered into a professional services contract with the law firm of Moses, Palmer & Howell, L.L.P., for legal services necessary to provide legal advice and counsel to the City of Dallas in connection with oil and gas leasing activities in an amount not to exceed $25,000; and

WHEREAS, on February 6, 2008, pursuant to Resolution No. 08-0358, the City entered into Supplemental Agreement No. 1 to the professional services contract with the law firm of Moses, Palmer & Howell, L.L.P., in an amount not to exceed $20,000, for additional legal services in connection with the City's oil and gas leasing activities, increasing the original contract amount from $25,000 to $45,000; and

WHEREAS, the legal services of the law firm of Moses, Palmer & Howell, L.L.P., continue to be necessary in connection with the City's oil and gas leasing activities;

Now, Therefore,

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

SECTION 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the professional services contract with the law firm of Moses, Palmer & Howell, L.L.P., for additional services in connection with oil and gas leasing activities in an amount not to exceed $25,000, increasing the original contract, as supplemented, from $45,000 to $70,000.

SECTION 2. That the City Controller is authorized to disburse additional periodic payments in an amount not to exceed $25,000 to the law firm of Moses, Palmer & Howell, L.L.P., in accordance with the terms of the contract and Supplemental Agreement No. 2, from Fund 0001, Department BMS, Unit 1991, Obj. 3070, Encumbrance No. ATT19907K00735, Vendor No. VS0000023531.

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

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Deborah Watkins, 670-0653

MAPSCO: N/A

SUBJECT

Authorize a sixty-month microfilm service contract with the United States National Archives and Records Administration - Fort Worth Branch to microfilm essential and permanent city records in accordance with permanent preservation standards established by state law - Not to exceed $310,000 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This service contract provides microfilming services for the City Secretary’s Office’s permanent records. The Dallas City Charter and Chapters 201-205 of the Texas Local Government Code provide that the Dallas City Council, records management officer, and records custodian protect, preserve, and provide for disaster recovery copies of essential and permanent city records. The Public Information Act (Texas Open Records Act) provides that the officer for public information protect public information from deterioration or loss and shall repair information as necessary to ensure it is properly maintained. The records management officer has determined that microfilming these records is critical in order to meet the requirements prescribed for protection, preservation, and disaster recovery as well as providing the means for public access to these records. The records involved in this project do not have off-site duplicates in the advent of a disaster. Microfilming will permanently preserve the records and allow access when needed.

State law requires the microfilming of essential and permanent records be done in accordance with preservation standards established by Chapter 204 of the Texas Local Government Code, and Title 13, Chapter 7 of the Texas Administrative Code, entitled "Microfilming Standards and Practices." Federal law authorizes NARA - Fort Worth Branch to work with state and local governments. NARA's services adhere to national and international standards and meet or exceed those required by the state law.
BACKGROUND

In the past, the term of the contract has been for a one-year period. However, the City Secretary’s Office determined that a five-year contractual term affords the department the ability to better utilize its resources and further enhance its department processes. As noted within the contract, it can be cancelled by either party by issuing a 30-day written notice.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a one-year microfilm services contract on August 22, 2007 by Resolution #07-2344.

Authorized a one-year microfilm services contract on August 23, 2006 by Resolution #06-2237.

FISCAL INFORMATION

Current Funds - $310,000 (subject to annual appropriations)
WHEREAS, state law requires the governing body of a local government to facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the local government and furnish the information necessary to protect the legal and financial rights of the local government, state, and persons affected by the activities of the local government; and

WHEREAS, state law requires the records management officer, in cooperation with the records custodian, shall take adequate steps to protect and preserve essential and permanent city records and to provide for off-site security copies of such records of the city; and

WHEREAS, the Dallas City Charter requires the City Secretary to keep accurate records of all actions of the City Council and to preserve these records as permanent records of the city; and

WHEREAS, state law requires the officer for public information to protect public information from deterioration or loss and to repair public information as necessary to maintain it properly; and

WHEREAS, state law requires microfilming of permanent records in accordance with preservation standards as established in the Texas State Library and Archives Commission Microfilming Standards and Practices; and

WHEREAS, the records management officer has determined that microfilming certain essential and permanent records is critical to their preservation and continued public access; and

WHEREAS, federal law authorizes preservation microfilm experts at the U. S. National Archives and Records Administration-Fort Worth Branch (NARA-Fort Worth) to provide to local governments preservation microfilm services in accordance with national preservation standards;

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 microfilm services contract with United States National Archives and Records Administration-Fort Worth, after approval as to form by the City Attorney.
**SECTION 2.** That the City Controller is authorized to disburse funds in an amount not to exceed $310,000 (subject to annual appropriations).

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJ</th>
<th>ENCUMBRANCE</th>
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</table>

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

**DISTRIBUTION:**

- City Attorney
- City Controller
- Office of Financial Services
AGENDA ITEM # 11

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Court & Detention Services

CMO: Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2008 through September 30, 2009 - $6,838,945 - Financing: Current Funds (subject to appropriations)

BACKGROUND

On June 11, 1997, the City Council, pursuant to Resolution No. 97-1995, authorized Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County which established a new cost methodology for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center. This action will allow continuation of payments to Dallas County at the new agreed rate beginning October 1, 2008.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 1999 through September 30, 2000 on September 22, 1999, by Resolution No. 99-3054.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2000 through September 30, 2001 on September 27, 2000, by Resolution No. 00-2986.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2001 through September 30, 2002, on September 26, 2001, by Resolution No. 01-2843.
**BACKGROUND** (Continued)

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 2, 2002 through September 30, 2003, on September 30, 2002, by Resolution No. 02-2812.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2003 through September 30, 2004, on September 24, 2003, by Resolution No. 03-2583.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2004 through September 30, 2005, on September 22, 2004, by Resolution No. 04-2789.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2005 through September 30, 2006, on September 28, 2005, by Resolution No. 05-2836.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2006 through September 30, 2007, on September 27, 2006, by Resolution No. 06-2643.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2007 through September 30, 2008, on September 26, 2007, by Resolution No. 07-2748.

**FISCAL INFORMATION**

$6,838,945 - Current Funds (subject to appropriations)
WHEREAS, the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County, authorized by Resolution No. 78-3303, dated November 22, 1978, and amendments thereto, granted the City a leasehold estate in the Lew Sterrett Criminal Justice Center for processing and maintaining city jail prisoners for as long as the Criminal Justice Center was used as a jail facility; and

WHEREAS, on June 11, 1997, pursuant to Resolution No. 97-1995, the City of Dallas authorized Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement to establish a methodology to calculate the city's equitable share of the cost of processing and maintaining city prisoners at the jail facility; and

WHEREAS, this methodology allows the City to pay Dallas County for the cost of processing and maintaining city prisoners on a per-prisoner basis beginning each fiscal year; and

WHEREAS, the City is required to pay Dallas County on a monthly basis for the City's share of jail operation costs as prescribed in Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement; and

WHEREAS, Dallas County's calculation of $6,838,945 for processing and maintaining city prisoners at the Lew Sterrett Criminal Justice Center for FY2008-09 has been reviewed by the City and determined to be equitable; Now, Therefore

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

Section 1. That the City Manager is hereby authorized to pay Dallas County for processing and maintaining prisoners at the Lew Sterrett Criminal Justice Center pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County previously approved on June 11, 1997, by Resolution No. 97-1995; for the period October 1, 2008 through September 30, 2009 in the amount of $6,838,945 (subject to appropriations).

Section 2. That the City Controller is hereby authorized to pay Dallas County over a 12-month period commencing on October 1, 2008 and ending September 30, 2009 an amount not to exceed $6,838,945 (subject to appropriations) from:

FUND DEPT UNIT OBJ VENDOR # ENCUMBRANCE AMOUNT

0001 CTS 1059 3099 014003 CT CTS1059A005 $6,838,945

Section 3. That this resolution take effect immediately from and after its passage in accordance with the Charter of the City of Dallas and it is accordingly so resolved.
Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Terrell Country Club, of approximately 278,828 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $72,111 ($70,411 plus closing cost not to exceed $1,700) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of a tract of unimproved land containing approximately 278,828 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni Pipeline. The consideration is based on an independent appraisal.

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 - $72,111

OWNERS

Terrell Country Club

Bill Johnson, President

MAP

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

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

"OFFER AMOUNT": $70,411

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 Construction Fund No. 0102, Department DWU, Unit CW20, Object 4210, Activity RWPT, Program No. 704041, Encumbrance No. CTDWU704041BL.
SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

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

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

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

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

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

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: 3

BEING a 6.401 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 Deed to Terrell Country Club, a corporation, dated January 10, 1905, as recorded in Volume 108, Page 135 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), same being part of Tract One of Terrell Country Club Association Addition, an addition to Kaufman County, Texas, as recorded in Cabinet 2, Envelope 688, 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 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 (140-feet wide) as recorded in Volume 445, Page 277, D.R.K.C.T.;

THENCE South 46 degrees 14 minutes 39 seconds East, departing said southeast line and continuing along said common line, a distance of 148.20 feet to a 1/2-inch set iron rod with cap, said point also being North 46 degrees 14 minutes 39 seconds West, a distance of 1,081.72 feet from a found wood fence post for an angle point in the northeast line of said Tract One;

THENCE South 72 degrees 26 minutes 55 seconds West, departing said common line and crossing said Tract One and along a line parallel with and 130 feet perpendicularly distant southeast from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 989.22 feet to a 1/2-inch set iron rod with cap for an angle point;

THENCE South 80 degrees 46 minutes 13 seconds West, continuing across said Tract One and along a line parallel with and 130 feet perpendicularly distant southeast from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 1,286.60 feet to a 1/2-inch set iron rod with cap on the common line between the northwest line of said Tract One and the southeast line of a tract of land described as "Tract 1" in Deed to K. L. Breeden, Jr. and Joanne Breeden, dated October 21, 1967, as recorded in Volume 505, Page 165, D.R.K.C.T.;

THENCE North 43 degrees 42 minutes 36 seconds East, along said common line, a distance of 215.71 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, said point also being North 80 degrees 46 minutes 13 seconds East, a distance of 559.23 feet from a found concrete monument with a brass disk stamped "City of Dallas";

THENCE North 80 degrees 46 minutes 13 seconds East, departing said common line and along the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 1,105.00 feet to a found concrete monument with a brass disk stamped "City of Dallas" for an angle point; T.D. 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: 3

THENCE North 72 degrees 26 minutes 55 seconds East, continuing along the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 908.61 feet to the POINT OF BEGINNING AND CONTAINING 278,813 square feet or 6.401 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:  7-9-07

Surveyor’s Name:    Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dione C. McBride and Coy W. McBride, of approximately 17,337 square feet of land improved with a single-family residence and workshop located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $218,111 ($215,811 plus closing cost not to exceed $2,300) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of a tract of land containing approximately 17,337 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni Pipeline. The property is improved with a single family residence and workshop. The consideration is based on an independent appraisal.

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 - $218,111

OWNERS

Dione C. McBride
Coy W. McBride

MAP

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

"OWNER": Dione C McBride and Coy W. McBride, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": $215,811

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 Construction Fund No. 0102, Department DWU, Unit CW20, Object 4210, Activity RWPT, Program No. 704041, Encumbrance No. CTDWU704041AJ.
SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

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

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

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

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

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

BY: 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: 37

BEING a 17,337 square foot tract of land in the Ruth Peckum Survey, Abstract No. 374, and being located in Kaufman County, Texas, and being a portion of a tract of land described in Warranty Deed with Vendor's Lien to Dione C. McBride and husband, Coy W. McBride, dated March 31, 1995, as recorded in Volume 1163, Page 672 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod for the west corner of said McBride tract and the south corner of a tract of land described as “Tract I” in General Warranty Deed from James Lloyd Hogue, a single person granting undivided one-half interest to Jonnie Stacy Barnes, dated February 27, 2004, as recorded in Volume 2381, Page 182, D.R.K.C.T., said corner being on the northeast line of University Estates, an addition to Kaufman County, Texas, as recorded in Cabinet 2, Envelope 114, D.R.K.C.T.;

THENCE North 44 degrees 30 minutes 19 seconds East, departing the northeast line of said University Estates, and along the common line between the northwest line of said McBride tract and the southeast line of said Hogue and Barnes tract, passing at a distance of 162.30 feet, the east corner of said Hogue and Barnes tract, and the south corner of a tract of land described in Warranty Deed to Linda J. Hogue, as her sole and separate property, dated September 30, 1997, as recorded in Volume 1275, Page 165, D.R.K.C.T., continuing along the common line with said Linda J. Hogue tract, in all a distance of 274.08 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;

THENCE North 44 degrees 30 minutes 19 seconds East, continuing along said common line with said Linda J. Hogue tract, a distance of 251.66 feet to a P.K. Nail found for the north corner of said McBride tract and the east corner of said Linda J. Hogue tract, said corner being in Kaufman County Road No. 221 (unrecorded right-of-way);

THENCE South 35 degrees 52 minutes 16 seconds East, departing said common line with said Linda J. Hogue tract, along the northeast line of said McBride tract and said Kaufman County Road No. 221, a distance of 139.92 feet to a P.K. Nail set for corner;

THENCE South 75 degrees 49 minutes 44 seconds West, departing said Kaufman County Road No. 221 and crossing said McBride tract, along a line parallel with and 130 feet perpendicularly distant southeast from the southeast line of a City of Dallas Water Line Right-of-Way (variable width at this point) as recorded in Volume 452, Page 603, D.R.K.C.T., a distance of 51.48 feet to a 1/2-inch set iron rod with cap for an angle point;

THENCE South 75 degrees 36 minutes 27 seconds West, continuing across said McBride tract, along a line parallel with and 130 feet perpendicularly distant southeast from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 215.23 feet to the POINT OF BEGINNING AND CONTAINING 17,337 square feet or 0.3980 acres of land, more or less. 

T.D.K.

1 of 3
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: 37

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: 6-25-07

Surveyor’s Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
EXHIBIT

OF A
RIGHT--OF···WAY ACQUISITION

SLTVAX

IN
THE
RUTH PECKUM SUFlVE,ABSRAC7 NO 314
KAUFMAN COUNTY,

FOR THE
CITY OF DALLAS
BY
D-MAL-TECH ENGINEERING, INC., 1731 DALLAS Fwy, SUITE 320
DALLAS, TEXAS 75207, TEL. (214)296-207, FAX (214)296-4774

NOTE: THIS SURVEY WAS PERFORMED BASE UPON
RECORD DATA PROVIDED UNDER STEWART TITLE
INSURANCE COMPANY TITLE COMMITMENT
C.F. NUMBER
20066489.
WITH AN
EFFECTIVE
DATE OF MARCH 1, 2007

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83
TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL
ZONE 4207. ACCORDING TO MEASUREMENTS MADE AT NGS
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN
CORS ARP, DALLAS CORS ARP, KAUFRAN CORS ARP, TYLER
CORS ARP, AND PARTS 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.

EXHIBIT A
AGENDA ITEM # 14

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 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, from Jesse N. Lopez and Josephine G. Lopez, of approximately 32,583 square feet of land improved with a pond, a dock and aerobic system located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $138,280 ($136,530 plus closing cost not to exceed $1,750) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of a tract of land containing approximately 32,583 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni Pipeline. The property is improved with a pond, a dock and aerobic system. The consideration is based on an independent appraisal.

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 - $138,280

OWNERS

Jesse N. Lopez
Josephine G. Lopez

MAP

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

"OWNER": Jesse N. and Josephine G. Lopez, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": $136,530

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

SECTION 1. That this item was originally approved by the City Council on May 23rd, 2007, and that since then the original amount has changed with an increase of $2,154 since the ownership interest changed from easement to fee simple.

SECTION 2. That the PROJECT is a municipal and public purpose and a public use.

SECTION 3. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 4. 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 5. 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 Construction Fund No. 102, Department DWU, Unit CW20, Object 4210, Activity RWPT, Program No. 704041, Encumbrance No. CTDWU704041BK.

SECTION 6. 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 7. 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 8. 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 9. 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 10. That this resolution shall take effect immediately from and after its passage, as provided in the Charter of the City of Dallas.

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

BY

[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: 49

BEING a 0.7480 acre tract of land in the Ruth Peckum Survey, Abstract No. 374, and being located in Kaufman County, Texas, and being a portion of a tract of land described in General Warranty Deed to Jesse N. Lopez and spouse, Josephine G. Lopez, dated September 13, 1994, as recorded in Volume 1143, Page 671, D.R.K.C.T., of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

COMMENCING at a 3/8-inch found iron rod for the westerly corner of said Lopez tract and the southerly corner of a tract of land described in Warranty Deed with Vendor's Lien to John P. Dowell, Jr., dated October 28, 2004, as recorded in Volume 2527, Page 263, D.R.K.C.T., said point being in University Road, an unrecorded right-of-way;

THENCE North 44 degrees 42 minutes 12 seconds East, departing said University Road and along the common line between the northwest line of said Lopez tract and the southeast line of said Dowell tract, passing at a distance of 21.00 feet a 1/2-inch found iron rod, and continuing along said common line for a total distance of 117.38 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;

THENCE North 44 degrees 42 minutes 12 seconds East, continuing along said common line, a distance of 251.18 feet to a 1/2-inch set iron rod with cap for the east corner of said Dowell tract and the northwest corner of said Lopez tract, said corner being on the southeast line of a City of Dallas Water Line Right-of-Way (190 feet wide) as recorded in Volume 452, Page 603, D.R.K.C.T;

THENCE North 75 degrees 52 minutes 21 seconds East, along the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 104.06 feet to a 1/2-inch set iron rod with cap for the north corner of said Lopez tract and the most northerly west corner of Lot 8 of University Estates, an addition to Kaufman County, Texas, as recorded in Cabinet 2, Envelope 114, D.R.K.C.T.;

THENCE South 45 degrees 17 minutes 48 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way and along the common line between the northeasterly line of said Lopez tract and the southwesterly line of said Lot 8, passing at a distance of 8.42 feet a 1/2-inch set iron rod with cap for the most southerly west corner of said Lot 8 and the northwest corner of Lot 7 of said University Estates, and continuing along said common line between the northeasterly line of said Lopez tract and the southwesterly line of said Lot 7 for a total distance of 146.34 feet to a 1/2-inch found iron rod for the east corner of said Lopez tract and the north corner of a tract of land described in Special Warranty Deed with Vendor's Lien to Michael L. Miller and Joy Lynn Miller, dated October 21, 2004, as recorded in Volume 2525, Page 176, D.R.K.C.T.;

THENCE South 44 degrees 42 minutes 12 seconds West, departing the southwesterly line of said Lot 7 and along the common line between the southeast line of said Lopez tract and the northwest line of said Miller tract, a distance of 9.25 feet to a 1/2-inch set iron rod with cap;

THENCE South 75 degrees 52 minutes 21 seconds West, departing said common line and crossing said Lopez tract along a line parallel with and 130 feet perpendicularly distant southeast from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 386.81 feet to the POINT OF BEGINNING AND CONTAINING 32,583 square feet or 0.7480 acres of land, more or less. T.D.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: 49

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: Alan Moore
Surveyor's Name: Alan Moore
Registered Professional Land Surveyor
Texas No. 5537

Date: 12/15/06

Reviewed by: [Signature] 3/10/07

Exhibit A
ABSTRACT NO. 374

RUTH PECKUM SURVEY

LOT 7

OWNER:
EDWARD A. VALDERAS AND WIFE, DORA C. VALDERAS
VOL. 1304, PG. 310
D.R.K.C.T.

EXHIBIT OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
RUTH PECKUM 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)250-2727, FAX (972)250-4774

OWNER:
CARL N. ALLEN, JR. AND WIFE, CINDY L. ALLEN
VOL. 1304, PG. 37
D.R.K.C.T.

LEGEND:
S.F. SQUARE FEET
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"
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.
SUBJECT

An ordinance abandoning portions of Meadowood Road to Steven F. Spiritas, the abutting owner, containing approximately 966 square feet of land located near the intersection of Meadowood Road and Rockbrook Drive, and authorizing the quitclaim – Revenue: $26,276 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of Meadowood Road to Steven F. Spiritas, the abutting owner. The area will be included with the property of the abutting owner to eliminate an existing fence encroachment. The abandonment fee is based on an independent appraisal.

Notices were sent to 15 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $26,276 plus the $20 ordinance publication fee

OWNER

Steven F. Spiritas
MAPS

Attached
ORDINANCE NO. __________

An ordinance providing for the abandonment of portions of Meadowood Road located adjacent to City Block 5543 in the City of Dallas and County of Dallas, Texas, subject to a reverter; providing for the quitclaim thereof to Steven F. Spiritas; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Steven F. Spiritas, an individual, hereinafter referred to as GRANTEE, deems it advisable to abandon and quitclaim, subject to a reverter interest, the hereinafter described portions of public right-of-way, and is of the opinion that, said portions of public right-of-way are not currently needed for public use, and same should be abandoned and quitclaimed to GRANTEE, subject to the reverter, as hereinafter provided, for so long as the existing fence encroachments remain within said portions; and

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

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same are abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject, however, to the reverter and the conditions hereinafter more fully set out.
SECTION 2. That for and in monetary consideration of the sum of TWENTY-SIX THOUSAND TWO HUNDRED SEVENTY SIX AND NO/100 ($26,276.00) DOLLARS paid by GRANTEE, and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents QUITCLAIM unto the said GRANTEE, subject to the conditions, reservations and exceptions hereinafter made and with the reverter interest herein stated, all its right, title and interest in and to the hereinabove described areas in Exhibit A, provided however, that if the existing fence encroachments situated on and adjacent to the areas to be abandoned are ever: (i) partially demolished, removed or damaged and are not promptly thereafter repaired or rebuilt; (ii) substantially or totally demolished, removed or damaged; or (iii) abandoned in whole or in part by GRANTEE, his heirs and assigns, then this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. TO HAVE AND TO HOLD all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said GRANTEE.

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

SECTION 4. That the City Controller is authorized to deposit the sum paid by GRANTEE pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Development Services - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.
SECTION 5. That the abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise and is further subject to the conditions contained in Exhibit B, which is attached hereto and for all intents and purposes made a part hereof.

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

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

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

SECTION 9. That the abandonment and quitclaim provided for herein are made subject to and the City of Dallas does hereby retain and reserve a utility and drainage easement across the entire width of the areas described in Exhibit A for the purpose of laying, constructing, maintaining, repairing and replacing lines and facilities as are needed now or in the future as determined by the City of Dallas in its sole discretion in, under, through, across and along areas, together with the right of ingress and egress over and across said areas for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said lines and facilities. The City of Dallas shall have the right to remove from these areas any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of these facilities and any structures, fences, trees, shrubs, growths or other, obstructions placed within the areas described in Exhibit A shall be completely and totally at the owners risk and subject to destruction and/or removal by the City from time to time without liability or obligation to repair, restore or compensate its owner for said destruction and/or removal.
SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by GRANTEE in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas.

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

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY
Assistant City Attorney

THERESA O’DONNELL
Director of Development Services

BY
Interim Assistant Director

Passed _________________.

DS/31835  5
EXHIBIT A

LEGAL DESCRIPTION
MEADOWOOD ROAD
PARTIAL RIGHT-OF-WAY ABANDONMENT
CITY OF DALLAS OFFICIAL BLOCK NO. 5543
JAMES F. FARQUHAR SURVEY, ABSTRACT NO. 455
CITY OF DALLAS, DALLAS COUNTY, TEXAS
TRACT 1

BEING a 493 square foot tract of land located in the JAMES F. FARQUHAR SURVEY,
ABSTRACT NO. 455, City of Dallas, Dallas County, Texas and being a part of Meadowood
Road, a 50 foot right-of-way, in City Block 5543 of MEADOW ESTATES, SECTION 1, an
Addition to the City of Dallas, according to the Plat thereof recorded in Volume 6, Page 445
Map Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with a yellow plastic cap stamped “1890” in the Northeast
right-of-way line of said Meadowood Road at the South corner of Lot 1-A of ESTATE NO. 1 IN
SECTION ONE OF MEADOWOOD ESTATES, an Addition to the City of Dallas, according to
the Plat thereof recorded in Volume 50, Page 103 Map Records, Dallas County, Texas and at the
West corner of Lot 1-B of said Addition;

THENCE South 50 degrees 24 minutes 13 seconds West, leaving said Northeast right-of-way
line, a distance of 5.87 feet to a point for corner;

THENCE North 47 degrees 23 minutes 23 seconds West, a distance of 57.57 feet to a point for
corner;

THENCE North 43 degrees 25 minutes 10 seconds East, a distance of 10.05 feet to a point for
corner in said Northeast right-of-way line and in the Southwest line of said Lot 1-A at the
beginning of a non-tangent curve to the right having a central angle of 06 degrees 42 minutes 28
seconds, a radius of 498.97 feet and a chord bearing and distance of South 43 degrees 13 minutes
36 seconds East, 58.38 feet;

THENCE Southeasterly, along said Northeast right-of-way line and along said Southwest line
and along said curve to the right, an arc distance of 58.42 feet to the POINT OF BEGINNING
and containing 493 square feet or 0.011 acres of land, more or less.

Basis of bearings are derived from the Southeast line of Lot 1-A of the Plat of Estate No. 1 in
Section One of Meadowood Estates, recorded in Volume 50, Page 103, M.R.D.C.T., Having a
bearing of North 50 degrees 24 minutes 13 seconds.

(For SPEG use only)
REVIEWED By: ______________
Date: ______________
SPRG NO: ______________

Sean Shropshire
Texas Registration No. 5674
June 6, 2007

REVIEWED BY

07.06.2007
LEGAL DESCRIPTION
MEADOWOOD ROAD
PARTIAL RIGHT-OF-WAY ABANDONMENT
CITY OF DALLAS OFFICIAL BLOCK NO. 5543
JAMES F. FARQUHAR SURVEY, ABSTRACT NO. 455
CITY OF DALLAS, DALLAS COUNTY, TEXAS
TRACT 2

BEING a 473 square foot tract of land located in the JAMES F. FARQUHAR SURVEY, ABSTRACT NO. 455, City of Dallas, Dallas County, Texas and being a part of Meadowood Road, a 50 foot right-of-way, in City Block 5543 of MEADOW ESTATES, SECTION 1, an Addition to the City of Dallas, according to the Plat thereof recorded in Volume 6, Page 445 Map Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod with a yellow plastic cap stamped “1890” in the Northeast right-of-way line of said Meadowood Road at the South corner of Lot 1-A of ESTATE NO. 1 IN SECTION ONE OF MEADOWOOD ESTATES, an Addition to the City of Dallas, according to the Plat thereof recorded in Volume 50, Page 103 Map Records, Dallas County, Texas and at the West corner of Lot 1-B of said Addition, said point being the beginning of a curve to the left having a central angle of 10 degrees 19 minutes 54 seconds, a radius of 498.97 feet and a chord bearing and distance of North 45 degrees 02 minutes 19 seconds West, 89.85 feet;

THENCE Northwesterly, along said Northeast right-of-way line and along said curve to the left, an arc distance of 89.97 feet to the POINT OF BEGINNING;

THENCE South 39 degrees 47 minutes 44 seconds West, leaving said Northeast right-of-way line, a distance of 11.04 feet to a point for corner;

THENCE North 53 degrees 02 minutes 04 seconds West, a distance of 40.75 feet to a point for corner;

THENCE North 35 degrees 00 minutes 28 seconds East, a distance of 11.35 feet to a point for corner in said Northeast right-of-way line and in the Southwest line of said Lot 1-A at the beginning of a non-tangent curve to the right having a central angle of 04 degrees 47 minutes 16 seconds, a radius of 498.97 feet and a chord bearing and distance of South 52 degrees 35 minutes 54 seconds East, 41.68 feet;

THENCE Southeasterly, along said Northeast right-of-way line and along said Southwest line and along said and along said curve to the right, an arc distance of 41.70 feet to the POINT OF BEGINNING and containing 473 square feet or 0.011 acres of land, more or less.

Basis of bearings are derived from the Southeast line of Lot 1-A of the Plat of Estate No. 1 in Section One of Meadowood Estates, recorded in Volume 50, Page 103, M.R.D.C.T. , Having a bearing of North 50 degrees 24 minutes 13 seconds.

(For SPEG use only)
REVIEWED By: ______________________
Date: ______________________
SPRG NO: ______________________

Sean Shropshire
Texas Registration No. 5674

June 6, 2007

REVIEWED BY
________________________________________
STATE OF TEXAS COUNTY OF DALLAS
COUNTY SURVEY SHERIFF

R:\Data\2005\05130\00\Survey Doing\Exhibits\05130EX01-TRACT2.doc
2 of 4
MEADOWOOD ROAD
PARTIAL RIGHT-OF-WAY ABANDONMENT
TRACT 1 = 493 SQUARE FEET OR 0.011 ACRES
TRACT 2 = 473 SQUARE FEET OR 0.011 ACRES
CITY OF DALLAS OFFICIAL BLOCK NO. 5543
JAMES L. FARQUHAR SURVEY, ABSTRACT NO. 455
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LOT 1-A
ESTATE NO. 1 IN
SECTION ONE OF
MEADOWOOD ESTATES
VOLUME 50, PAGE 103
M.R.D.C.T.
STEVEN F SPIRITAS
VOLUME 91018, PAGE 2447
D.R.D.C.T.
POINT OF
BEGINNING
TRACT 2

LOT 1-B
ROBERT L & PHYLLIS R GLAZER
VOLUME 2000239, PAGE 1126
D.R.D.C.T.
POINT OF
BEGINNING
TRACT 1 &
POINT OF COMMENCING
TRACT 2

LINE TABLE

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NOTE: BASIS OF BEARINGS ARE DERIVED FROM THE SOUTHEAST LINE OF LOT 1-A OF THE PLAT OF ESTATE NO. 1 IN SECTION ONE OF MEADOWOOD ESTATES, RECORDED IN VOLUME 50, PAGE 103, M.R.D.C.T.

DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093
Phone 972-314-0994 Fax 972-314-9338

(For SPRG use only)

REVIEWED BY: ____________________________
Date: ____________________________
SPRG NO: ____________________________
MEADOWOOD ROAD
PARTIAL RIGHT-OF-WAY ABANDONMENT
TRACT 1 = 493 SQUARE FEET OR 0.011 ACRES
TRACT 2 = 473 SQUARE FEET OR 0.011 ACRES
CITY OF DALLAS OFFICIAL BLOCK NO. 5543
JAMES L. FARQUHAR SURVEY, ABSTRACT NO. 455
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LOCATION MAP
NOT TO SCALE
DALLAS MAPSCO 24-Q

Sean Shropshire
Registered Professional Land Surveyor
No. 5674
EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

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

ABAN.EXB (revised 11/9/00)
SUBJECT

An ordinance abandoning a portion of an alley to JLB Maple Partners, L.P., the abutting owner, containing approximately 8,001 square feet of land, located near the intersection of Maple Avenue and Kimsey Drive, and authorizing the quitclaim - Revenue: $158,000 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley to JLB Maple Partners, L.P., the abutting owner, containing approximately 8,001 square feet of land. The area will be included with the property of the abutting owner for the development of a multi-family development. The abandonment fee is based on an independent appraisal.

Notices were sent to 11 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

This item has no prior action.

FISCAL INFORMATION

Revenue: $158,000 plus the $20 ordinance publication fee

OWNER

JLB Maple Partners, L.P.

GP LLC, General Partner
Bay Mittenberger, Manager
MAPS

Attached
ORDINANCE NO. ____________

An ordinance providing for the abandonment of a portion of an alley located adjacent to City Block 5721 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to JLB Maple Partners, L.P.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of JLB Maple Partners, L.P., a Texas limited partnership, hereinafter referred to as GRANTEE, deems it advisable to abandon and quitclaim the hereinafter described tract of land to GRANTEE, and is of the opinion that, subject to the terms and conditions herein provided, said portion of alley is not needed for public use, and same should be abandoned and quitclaimed to GRANTEE, as hereinafter stated; and

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

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

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

SECTION 2. That for and in monetary consideration of the sum of ONE HUNDRED FIFTY-EIGHT THOUSAND AND NO/100 ($158,000.00) DOLLARS paid by GRANTEE, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents FOREVER QUITCLAIM unto the said GRANTEE, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and
upon the covenants below stated, all of its right, title and interest in and to that certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

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

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

**SECTION 7.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.
SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to GRANTEE herein, GRANTEE, its successors and assigns, agree to indemnify, defend, release and hold the City of Dallas whole and harmless against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by GRANTEE, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which GRANTEE, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. GRANTEE, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.
SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by GRANTEE in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Development Services. GRANTEE's responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by GRANTEE, its successors and assigns, to the satisfaction of the Director of Development Services.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which GRANTEE shall likewise pay, the Director of Development Services, or designee: (i) shall deliver to GRANTEE a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a QUITCLAIM DEED with regard to the area abandoned herein, to GRANTEE hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.
SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY
Assistant City Attorney

THERESA O’DONNELL
Director of Development Services

BY
Interim Assistant Director

Passed ____________________.
BEING a 8,000.85 square feet (0.1837 acre) tract of land situated in the Miles Bennett Survey, Abstract No. 52 in the City of Dallas, Dallas County, Texas, and being all of a 20 foot Dedication to the City of Dallas for street purposes by deed recorded in Volume 2574, Page 24, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a 3/4 inch iron rod found for corner, and being the West corner of Block E/5713, MAPLE LAWN TERRACE, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 3, Page 242, Map Records, Dallas County, Texas, and being the South corner of a tract of land conveyed to JLB Maple Partners, L.P., a Texas limited partnership by deed recorded in Document No. 20080018681, Official Public Records, Dallas County, Texas, and being in the Northeast line of Maple Avenue (a 60 foot right-of-way);

Thence North 45 degrees 42 minutes 06 seconds West, along the Northeast line of said Maple Avenue, a distance of 166.00 feet to an "X" found for corner, and being the most Southern West corner of said JLB Maple Partners, L.P. tract, and being the Point of Beginning;

Thence North 45 degrees 42 minutes 06 seconds West, continuing along the Northeast line of said Maple Avenue, a distance of 20.00 feet to an "X" found for corner, and being the most Northern South corner of said JLB Maple Partners, L.P. tract;

Thence North 44 degrees 28 minutes 46 seconds East, leaving the Northeast line of said Maple Avenue along the most Northern Southeast line of said JLB Maple Partners, L.P. tract, a distance of 400.28 feet to a 1/2 inch iron rod found for corner, and being an interior ell of said JLB Maple Partners, L.P. tract;

Thence South 44 degrees 37 minutes 22 seconds East, along the most Eastern Southwest line of said JLB Maple Partners, L.P. tract, a distance of 20.00 feet to a 1/2 inch iron rod found for corner, and being an interior ell of said JLB Maple Partners, L.P. tract;

Thence South 44 degrees 28 minutes 46 seconds West, along the most Southern Northwest line of said JLB Maple Partners, L.P. tract, a distance of 399.90 feet to the Point of Beginning and containing 8,000.85 square feet or 0.1837 acres of land.
20’ ALLEY ABANDONMENT
IN THE CITY OF DALLAS BLOCK NO. 5721
MILES BENNETT SURVEY, ABSTRACT NO. 52
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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STATE OF TEXAS
REGENT OF PROFESSIONAL LAND SURVEYS
BRYAN CONNALLY
R.P.L.S. NO. 5513
APRIL 11, 2008

BRYAN CONNALLY
R.P.L.S. NO. 5513
APRIL 11, 2008

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHEAST LINE OF MAPLE AVENUE PER DEED RECORDED IN DOCUMENT NO. 20080018681, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS. (N45°42'06"W)
EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.
SUBJECT
An ordinance authorizing a correction to Ordinance Nos. 27002, 26781, 27218, 27083, 27133, 27034, 24726, 26994, 27004, and 27045 to correct certain grammatical, formatting and other non-substantive errors - Financing: No cost consideration to the City

BACKGROUND
The City Council, on various dates beginning on November 12, 2007 and ending on December 12, 2007, closed the public hearings and approved Ordinance Nos. 27002, 26781, 27218, 27083, 27133, 27034, 24726, 26994, 27004, and 27045.

Subsequent to the passage of the ordinances, as the City Attorney’s Office codified amendments to, as well as new Planned Development Districts, certain grammatical, formatting and other non-substantive errors such as properly incorporating a referenced exhibit, properly numbering subsections and paragraphs, referencing specific ordinance numbers and providing the exhibits, providing a saving clause, providing a severability clause, and providing an effective date were discovered.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)
On various dates beginning on November 12, 2007 and ending on December 12, 2007, the City Council closed the public hearings and approved Ordinance Nos. 27002, 26781, 27218, 27083, 27133, 27034, 24726, 26994, 27004, and 27045.

FISCAL INFORMATION
No cost consideration to the City.
ORDINANCE NO. ____________________

An ordinance correcting Ordinance No. 27002, passed by the Dallas City Council on November 12, 2007; Ordinance No. 26781, passed by the Dallas City Council on January 13, 2007; Ordinance No. 27218, passed by the Dallas City Council on June 11, 2008; Ordinance No. 27083, passed by the Dallas City Council on February 13, 2008; Ordinance No. 26994, passed by the Dallas City Council on November 12, 2007; Ordinance No. 27133, passed by the Dallas City Council on April 9, 2008; Ordinance No. 27034, passed by the Dallas City Council on December 12, 2007; Ordinance No. 24726, passed by the Dallas City Council on September 26, 2001; Ordinance No. 27004, passed by the Dallas City Council on November 12, 2007; and Ordinance No. 27045, passed by the Dallas City Council on December 12, 2007; correcting certain grammatical, formatting, and other non-substantive errors; providing a saving clause; providing a severability clause, and providing an effective date.

WHEREAS, the city council finds that it is in the public interest to correct Ordinance Nos. 27002, 26781, 27218, 27083, 26994, 27133, 27034, 24726, 27004, and 27045 to accurately reflect the intent of the city council; Now, Therefore,

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

SECTION 1. That Ordinance No. 27002, passed by the Dallas City Council on November 12, 2007, which rezoned PD 108, is corrected by amending the text of Article 108 of Chapter 51P to read as follows:

DCA________________(51P correction) - Page 1
"ARTICLE 108.

PD 108.

SEC. 51P-108.101. LEGISLATIVE HISTORY.

PD 108 no longer exists. PD 108 was rezoned after the adoption of this chapter. See Section 51P-108.103 for information regarding the rezoning of PD 108. PD 108 was established by Ordinance No. 16099, passed by the Dallas City Council on January 31, 1979.[PD 108 no longer exists. All of the property in PD 108 was rezoned to PD 772 on November 12, 2007. See Section 51P-108.103 for information regarding the rezoning of PD 108.]

SEC. 51P-108.102. PROPERTY LOCATION [AND-SIZE].

PD 108 was established on property generally fronting on the west line of Cockrell Hill Road, beginning at a point approximately 1,451 feet south of the south line of Kiest Boulevard. [The size of PD 108 was approximately 22 acres.]

SEC. 51P-108.103. REZONING OF PD 108.

Ordinance No. 27002, passed by the Dallas City Council on November 12, 2007, rezoned the Property from PD 108 to PD 772.

SEC. 51P-108.104 through SEC. 51P-108.113. Repealed [by Ordinance No. 27002]."

SECTION 2. That Ordinance No. 26781, passed by the Dallas City Council on January 13, 2007, which amended Division S-18, "PD Subdistrict 18," of Article 193, "PD 193," of Chapter 51P is corrected by amending Section S-18.101, "Legislative History," to read as follows:

"SEC. S-18.101. LEGISLATIVE HISTORY.

PD Subdistrict 18 no longer exists. PD Subdistrict 18 was rezoned after the adoption of Ordinance No. 26781, passed by the Dallas City Council on January 13, 2007 [this ordinance]. See Section S-18.103 for information regarding the rezoning of PD Subdistrict 18. PD Subdistrict 18 was established by Ordinance No. 23024, passed by the Dallas City Council on February 12, 1997. Ordinance No. 23024 amended Ordinance No. 21859, PD 193 (the Oak Lawn Special Purpose District), as amended, and Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended."

“SEC. S-25.101. LEGISLATIVE HISTORY.

PD Subdistrict 25 no longer exists. PD Subdistrict 25 was rezoned after the adoption of Ordinance No. 26781, passed by the Dallas City Council on January 13, 2007 [this ordinance]. See Section S-25.103 for information regarding the rezoning of PD Subdistrict 25. PD Subdistrict 25 was established by Ordinance No. 23405, passed by the Dallas City Council on January 14, 1998. Ordinance No. 23405 amended Ordinance No. 21859, PD 193 (the Oak Lawn Special Purpose District), as amended, and Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Subsequently, Ordinance No. 23405 was amended by Ordinance No. 24172, passed by the Dallas City Council on January 26, 2000.”

SECTION 4. That Ordinance No. 26781, passed by the Dallas City Council on January 13, 2007, which amended Article 193, “PD 193,” of Chapter 51P by creating a new Division S-79, “PD Subdistrict No. 79,” is corrected by renumbering Section S-79.107, “Development Plan,” to read as follows:

“SEC. S-79.107. DEVELOPMENT PLAN.

(a) Except as provided in this section, a development plan that complies with the conceptual plan must be approved by the city plan commission before the issuance of a building permit.

(b) No development plan is required for the following:

(1) repair or demolition of existing structures;
(2) grading;
(3) the installation of fencing or other structures for security purposes;
(4) work associated with permitted temporary uses; or
work intended to provide for the irrigation or maintenance of landscaping.

(c) In addition to Section 51-4.702 requirements, a development plan must also include the following:

(1) A [a] table listing:
   (A) the ground level elevations for each subarea;
   (B[\text{C}]) total square footage of land for each subarea;
   (C[\text{D}]) maximum floor area for each subarea;
   (D[\text{E}]) maximum structure height for each subarea;
   (E[\text{F}]) maximum lot coverage for each subarea;
   (F[\text{G}]) developed floor area for each subarea;
   (G[\text{H}]) developed structure height for each subarea;
   (H[\text{I}]) minimum required open space for each subarea;
   (I[\text{J}]) actual open space for each subarea;
   (J[\text{K}]) required parking spaces for each subarea;
   (K[\text{L}]) parking provided on site;
   (L[\text{M}]) parking provided off site;
   (M[\text{N}]) total cumulative floor area for subdistrict;
   (N[\text{O}]) total developed cumulative floor area for subdistrict; and
   (O[\text{P}]) remaining total cumulative floor area available in subdistrict.

(2) Ingress and egress locations.

(d) The portion of Section 51-4.702(c) requiring development plan submission within six months of the city council’s approval of this subdistrict does not apply.

(e) Signs are not required to be shown on a development plan.
(f) A development plan is not required to reflect the entire subdistrict.

(g) Development and use of Subarea B must comply with the development plan for Subarea B (Exhibit S-79B). If there is a conflict between the text of this division and the development plan for Subarea B, the text of this division controls.

(h) Development and use of Subarea C must comply with the development plan for Subarea C (Exhibit S-79C). If there is a conflict between the text of this division and the development plan for Subarea C, the text of this division controls.

(i) Development and use of Subarea D must comply with the development plan for Subarea D (Exhibit S-79D). If there is a conflict between the text of this division and the development plan for Subarea D, the text of this division controls.

(j) Development and use of Subarea G must comply with the development plan for Subarea G (Exhibit S-79E). If there is a conflict between the text of this division and the development plan for Subarea G, the text of this division controls.

(k) If there is a conflict between the text of this division and a development plan, the text of this division controls.


“(f) Detached premise signs.

(1) Except as provided in this section, all detached premise signs must be monument signs or landscape signs.

(2) Detached premise signs located within 15 feet of a public right-of-way may not exceed 30 square feet in effective area or eight feet in height.

(3) A detached premise sign 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.

(4) A detached premise sign may contain only the name, logo, and address of the premise and its occupants and the logo of a company that owns or controls a business entity that owns a portion of the premise or other premise within the subdistrict.
A detached premise sign may be externally or internally illuminated.

Section 51-7.304(c) does not apply to monument signs or landscape signs in this subdistrict.

Each lot may have one detached premise sign for each street frontage. A lot having more than 500 feet of street frontage may have one additional detached premise sign for each additional 250 feet of street frontage or fraction thereof. For purposes of this subsection, "street" means a right-of-way that provides primary access to adjacent property.”

SECTION 6. That Ordinance No. 27218, passed by the Dallas City Council on June 11, 2008, which amended Article 193, “PD 193,” of Chapter 51P by creating a new Division S-82, “PD Subdistrict No. 82,” is corrected by renumbering the title of Section S-82.105, “Development Plan,” to read as follows:

“SEC. S-82.105. DEVELOPMENT PLAN.”

SECTION 7. That Ordinance No. 27083, passed by the Dallas City Council on February 13, 2008, which amended Article 193, “PD 193,” of Chapter 51P by creating a new Division S-83, “PD Subdistrict No. 83,” is corrected by renumbering Sec. S-83.114, “Signs,” to read as follows:

“SEC. S-83.114. SIGNS.

(a) In general. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(1) Signs in this subdistrict may contain the logo of a company that owns or controls a business entity that owns a portion of the property. A company owns or controls the business entity that owns a property in this subdistrict if it has the legal authority to manage, direct, superintend, restrict, regulate, govern, administer, or oversee the activities of the business entity that owns the property.

(2) Signs that contain the logo of a company that owns or controls a business entity that owns a portion of the property may be internally illuminated and may be used without limit as to number if they do not exceed 25 square feet in effective area.

(3) Highway Beautification Act signs are not permitted.
(4) For purposes of complying with the sign regulations, the premise is the entire subdistrict.

(5) Signs may use light-emitting diode or other similar technology.

(b) Signs in the public 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, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(2) The director of public works and transportation must review the location of any sign located in or overhanging the public right-of-way to insure that the sign will not pose a traffic hazard or visibility obstruction.

(3) No portion of a sign may be located less than two feet from the back of a street curb.

(c) Attached premise signs.

(1) In general.

(A) An attached premise sign may only identify the building or the name of the building's owner or occupants located within this subdistrict.

(B) Signs located on the first 200 feet of a facade, measured from grade, may not exceed 500 square feet in effective area. Signs above the first 200 feet of a facade, measured from grade, may not exceed 1,000 square feet in effective area.

(C) Attached signs may not project more than four feet above the roof line.

(D) Attached canopy, arcade, and awning signs may not project more than five feet into the public right-of-way.

(2) Arcade signs.

(A) An arcade sign must be located at least 15 feet from another arcade sign.

(B) No arcade sign may exceed six square feet in effective area.

(C) No arcade sign may be lower than 10 feet above grade.
(3) Awning signs.

(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 eight square feet.

(4) Canopy signs.

(A) No canopy sign may:

(i) exceed 50 percent of the length of the 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 for more than 15 percent of the overall length of the sign.

(D) A canopy sign may only be located over a pedestrian entrance to a building.

(E) No canopy sign may have a changeable message area.

(d[e]) Detached premise signs.

(1) Except for A-frame signs, all detached premise signs must be monument signs or landscape signs.

(2) Detached premise signs located less than 15 feet from a public right-of-way may not exceed 30 square feet in effective area or eight feet in height.

(3) A detached premise sign 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.
(4) A detached premise sign may contain only the name, logo, and address of the premise and its occupants and the logo of a company that owns or controls a business entity that owns a portion of the premise or other premise within the subdistrict.

(5) A detached premise sign may be externally or internally illuminated.

(6) Section 51A-7.304(c) does not apply to monument signs or landscape signs.

(7) Each lot may have one detached premise sign for each street frontage. A lot having more than 500 feet of street frontage may have one additional detached premise sign for each additional 250 feet of street frontage or fraction thereof.

(e) A-frame signs.

(1) A-frame signs may identify a business.

(2) The maximum size of an A-frame sign is 32 inches wide and 36 inches tall.

(3) The maximum effective area per side is 1,200 square inches.

(4) A-frame signs may only be displayed when the business it identifies is open.

(5) A-frame signs may be located on the sidewalk or in the front yard of the business that it is identifying, provided a minimum of four feet of unobstructed sidewalk area is provided, and all necessary licenses and permits have been obtained.

(6) Only one A-frame sign is permitted for each business.

(7) A-frame signs must be separated by a minimum of 50 feet.

(8) A-frame signs may not be located closer than 25 feet to a intersection and in no case may a sign be located in a visibility triangle.

(f) Signs on construction barricades.

(1) No sign may be affixed to a construction barricade until a building permit has been issued for the site.

(2) Signs must be removed within 30 months after the issuance of the initial building permit for the site or issuance of a certificate of occupancy, whichever occurs first.
(3) Signs are permitted without limit to number and size if they only convey information about:

(A) what is being built on the site; and

(B) who is involved in the building on the site, including the owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.

(4) Signs may be illuminated with back, up, down, or other similar lighting, except that no strobe lighting is permitted.

(5) Signs may not contain a changeable message.

(g[h]) Banners on streetlight poles.

(1) A banner may only display a promotional message for a cultural event or activity, a welcome message, generic graphics, or flags of countries, states, or other government entity.

(2) Up to 20 percent of the effective area of a banner may contain:

(A) the words or logos 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; or

(B) the logo of a company that owns or controls a business entity that owns a portion of the property.

(3) The sign hardware for a banner may be left in place between displays of a banner.

(4) A banner and its sign hardware must:

(A) be mounted on a streetlight pole;

(B) meet the sign construction and design standards in the Dallas Building Code;

(C) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(D) be made out of weather-resistant and rust-proof material;

(E) not project more than three feet from the pole onto which it is mounted; and
(F) not exceed 20 square feet in effective area.

(5) No sign permit is required to erect or remove a banner.

(h[i]) Movement control signs.

(1) Movement control signs must direct vehicular or pedestrian movement within this subdistrict or to adjacent districts and may include the name or logo of any destination located in this subdistrict or the name or logo of any adjacent district.

(2) Movement control signs may be externally or internally illuminated.

(3) Movement control signs may:

(A) be attached or detached signs;

(B) not exceed 40 square feet in effective area;

(C) not exceed 10 feet in height;

(D) be located in a public right-of-way; and

(E) be erected anywhere within the subdistrict without limit as to number.

(i[j]) District identification signs.

(1) A district identification sign may:

(A) only be a detached sign;

(B) not exceed 600 square feet in effective area;

(C) not exceed 20 feet in height;

(D) be located in a public right-of-way;

(E) be erected anywhere within the subdistrict;

(F) be a letter of the alphabet with a logo or symbol; and

(G) contain up to three words that only identify the district.
A maximum of four district identification signs are permitted within the subdistrict.

**Special purpose signs.**

1. **Illumination.** Special purpose signs may be externally or internally illuminated.

2. **Attached signs.** Only one attached premise special purpose sign may be located on each facade per building up to four times within any 12-month period as long as:
   
   A. the sign is maintained for no more than 60 days each time during that 12-month period;
   
   B. the sign conforms to all other regulations for attached signs; and
   
   C. the effective area of the sign does not exceed 30 percent of the facade area to which it is located.

3. **Word limit.** There is no limit to the number of words permitted on an attached special purpose sign.

4. **Detached signs.** Detached special purpose signs are prohibited.

**Other temporary signs.**

1. Protective signs permitted in accordance with Section 51A-7.205 (f).

2. Temporary protective signs may also be erected anywhere on a construction site at anytime during construction subject to the following provisions:
   
   A. There is no limit on the number of temporary protective signs on a construction site.
   
   B. No sign may exceed 200 square feet in effective area or 20 feet in height.
   
   C. 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.
   
   D. All temporary protective signs must be removed upon completion of the construction.”
SECTION 8. That Ordinance No. 26994, passed by the Dallas City Council on November 12, 2007, which amended Article 298, "PD 298," of Chapter 51P, is corrected by amending Exhibit 298E, "Use Chart," by changing the name of "Subarea 1a" to "Subarea 1."

SECTION 9. That Ordinance No. 27133, passed by the Dallas City Council on April 9, 2008, which amended Article 317, "PD 317," of Chapter 51P, is corrected by renumbering the paragraphs in Subparagraph (B), "Enhanced Sidewalks," of Paragraph (3) of Subsection (c), "Enhanced Pedestrian Amenities," of Section 51P-317.112.1, "Pedestrian Amenities in the Parkway," to read as follows:

"(B) Enhanced sidewalks.

(i) Enhanced sidewalks must be located within the pedestrian amenities area. (See Section 51P-317.111 for minimum unobstructed sidewalk requirements for each subdistrict.)

(ii) For lots fronting on Akard Street, Belleview Street, East Griffin Street, West Griffin Street, and Lamar Street, a minimum sidewalk width of 10 feet must be provided.

(iii) For lots fronting on all other streets, a minimum sidewalk width of eight feet must be provided.

(iv) For lots with structure constructed before March 27, 2002 (effective date of Ordinance No. 24872 that established the pedestrian amenities regulations), if the building official determines that a structure's location makes the required minimum sidewalk width regulations unenforceable,

(aa) a minimum sidewalk width of six feet must be provided if the sidewalk is abutting an existing curb, or

(bb) a minimum sidewalk width of five feet must be provided if the sidewalk is not abutting the existing curb."

SECTION 10. That Ordinance No. 27034, passed by the Dallas City Council on December 12, 2007, which amended Article 366, "PD 366," of Chapter 51P is corrected
by relabeling the development plan for Subarea 5 attached to Ordinance No. 27034 from “Exhibit 366A” to “Exhibit 366B.”

SECTION 11. That Ordinance No. 24726, passed by the Dallas City Council on September 26, 2001, as amended, which amended Chapter 51P by creating a new Article 595, “PD 595,” is corrected by amending the cross-references to Chapter 51A in the “local utility use” of Sections 51P-595.112(a)(12), 51P-595.113(a)(12), 51P-595.114(a)(12), 51P-595.115(a)(12), and 51P-595.116(a)(12) to read as follows:

“-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4), “Local utilities.”]”

SECTION 12. That Ordinance No. 24726, passed by the Dallas City Council on September 26, 2001, as amended, which amended Chapter 51P by creating a new Article 595, “PD 595,” is corrected by amending the cross-references to Chapter 51A in the “recycling drop-off container use” of Sections 51P-595.113(a)(13), 51P-595.114(a)(13), 51P-595.115(a)(13), and 51P-595.116(a)(13) to read as follows:

“-- Recycling drop-off container. [See Section 51A-4.213(11.2).]”

SECTION 13. That Ordinance No. 24726, passed by the Dallas City Council on September 26, 2001, as amended, which amended Chapter 51P by creating a new Article 595, “PD 595,” is corrected by amending the cross-references to Chapter 51A in the “recycling drop-off for special occasion collection use” of Sections 51P-595.115(a)(13) and 51P-595.116(a)(13) to read as follows:

“-- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]”

SECTION 14. That Ordinance No. 27004, passed by the Dallas City Council on November 12, 2007, which amended Chapter 51P by creating a new Article 771, “PD
771," is corrected by amending Subsection (a), "In General," of Section 51P-771.115, "Traffic Management Plan," to read as follows:

"(a) In general. The operation of the private school or child care facility must comply with this section and the traffic management plan (Exhibit 771[744]C)."

SECTION 15. That Ordinance No. 27045, passed by the Dallas City Council on December 12, 2007, which amended Chapter 51P by creating a new Article 774, "PD 774," is corrected by relabeling the Form Based Urban Design Standards (illustrations and street types) attached to Ordinance No. 27045 from "Exhibit 744B" to "Exhibit 774B."

SECTION 16. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 17. 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 18. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with 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

By ____________________________
Assistant City Attorney
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4.203 INDUSTRIAL USES

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### Exhibit 298E

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### 4.206 MISCELLANEOUS USES

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Exhibit 298E - page 8 of 15
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Exhibit 298E - page 11 of 15
## 4.211 TRANSPORTATION USES

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Exhibit 298E - page 12 of 15
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<th>Sewage treatment plant</th>
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<td>4.213</td>
<td>WHOLESALE, DISTRIBUTION, AND STORAGE USES</td>
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<td>Livestock auction pens or sheds</td>
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<td>Mini-warehouse</td>
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<td>Office showroom/warehouse</td>
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<td>8A</td>
<td>Outside storage (with visual screening)</td>
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<td>Petroleum product storage and wholesale</td>
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<td>Recycling collection center</td>
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<td>Sand, gravel, or earth sales and storage</td>
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<td>ACCESSORY USES</td>
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<td>Accessory community center (private)</td>
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<td>Accessory game court (private)</td>
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<td>Accessory outside display of</td>
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<td>Amateur communication tower</td>
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<td>9</td>
<td>Occasional sales (garage sales)</td>
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<td>Private stable</td>
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Sec. 51P.774.111(b)(3)
Facade required at build-to line

A building constructed adjacent to Type A streets must create a street wall at the build-to line along 80% of the lot frontage.

A building constructed adjacent to Type B streets must create a street wall at the build-to line along 60% of the lot frontage.

All other streets must create a street wall at the build-to line along 40% of the lot frontage.
SEC_51P_744112(c)(2)(I)
Change in height

Exhibit 774B
Page 2 of 6
E. Tower footprints must be oriented such that the longer dimension of the tower is generally perpendicular to the Trinity River levee.

Example 1

Example 2
Exhibit 774B
Page 4 of 6

STREET TYPE A
Exhibit 774B
Page 5 of 6

SIDEWALK SURFACE

"""

PARKING TWOWAY TRAFFIC

PARALLEL PARKING

SIDEWALK SURFACE

---

5 UNM.

BICYCLE PARKING AT

PER 100 FEET OF STREET FRONTAGE

STREET TREES EVERY 50 FEET

MINIMUM 3" BRANCHES

PER 100 FEET OF STREET FRONTAGE

AWNING CANOPY

MINIMUM 4 FOOT OVERHANG. MINIMUM LENGTH OF 25 FEET PER EVERY 100 FEET OF FACADE ALONG STREET FRONTAGE

ASH RECEPTACLE

1 PER 100 FEET OF STREET FRONTAGE

PROVISIONAL STREET LAMPS

PER EVERY 50 FEET OF STREET FRONTAGE

STREET TYPE B
STREET TYPE C

STREET TREES MIN 50 FEET MINIMUM 2 GAUPE

PEDESTRIAN STREET LAMPS PER EVERY 80 FEET OF STREET FRONTAGE

SIDEWALK PARALLEL SURFACE PARKING TWOWAY TRAFFIC PARALLEL PARKING SIDEWALK SURFACE
AGENDA ITEM # 18

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Development Services
Housing

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 56C

SUBJECT

Authorize moving expense and replacement housing payments for Robert Foster as a result of an official written offer of just compensation to purchase real property to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program – Not to exceed $60,100 – Financing: 2006-07 Community Development Grant Funds

BACKGROUND

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), provides moving expense and replacement housing payments for homeowners displaced by the City of Dallas in conjunction with its real property acquisition activities. On August 13, 2008, the City Council approved Resolution No. 08-2062 which authorized the acquisition of real property known as 2529 Wells Street. Robert Foster will be displaced as a direct result of this property acquisition. He has qualified for moving expense and replacement housing payments pursuant to the URA and will use the replacement housing payment to acquire a replacement property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2008, the City Council authorized the acquisition of real property for public use in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program in Census Tract 39.02, by Resolution No. 08-2062.

FISCAL INFORMATION

2006-07 Community Development Grant Funds - $60,100
OWNER

Robert Foster

MAP

Attached
Lot 34, Block 25/2567 — 2529 Wells Street
WHEREAS, on August 13, 2008, the City Council approved Resolution No. 08-2062 authorizing the acquisition of 2529 Wells Street, to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program; and

WHEREAS, Robert Foster will be displaced as a direct result of this property acquisition and will vacate the property; and

WHEREAS, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), provides moving expense and replacement housing payments for homeowners displaced by the City of Dallas property acquisition activities; and

Now Therefore,

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

Section 1. That Robert Foster will be displaced in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program and is entitled to moving expense and replacement housing payments pursuant to the URA.

Section 2. That Robert Foster is eligible to receive a moving expense payment in the amount of $1,100 and a replacement housing payment in the amount of $59,000.

Section 3. That the City Controller is authorized to draw warrants in favor of Robert Foster in the amount of $60,100 representing moving expense and replacement housing payments.

These warrants are to be paid as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Dept</th>
<th>Unit</th>
<th>Obj</th>
<th>Act Code</th>
<th>Prog No</th>
<th>CT</th>
<th>Vendor No</th>
<th>Amount</th>
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<tbody>
<tr>
<td>06R2</td>
<td>HOU</td>
<td>4468</td>
<td>4240</td>
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<td>HOU4468K105</td>
<td>VC0000005770</td>
<td>$ 1,100</td>
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Section 4. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution:

Development Services – Theresa O’Donnell
City Attorney – Thomas P. Perkins
Housing – Jerry Killingsworth
Budget and Management Services/Community Development, 4FS - Jeanne Chipperfield
City Controller – Sherrian Parham, 4BN
SUBJECT

Authorize moving expense and replacement housing payments for Roy Simms, Jr. as a result of an official written offer of just compensation to purchase real property to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program – Not to exceed $60,200 – Financing: 2006-07 Community Development Grant Funds

BACKGROUND

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), provides moving expense and replacement housing payments for homeowners displaced by the City of Dallas in conjunction with its real property acquisition activities. On August 13, 2008, the City Council approved Resolution No. 08-2062 which authorized the acquisition of real property known as 2516 St. Clair Street. Roy Simms, Jr. will be displaced as a direct result of this property acquisition. He has qualified for moving expense and replacement housing payments pursuant to the URA and will use the replacement housing payment to acquire a replacement property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2008, the City Council authorized the acquisition of real property for public use in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program in Census Tract 39.02, by Resolution No. 08-2062.

FISCAL INFORMATION

2006-07 Community Development Grant Funds - $60,200
OWNER

Roy Simms, Jr.

MAP

Attached
BEXAR STREET REDEVELOPMENT PROJECT

Lots 9 & 10, Block 24/2566 — 2516 St. Clair Drive
WHEREAS, on August 13, 2008, the City Council approved Resolution No. 08-2062 authorizing the acquisition of 2516 St. Clair Street, to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program; and

WHEREAS, Roy Simms, Jr. will be displaced as a direct result of this property acquisition and will vacate the property; and

WHEREAS, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), provides moving expense and replacement housing payments for homeowners displaced by the City of Dallas property acquisition activities; and

Now Therefore,

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

Section 1. That Roy Simms, Jr. will be displaced in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program and is entitled to moving expense and replacement housing payments pursuant to the URA.

Section 2. That Roy Simms, Jr. is eligible to receive a moving expense payment in the amount of $1,200 and a replacement housing payment in the amount of $59,000.

Section 3. That the City Controller is authorized to draw warrants in favor of Roy Simms, Jr. in the amount of $60,200 representing moving expense and replacement housing payments.

These warrants are to be paid as follows:

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<thead>
<tr>
<th>Fund</th>
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<th>Unit</th>
<th>Obj</th>
<th>Act Code</th>
<th>Prog No</th>
<th>CT</th>
<th>Vendor No</th>
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<td>$ 1,200</td>
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</table>

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

Distribution:

Development Services – Theresa O’Donnell
City Attorney – Thomas P. Perkins
Housing – Jerry Killingsworth
Budget and Management Services/Community Development, 4FS - Jeanne Chipperfield
City Controller – Sherrian Parham, 4BN
AGENDA ITEM # 20

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

CMO: A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize the second of three twelve month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2008 through September 30, 2009 – Not to exceed $233,005 – Financing: Public/Private Partnership Funds (subject to appropriations)

BACKGROUND

Since February 2003, the City has entered into a series of grant agreements for economic development and protocol services with the World Affairs Council of Dallas/Fort Worth. The World Affairs Council of Dallas/Fort Worth’s responsibilities include:

- Supporting the International Business Division of the Office of Economic Development to promote foreign investment and attract foreign companies to Dallas, particularly in the southern sector
- Working with the office of the Mayor, City Council Members and City officials to market Dallas to the international community and provide protocol and logistical support for international delegations visiting Dallas
- Managing the Sister Cities International Program

For the past four years, the World Affairs Council of Dallas/Fort Worth has received annual grants from the City to fund the City of Dallas Protocol office. The grant agreements stipulated funding to pay for salaries of two full time persons to work exclusively for the City of Dallas, plus a portion of the salaries and overhead of the executive staff of the World Affairs Council of Dallas/Fort Worth.

In October 2005, the City created an International Business Development Division within the Office of Economic Development. The goal of this division is to increase foreign investment and create jobs by recruiting foreign companies to Dallas, with concentration on Canada, China, Mexico and other target trading partners.
BACKGROUND (continued)

The grant agreement with the World Affairs Council of Dallas/Fort Worth is currently managed by this division. The first of three twelve-month renewal options will expire on September 30, 2008.

Since economic development is a high priority of the City, in addition to measuring protocol related responsibilities, the grant agreement also measures economic development criteria such as promoting business referrals from target trading partners; providing logistical and technical assistance to business-related inbound delegations and supporting partnership events such as trade workshops. Furthermore, the World Affairs Council of Dallas/Fort Worth has committed to provide an average of $97,428 annually in private sector funding and in-kind support for City of Dallas, economic development and protocol activities. The goal is to leverage this agreement to create more synergy with economic development programs and priorities. The ultimate objective is to encourage more international companies to move to Dallas, thereby creating a higher tax base and more jobs.

The term of the current renewal of the grant agreement is from October 1, 2007 through September 30, 2008, in the amount of $233,005. The renewal amount for FY 2008-09 is $230,005 which is appropriated in the Operating Budget for the Office of Economic Development. The agreement is renewable for an additional 12-month period, in the amount of $240,936, subject to annual appropriations and City Council approval.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 12, 2003, the City Council authorized a grant agreement with the World Affairs Council of Greater Dallas for the period March 1, 2003 through February 29, 2004, by Resolution No. 03-0664.

On February 11, 2004, the City Council authorized a three-year grant agreement with the World Affairs Council of Dallas/Fort Worth for the period March 1, 2004 through February 28, 2007, by Resolution No. 04-0560.

On February 20, 2007, the Economic Development and Housing Committee was briefed on the World Affairs Council of Dallas/Fort Worth grant agreement.

On February 28, 2007, the City Council authorized a grant agreement with the World Affairs Council of Dallas/Fort Worth for the period March 1, 2007 through September 30, 2007, by Resolution No. 07-0692.

On January 23, 2008, the City Council authorized the first of three twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2007 through September 30, 2008 by Resolution No. 08-0307.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On September 16, 2008, a memo was submitted to the Economic Development Committee regarding the renewal of the World Affairs Council of Dallas/Fort Worth grant agreement.

FISCAL INFORMATION

Public/Private Partnership Funds (subject to appropriations) - $233,005
WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, Chapter 380 of the Texas Local Government Code allows the governing body of a municipality to partner with a nonprofit organization to administer a program to promote local economic development and stimulate business and commercial activity in the municipality; and

WHEREAS, the City now desires to authorize the execution of the second of three 12-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for services relating to business development and protocol for the period October 1, 2007 through September 30, 2008.

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 enter into the second twelve month renewal option to the grant agreement with the World Affairs Council of Dallas/Fort Worth (509630) for services relating to economic development and international protocol 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 Controller or designee is hereby authorized to set aside and disburse funds from: Fund 0352, Department ECO, Unit P476, Object 3070, Encumbrance No. ECOP476K029, Activity PPPF, Vendor No. 509630 in an amount not to exceed $233,005.

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

Distribution: Office of Economic Development – Tenna Kirk – 5CS
Office of Economic Development – Sheri Price, 2CS
City Attorney’s Office – Barbara Martinez
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

MAPSCO: N/A

SUBJECT

Authorize a contract with Community Dental Care for the continuation of dental health services to low-income children through age 19 and persons over age 60 for the period October 1, 2008 through September 30, 2009 - Not to exceed $675,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

Community Dental Care (CDC), formally Dental Health Programs, Inc. (DHP), was formed for the purpose of providing dental health services to low-income residents of Dallas. The original contract with this agency was for a term of ten years, from October 1, 1982 through September 30, 1992, with the budgets to be approved annually. Due to the numerous and pervasive changes in the program, the Council approved a second contract with CDC on October 26, 1988, which replaced the 1982 contract and updated all terms, conditions, and exhibits.

The General Fund contract is used to serve children through age 19 and persons over age 60. Services include fillings, extractions, root canals, cleanings, etc. Four hundred fifty children through age 19 and four hundred fifty persons over 60 will be served. The agency provides services to non-English speaking clients through bilingual staff members.

CDC opened a new clinic, Vickery Meadows, in September 2007. An additional $50,000 was needed to assist with operational costs for the new clinic increasing the General Fund from $625,000 to $675,000.
BACKGROUND (Continued)

Services are provided at the following clinic locations:

- **Bluitt Flowers**
  - 303 N. Overton Road
  - Council District 4
- **DeHaro Saldivar**
  - 1440 N. Westmoreland
  - Council District 3
- **East Dallas Clinic**
  - 3320 Live Oak, 4th Floor
  - Council District 14
- **Vickery Meadows**
  - 8224 Park Lane Avenue, Suite 125
  - Council District 9

Accomplishments

<table>
<thead>
<tr>
<th>Number of Persons Served</th>
<th>2007-08 Goals</th>
<th>2007-08 Actual*</th>
<th>2008-09 Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patient visits</td>
<td>4,900</td>
<td>3,264</td>
<td>4,900</td>
</tr>
<tr>
<td>Unduplicated users</td>
<td>900</td>
<td>636</td>
<td>900</td>
</tr>
<tr>
<td>Procedures provided</td>
<td>32,400</td>
<td>23,817</td>
<td>29,200</td>
</tr>
</tbody>
</table>

- 147 Children through age 19
- 489 Persons over 60
- 636 Total Served

*Thru May 2008

OUTCOME MEASURES

Reduce incidence of dental decay by 30% (recommended by the American Dental Association). The incidence of decay (caries) is compared among patients who have not been seen in over 12 months to those patients who have been seen within six and twelve months. Sixty percent (60%) of FY 08-09 clients served will experience an increase in their self-esteem.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized contracts to provide dental health services to eligible residents for FY 2007-08 on August 22, 2007, by Resolution No. 07-2367.

Authorized contracts to provide dental health services to eligible residents for FY 2006-07 on August 23, 2006, by Resolution No. 06-2227.

Authorized contracts to provide dental health services to eligible residents for FY 2005-06 on August 24, 2005, by Resolution No. 05-2465.

Authorized contracts to provide dental health services to eligible residents for FY 2004-05 on September 22, 2004, by Resolution No. 04-2797.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Authorized contracts to provide dental health services to eligible residents for FY 2003-04 on August 13, 2003, by Resolution No. 03-2158.

FISCAL INFORMATION

$675,000 - Current Funds (subject to appropriations)

ETHNIC COMPOSITION

Community Dental Care (Board)

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

OWNER (S)

Community Dental Care

Board of Directors

Bobby Houser, President
Matthew D. Peiffer, CPA, Treasurer
Michael Stuart, DDS
Earl B. Johnson
Mike Morgan
Daniel Jones, D.D.S.
Phillip Bankhead
Pat Claytor
Susan Mitchell Jackson
Carol Huckin
Angelina Avalos

Diana Prachyl, R.D.H., M.S.
Laura Pietzsch, Secretary
Jane Evans
George Daniels, D.D.S.
James S. Cole, D.D.S.
Sue Seale, D.D.S.
Jane Richardson
Clara Hoffman
Terry Watson, D.D.S.
Pauline Kress
WHEREAS, in October 1982, Community Dental Care was formed at the City's request for the purpose of providing dental health services to low-income youth; and

WHEREAS, in FY1998-99 Council approved a fund increase to include persons over age 60; and

WHEREAS, General Fund funding will be used to provide dental services to low-income children through age 19 and persons over age 60;

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 Community Dental Care for the continuation of dental health services to low-income children through age 19 and persons over age 60 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 Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4023, Object Code 3099, Encumbrance CTGH184040, to Vendor No. 933041, in an amount not to exceed $675,000 (subject to appropriations).

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

DISTRIBUTION: Environmental and Health Services
City Attorney's Office
Office of Financial Services, 4FN
AGENDA ITEM # 22

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

SUBJECT

Authorize a professional services contract with Temporary Medical Staffing, Inc. to provide a phlebotomist to obtain blood specimens for lead screening for residents of the City of Dallas for the period October 1, 2008 through September 30, 2009 - Not to exceed $55,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The City of Dallas, as a condition of the lead lawsuit settlement in June 1989, was mandated to make walk-in blood lead screening available for West Dallas residents for five years until June 1, 1994. At that time, the City employed a medical technologist to meet the requirements of the court mandate. However, as a result of budget constraints, the funding for this position was eliminated. The ongoing evaluation of lead-related concerns by the community has necessitated that the services of a phlebotomist be continued.

This contract will provide funds for fiscal year 2008-2009 for the services of a phlebotomist to draw blood specimens for residents who request lead testing. The contract does not include lab costs. There is no maximum income requirement for individuals requesting lead testing. Because of the amount of the contract, screenings are performed only at the West Dallas Health Center and John West Clinic.

<table>
<thead>
<tr>
<th>PERFORMANCE MEASURES</th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blood-lead screenings</td>
<td>1,500</td>
<td>1,039</td>
<td>1,500</td>
</tr>
</tbody>
</table>

*Thru June 30, 2008
BACKGROUND (Continued)

OUTCOME MEASURES

Track the incidence of high levels of lead in the blood of children residing in the City of Dallas and report this to the Lead Program.

Children having elevated lead level of 10mg or greater are followed up with repeat screening and health education training until the resolution, which means that these children have two levels of lead testing of less than 10mg over the six months.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Temporary Medical Staffing, Inc. for the services of phlebotomist on August 22, 2007, by Resolution No. 07-2370.

Authorized a professional services contract with Temporary Medical Staffing, Inc. for the services of phlebotomist on August 23, 2006, by Resolution No. 06-2231.

Authorized a Supplemental Agreement No. 2 with Temporary Medical Staffing, Inc. for the services of phlebotomist on August 9, 2006, by Resolution No. 06-2030.

Authorized a professional services contract with Temporary Medical Staffing, Inc. for the services of phlebotomist on October 13, 2004, by Resolution No. 04-2927.

Authorized a professional services contract with Temporary Medical Staffing, Inc. for the services of a phlebotomist on November 12, 2003, by Resolution No. 03-3089.

FISCAL INFORMATION

$55,000 - Current Funds (subject to appropriations)

ETHNIC COMPOSITION

Temporary Medical Staffing, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>Black</td>
<td>21</td>
<td>5</td>
</tr>
<tr>
<td>White</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>Other</td>
<td>8</td>
<td>5</td>
</tr>
</tbody>
</table>
OWNER(S)

Temporary Medical Staffing, Inc.

Thomas H. Sweeney, Jr., President
WHEREAS, lead and its associated health hazards have been a concern for the residents of the City of Dallas, specifically in the West Dallas areas, since the early 1970s; and

WHEREAS, ongoing studies conducted by the Environmental Protection Agency have shown possibilities of lead exposure; and

WHEREAS, walk-in lead screening should continue to be available to the residents of the City of Dallas;

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 professional services contract with Temporary Medical Staffing, Inc. to provide a phlebotomist to obtain blood specimens for lead screening for residents of the City of Dallas 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 Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4026, Object Code 3099, Encumbrance No. CTGH184057, Vendor No. 246511, in an amount not to exceed $55,000 (subject to appropriations).

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

DISTRIBUTION: Environmental and Health Services
City Attorney's Office
Office of Financial Services
KEY FOCUS AREA: A Cleaner, Healthier City Environment
AGENDA DATE: September 24, 2008
COUNCIL DISTRICT(S): All
DEPARTMENT: Environmental & Health Services
CMO: David O. Brown, 670-3390

SUBJECT
Authorize a twelve-month contract, with two twelve-month renewal options, with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services for low-income medically indigent adolescents for the period October 1, 2008 through September 30, 2009 - Not to exceed $75,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND
On May 16, 2008, the City of Dallas Business Development and Procurement Services Department solicited and received Request for Competitive Sealed Proposals (RFCSP) from area providers for the contractual provision of services for Outpatient Substance Abuse Treatment Services for Adolescents Program (BUZ0814). Two proposals were received from the following agencies:

Phoenix Houses of Texas, Inc. in the amount of $75,000
Southwest Behavioral Systems, Inc. in the amount of $75,000

A committee, consisting of one Licensed Chemical Dependency Counselor and two Licensed Master Social Workers, reviewed and rated the proposals. Funds were awarded to Phoenix Houses of Texas, Inc. in the amount of $75,000 utilizing the RFCSP Evaluation criteria ranking sheet.

Founded in 1967, Phoenix Houses of Texas, Inc. is one of the nation’s largest nonprofit substance abuse services providers with 100 programs in eight states: Texas, New York, Florida, Rhode Island, Vermont, Massachusetts, New Hampshire, and California. Over 100,000 men, women, and adolescents have received treatment at one of these programs. Phoenix Houses of Texas, Inc. service system includes outpatient treatment, after care, intervention, and prevention programs.
BACKGROUND (Continued)

In 2000, Phoenix Houses of Texas, Inc. leased the City owned facility located at 2345 Regan Street near downtown Dallas for a period of 15 years for the purpose of providing substance abuse treatment for Dallas youth. Teens with a substance abuse problem attend comprehensive programming between one-to-three days a week, depending upon youth’s need, which will be determined during initial intake. The length of the program depends upon his or her individual needs and progression in the program. The Intensive Outpatient and Supportive Outpatient program provide substance abuse treatment for Dallas youth during non-school hours. This is a year-round program and continues during the summer months with the same schedule as during the school year.

The program includes assessment and individual treatment planning, individual and group counseling, family classes and case management.

PERFORMANCE MEASURES

<table>
<thead>
<tr>
<th></th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screenings</td>
<td>Goal</td>
<td>Actual</td>
<td>Goal</td>
</tr>
<tr>
<td></td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Assessments</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Units of Counseling Services</td>
<td>1,300</td>
<td>826</td>
<td>1,300</td>
</tr>
</tbody>
</table>

*Thru June 2008

OUTCOME MEASURES

<table>
<thead>
<tr>
<th></th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td># of clients completing the program</td>
<td>Goal</td>
<td>Actual</td>
<td>Goal</td>
</tr>
<tr>
<td></td>
<td>45</td>
<td>43</td>
<td>45</td>
</tr>
<tr>
<td>maintain a 25% or less relapse rate</td>
<td>2</td>
<td>7</td>
<td>2</td>
</tr>
</tbody>
</table>

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the second twelve-month renewal of a contract with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services on September 12, 2007, by Resolution No. 07-2595.

On August 22, 2007, this item was deferred by Mayor Pro Tem Dr. Elba Garcia.

Authorized the first twelve-month renewal of a contract with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services on August 23, 2006, by Resolution No. 06-2221.

Authorized a contract with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services on October 12, 2005, by Resolution No. 05-2931.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Authorized the application for and acceptance of grant funds for FY 2002-2005 on December 12, 2001, by Resolution No. 01-3677.

FISCAL INFORMATION

$75,000 - Current Funds (subject to appropriations)

ETHNIC COMPOSITION

Phoenix Houses of Texas, Inc. (Board)

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

OWNER(S)

Phoenix Houses of Texas, Inc.

Board of Directors

Hill A. Feinberg, Chairman Thomas Marinis
Paul Bass, Secretary/Treasurer John D. Carreker
David Court Ernest Pomerantz
Steve Ivy Burton M. Tansky
WHEREAS, the City of Dallas supports the idea of addressing substance abuse issues in a comprehensive manner including the provision of prevention, intervention, and treatment services; and

WHEREAS, Phoenix Houses of Texas, Inc. is a licensed provider of residential substance abuse treatment services for youth and an integral part of the continuum of care for recovery from alcohol and substance abuse addiction; and

WHEREAS, the City Council has identified the need to support local substance abuse treatment programs and is committed to insuring the availability of chemical dependency treatment for Dallas citizens;

NOW, THEREFORE;

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into a twelve-month contract, with two twelve-month renewal options with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services for low-income medically indigent adolescents 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 Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4023, Object Code 3099, Encumbrance No. CTGH184060, to Vendor No. 505213, in an amount not to exceed $75,000 (subject to appropriations).

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

DISTRIBUTION: Environmental and Health Services
City Attorney's Office
Office of Financial Services, 4FN
AGENDA ITEM # 24

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

MAPSCO: N/A

SUBJECT

Authorize an Interlocal Agreement with Dallas County Health and Human Services for the continuation of the AIDS Investigation Program for the period October 1, 2008 through September 30, 2009 - Not to exceed $44,484 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The City has provided funding for HIV/AIDS education and surveillance since 1987. The Dallas County AIDS Investigation Program is part of the City’s comprehensive HIV/AIDS Education, Outreach, and Prevention Program, targeting primarily communities of color, which have been disproportionately affected by the HIV/AIDS epidemic.

Due to the prevalence of HIV/AIDS in our local community, Dallas County Health and Human Services has established an HIV/AIDS Surveillance Unit as a component of its Sexually Transmitted Disease (STD) Program. Approval of this item will provide continued funding for the surveillance and reporting component of the AIDS Investigation Program by paying the salary and associated costs for one epidemiologist. The other five positions under Dallas County’s STD Program are funded through other sources.

The AIDS Investigation Program has been designed for one epidemiologist to assist in contacting physicians and hospitals countywide to identify and record the number of new cases of HIV/AIDS. This important function, collecting and reporting information from various sources, allows Dallas County to report statistical and risk data, as required by state and federal law, to the Centers for Disease Control and Prevention, the Texas Department of State Health Services, and local health departments.
BACKGROUND (Continued)

This data is also used by the federal government in calculating the amount of federal grant funding allocated to the Dallas County community for AIDS-related programs, for example, the Housing Opportunities for Persons with AIDS (HOPWA) grant funding received by the City of Dallas from the U.S. Department of Housing and Urban Development each year.

PERFORMANCE MEASURES

<table>
<thead>
<tr>
<th></th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Goal</td>
<td>Actual*</td>
<td>Goal</td>
</tr>
<tr>
<td>Initial reports</td>
<td>650</td>
<td>700</td>
<td>650</td>
</tr>
<tr>
<td>Followup reports</td>
<td>250</td>
<td>60</td>
<td>250</td>
</tr>
</tbody>
</table>

*For October 2007 through June 2008

OUTCOME MEASURES

The AIDS Investigation program consists solely of data collection required by law. There are no outcome measures connected with this function.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an Interlocal Agreement with Dallas County Health and Human Services for the continuation of the AIDS Investigation Program on August 22, 2007, by Resolution No. 07-2374.

Authorized an Interlocal Agreement with Dallas County Health and Human Services for the continuation of the AIDS Investigation Program on August 23, 2006, by Resolution No. 06-2229.

Authorized an Interlocal Agreement with Dallas County Health and Human Services for the continuation of the AIDS Investigation Program on September 28, 2005, by Resolution No. 05-2843.

Authorized an Interlocal Agreement with Dallas County Health and Human Services for the continuation of the AIDS Investigation Program on August 11, 2004, by Resolution No. 04-2301.

Authorized an Interlocal Agreement with Dallas County Health and Human Services for the continuation of the AIDS Investigation Program on August 13, 2003, by Resolution No. 03-2154.

FISCAL INFORMATION

$44,484 - Current Funds (subject to appropriations)
WHEREAS, concern about AIDS spreads broadly across virtually all demographic groups; and

WHEREAS, a comprehensive approach to prevention, education and treatment is required to reduce the rate of HIV infection; and

WHEREAS, General Fund dollars have been designated by the City Council to provide public health and medical services for the increased number of low-income and indigent persons infected and affected by HIV and HIV-related illness;

NOW, THEREFORE;

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into an Interlocal Agreement with Dallas County Health and Human Services for the continuation of the AIDS Investigation Program for the period October 1, 2008 through September 30, 2009, and execute any and all documents required by the agreement.

Section 2. That the City Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4023, Object Code 3099, Encumbrance No. CTGH184030, Vendor No. 254643, in an amount not to exceed $44,484 (subject to appropriations).

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

DISTRIBUTION: Environmental and Health Services
               City Attorney's Office
               Office of Financial Services, 4FN
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

MAPSCO: N/A

SUBJECT

Authorize an Interlocal Agreement with the University of Texas Southwestern Medical Center at Dallas for the continuation of a Minority AIDS Outreach Program for the period October 1, 2008 through September 30, 2009 - Not to exceed $58,500 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The Minority AIDS Education Program provided by the University of Texas Southwestern Medical Center at Dallas (UTSW) is part of the City's comprehensive HIV/AIDS Education, Outreach, and Prevention Program, targeting primarily communities of color, which have been disproportionately affected by the HIV/AIDS epidemic.

The goal of the program is to provide prevention of HIV/AIDS intervention to low-income individuals who reside within the City of Dallas. This is done primarily through small group educational interventions for adult and adolescent minority audiences targeting groups that have been identified as high-risk for HIV infection. Sites include schools, community centers, homeless shelters, and alcohol and drug rehabilitation facilities throughout the City of Dallas. In addition, UTSW conducts one-on-one outreach to those at high risk for HIV infection, distributes materials, and participates in community events, such as health fairs, school events, and cultural/church/civic events.

UTSW offers services for non-English speaking clients through bilingual staff and printed materials in English and Spanish.

Approval of this item authorizes expenditures to pay the salaries and associated costs for one full-time minority health educator who will provide these prevention interventions throughout the City of Dallas.
**BACKGROUND** (Continued)

**PERFORMANCE MEASURES**

<table>
<thead>
<tr>
<th></th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unduplicated</td>
<td>3,300</td>
<td>2,658</td>
<td>3,300</td>
</tr>
<tr>
<td>individuals educated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unduplicated</td>
<td>75</td>
<td>131</td>
<td>75</td>
</tr>
<tr>
<td>individuals reached</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Individual referrals</td>
<td>75</td>
<td>49</td>
<td>75</td>
</tr>
</tbody>
</table>

*YTD data through June 30, 2008 (9 months)

**OUTCOME MEASURES**

<table>
<thead>
<tr>
<th></th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improved awareness</td>
<td>90%</td>
<td>100%</td>
<td>90%</td>
</tr>
<tr>
<td>of HIV/AIDS risk</td>
<td></td>
<td></td>
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<tr>
<td>behaviors through</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>outreach activities</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*YTD data through June 30, 2008 (9 months)

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

Authorized an Interlocal Agreement for the continuation of a Minority AIDS Education Program for FY 2007-08 on August 22, 2007, by Resolution No. 07-2377.

Authorized an Interlocal Agreement for the continuation of a Minority AIDS Education Program for FY 2006-07 on August 23, 2006, by Resolution No. 06-2230.

Authorized an Interlocal Agreement for the continuation of a Minority AIDS Education Program for FY 2005-06 on September 28, 2005, by Resolution No. 05-2844.

Authorized an Interlocal Agreement for the continuation of a Minority AIDS Education Program for FY 2004-05 on September 8, 2004, by Resolution No. 04-2573.

Authorized an Interlocal Agreement for the continuation of a Minority AIDS Education Program for FY 2003-04 on October 8, 2003 by Resolution No. 03-2741.

**FISCAL INFORMATION**

$58,500 - Current Funds (subject to appropriations)
WHEREAS, concern about AIDS spreads broadly across virtually all demographic groups; and

WHEREAS, there is a need to provide a comprehensive approach to prevent the transmission of HIV/AIDS to target populations at greatest risk of acquiring or transmitting new infections in the community; and

WHEREAS, funds have been designated by the City Council to provide education, outreach, and prevention 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 an Interlocal Agreement with the University of Texas Southwestern Medical Center at Dallas for the continuation of a Minority AIDS Outreach Program for the period October 1, 2008 through September 30, 2009, and execute any and all documents required by the interlocal agreement.

Section 2. That the City Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4023, Object Code 3099, Encumbrance No. CTGH184101, to Vendor No. 904272, in an amount not to exceed $58,500 (subject to appropriations).

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

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

Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with Dallas County Health and Human Services to reallocate funds in the amount of $51,000 from tenant-based rental assistance program to emergency assistance - Financing: No cost consideration to the City

Background

The 2007-08 Consolidated Plan Budget included the Housing Opportunities for Persons with AIDS (HOPWA) grant from the U.S. Department of Housing and Urban Development (HUD) in the amount of $3,134,000, and the 2005-06 and 2006-07 Consolidated Plan Budgets had some HOPWA funds remaining under the three-year spending period allowed under HOPWA. HOPWA funds serve not only the City of Dallas, but also Dallas County and seven other counties: Collin, Delta, Denton, Ellis, Hunt, Kaufman, and Rockwall.

Under the HOPWA program, Dallas County Health and Human Services (DCHHS) provides short-term emergency rent, mortgage, and utility assistance, as well as long-term tenant based rental assistance, to low income persons living with HIV/AIDS primarily in Dallas County. DCHHS expects to have funds remaining in the tenant based rental assistance service category, and desires to use those funds to provide short-term emergency assistance for eligible persons.

Approval of this item will authorize a reallocation of funds from the Tenant Based Rental Assistance service category to the Emergency Assistance service category, with no change to the original contract amount, as follows.

<table>
<thead>
<tr>
<th>Service Category</th>
<th>Original</th>
<th>Change</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenant Based Rent Assistance</td>
<td>$900,000</td>
<td>$(51,000)</td>
<td>$849,000</td>
</tr>
<tr>
<td>Emergency Assistance</td>
<td>180,000</td>
<td>$51,000</td>
<td>231,000</td>
</tr>
<tr>
<td>Supportive Services</td>
<td>160,000</td>
<td>0</td>
<td>160,000</td>
</tr>
<tr>
<td>Administrative Costs</td>
<td>86,800</td>
<td>0</td>
<td>86,800</td>
</tr>
<tr>
<td>Total</td>
<td>$1,326,800</td>
<td>0</td>
<td>$1,326,800</td>
</tr>
</tbody>
</table>
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an Interlocal Agreement with Dallas County Health and Human Services to provide Housing Opportunities for Persons with AIDS scattered site housing assistance on August 13, 2008, by Resolution No. 08-2053.

Authorized an Interlocal Agreement with Dallas County Health and Human Services to provide Housing Opportunities for Persons with AIDS scattered site housing assistance on August 8, 2007, by Resolution No. 07-2159.

Authorized an Interlocal Agreement with Dallas County Health and Human Services to provide Housing Opportunities for Persons with AIDS scattered site housing assistance on June 28, 2006, by Resolution No. 06-1754.

Authorized Supplemental Agreement No. 1 to the Interlocal Agreement with Dallas County Health and Human Services to provide Housing Opportunities for Persons with AIDS scattered site housing assistance on January 11, 2006, by Resolution No. 06-0132.

Authorized an Interlocal Agreement with Dallas County Health and Human Services to provide Housing Opportunities for Persons with AIDS scattered site housing assistance on August 24, 2005, by Resolution No. 05-2470.

FISCAL INFORMATION

No cost consideration to the City
WHEREAS, Housing Opportunities for Persons with AIDS (HOPWA) grant funds received from the U.S. Department of Housing and Urban Development (HUD) have been designated to provide services to low-income persons with HIV/AIDS and HIV-related illness and their families; and

WHEREAS, the 2007-08 Consolidated Plan Budget included the Housing Opportunities for Persons with AIDS (HOPWA) grant from the U.S. Department of Housing and Urban Development (HUD) in the amount of $3,141,000, and the 2005-06 and 2006-07 Consolidated Plan Budgets had some HOPWA funds remaining; and

WHEREAS, the City of Dallas entered into an Interlocal Agreement with Dallas County Health and Human Services to provide scattered site housing assistance services to eligible persons residing primarily in Dallas County for the period October 1, 2007 through September 30, 2008 not to exceed $1,326,800;

NOW, THEREFORE;

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the Interlocal Agreement with Dallas County Health and Human Services to reallocate funds in the amount of $51,000 from tenant-based rental assistance program to emergency assistance, and execute any and all documents required by the agreement.

Section 2. That the City Controller is hereby authorized to reallocate funds as follows.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Unit</th>
<th>Code</th>
<th>Encumbrance</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>HW07</td>
<td>3223</td>
<td>3099</td>
<td>CTCH183965</td>
<td>Tenant Based Rental Asst.</td>
<td>$ (51,000)</td>
</tr>
<tr>
<td>HW05</td>
<td>4402</td>
<td>3099</td>
<td>CTGH184095</td>
<td>Emergency Assistance</td>
<td>$ 40,672</td>
</tr>
<tr>
<td>HW06</td>
<td>3992</td>
<td>3099</td>
<td>CTGH184096</td>
<td>Emergency Assistance</td>
<td>$ 4,328</td>
</tr>
<tr>
<td>HW07</td>
<td>3224</td>
<td>3099</td>
<td>CTGH184097</td>
<td>Emergency Assistance</td>
<td>$ 6,000</td>
</tr>
</tbody>
</table>

Total $ 0.00
Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

DISTRIBUTION: Environmental and Health Services
City Attorney's Office
Office of Financial Services, 4FN
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

MAPSCO: N/A

SUBJECT

Authorize the first twelve-month renewal option to the contract with AIDS Interfaith Network, Inc. to provide a citywide HIV/AIDS education, outreach, and prevention program targeting primarily high-risk African American and Hispanic populations for the period October 1, 2008 through September 30, 2009 - Not to exceed $53,016 - Financing: Current Funds (subject to appropriations)

BACKGROUND

AIDS Interfaith Network, Inc. (AIN) is a non-profit organization located in the southwestern part of the city. It was established in 1988 as a multicultural non-profit HIV/AIDS service organization whose programs are designed to meet the practical and emotional needs of persons with HIV/AIDS, and their families, friends, and caregivers, and to help intervene in the spread of HIV through prevention programs for individuals, groups, and communities. AIN has been providing services under the City’s comprehensive HIV/AIDS Education, Outreach, and Prevention Program since its inception in 2001.

The City’s program targets primarily communities of color (African American and Hispanic), which have been disproportionately affected by the HIV/AIDS epidemic in this country.

Within these groups, AIDS Interfaith Network, Inc. focuses on high priority ranking subpopulations, including but not limited to intravenous drug users, men who have sex with men, and other individuals involved in high-risk behaviors. The goals of the program are: (i) to establish a base of knowledge and skills that help recipients reduce their risk of acquiring or transmitting HIV/AIDS, and (ii) to provide referrals for HIV testing and counseling, early intervention services, and links to health care, treatment, supportive services, and/or prevention services for those who may have HIV/AIDS but are not receiving care.
**BACKGROUND** (Continued)

AIN provides both verbal explanations (including interpretation) and written materials (including translations), using their in-house Spanish language interpretation and translation services.

Approval of this item will provide funding to AIDS Interfaith Network, Inc. to continue its HIV/AIDS education, outreach, and prevention program.

**PERFORMANCE MEASURES**

<table>
<thead>
<tr>
<th></th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal</td>
<td>Actual*</td>
<td>Goal</td>
<td></td>
</tr>
<tr>
<td>Individuals educated</td>
<td>1,920</td>
<td>1,859</td>
<td>1,920</td>
</tr>
<tr>
<td>Outreach activity/hours</td>
<td>1,672</td>
<td>1,546</td>
<td>1,672</td>
</tr>
</tbody>
</table>

*As of June 30, 2008

**OUTCOME MEASURES**

Adult Education Session: Improved understanding or awareness of HIV/AIDS risk behavior

**Benchmark**

Percentage of contacts with "increased" status: 75%

Percentage of contacts with "increased" or "no change" status: 80%

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

Authorized a contract with AIDS Interfaith Network, Inc., to provide a citywide HIV/AIDS education, outreach, and prevention program on August 22, 2007, by Resolution No. 07-2372.

Authorized the second twelve-month renewal option to the contract with AIDS Interfaith Network, Inc., to provide a citywide HIV/AIDS education, outreach, and prevention program on June 28, 2006, by Resolution No. 06-1745.

Authorized the first twelve-month renewal option to the contract with AIDS Interfaith Network, Inc., to provide a citywide HIV/AIDS education, outreach, and prevention program on August 24, 2005, by Resolution No. 05-2461.

Authorized a contract with AIDS Interfaith Network, Inc., to provide a citywide HIV/AIDS education, outreach, and prevention program on August 11, 2004, by Resolution No. 04-2299.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Authorized the second twelve-month renewal option to the contract with AIDS Interfaith Network, Inc. to provide a citywide HIV/AIDS education, outreach, and prevention program on August 13, 2003, by Resolution No. 03-2155.

FISCAL INFORMATION

$53,016 - Current Funds (subject to appropriations)

ETHNIC COMPOSITION

AIDS Interfaith Network, Inc. (Board)

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Hispanic</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

OWNER(S)

AIDS Interfaith Network, Inc.

Board of Directors

Nancy Torell, President  Carolyn Webber
Andy Smith, Vice President  Mark Quigley
Michael Dulaney, Secretary  Nancy Spence
Steven Pace, LMSW, Executive Director  Paul Meyers, Esq.
Larry Longhofer  Grace McFerrin
Suzanne Butler, CPA
WHEREAS, concerns about HIV/AIDS spreads broadly across virtually all demographic groups; and

WHEREAS, AIDS Interfaith Network, Inc., submitted a proposal in response to the City's Request for Competitive Sealed Proposals to provide education, outreach, and prevention services; and

WHEREAS, there is a need to provide a comprehensive approach to prevent the transmission of HIV/AIDS to target populations at greatest risk of acquiring or transmitting new infections in the community; and

WHEREAS, funds have been designated by the City Council to provide education, outreach, and prevention 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 the first twelve-month renewal option to the contract with AIDS Interfaith Network, Inc. to provide a citywide HIV/AIDS education, outreach, and prevention program targeting primarily high-risk African American and Hispanic populations 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 Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4023, Object Code 3099, Encumbrance No. CTGH184053, to Vendor No. 262106, in an amount not to exceed $53,016 (subject to appropriations).

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

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

Authorize the second twelve-month renewal option to the contract with Homeward Bound, Inc. to provide residential substance abuse treatment services for low-income medically indigent adults for the period October 1, 2008 through September 30, 2009 - Not to exceed $150,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

On August 23, 2006, City Council passed a resolution authorizing the City Manager to enter into a twelve-month contract with two twelve-month renewal options, with Homeward Bound, Inc. for residential substance abuse treatment services for low-income medically indigent adults for the period October 1, 2006 through September 30, 2007 and to execute all related documents required by the agreement.

Homeward Bound, Inc. provides comprehensive residential treatment services for adults with chemical dependency problems. Homeward Bound, Inc. has been licensed by the Department of State Health Services to provide residential treatment since 1980. Its program is designed to provide a structured and supervised therapeutic learning environment that assists clients in achieving and maintaining abstinence from addictive chemical substances. Homeward Bound, Inc. provides services to non-English speaking clients through bilingual staff.

The program has access to the Centralized Intake Unit, managed by the Greater Dallas Council on Alcohol and Drug Abuse that links to the waiting lists of other substance abuse providers in Dallas.

The program includes Level II Intensive and Level III supportive residential treatment services.

Level II offers a two (2) week relapse prevention track for successfully graduated clients who have begun to use again but are seeking help.
BACKGROUND (Continued)

Level III the Supportive Residential Treatment component of the program, is done on an individual basis in the days after the psychological assessment is completed. This treatment plan will have clearly stated behavioral goals, which the client is expected to achieve during treatment.

Clients preparing to leave the program will develop, in cooperation with their counselors, an aftercare plan. The plan will inform the client and significant others of resources in the community or, if necessary, direct the client into additional treatment. Follow-up contacts will be made quarterly for the first year of the client's release from the program. Finally, clients who have graduated from the treatment program are offered a two week relapse prevention track and a free weekly after-care program for 12 months.

PERFORMANCE MEASURES

<table>
<thead>
<tr>
<th></th>
<th>2007-08 Goals</th>
<th>2007-08 Actual*</th>
<th>2008-09 Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential patient care days Level II</td>
<td>1,250</td>
<td>964</td>
<td>1,250</td>
</tr>
<tr>
<td>Residential patient care days Level III</td>
<td>2,143</td>
<td>1,685</td>
<td>2,143</td>
</tr>
</tbody>
</table>

*As of June 30, 2008

OUTCOME MEASURES

<table>
<thead>
<tr>
<th></th>
<th>2007-08 Goals</th>
<th>2007-08 Actual*</th>
<th>2008-09 Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>75% of patients will not relapse</td>
<td>57</td>
<td>113</td>
<td>57</td>
</tr>
</tbody>
</table>

*As of June 30, 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the first twelve-month renewal option with Homeward Bound, Inc. to provide residential substance abuse treatment services on August 22, 2007, by Resolution No. 07-2378.

Authorized a contract with two twelve-month renewal options with Homeward Bound, Inc. to provide residential substance abuse treatment services on August 23, 2006, by Resolution No. 06-2220.

Authorized the second twelve-month renewal option with Homeward Bound, Inc. to provide residential substance abuse treatment services on September 28, 2005, by Resolution No. 05-2838.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Authorized the first twelve-month renewal option with Homeward Bound, Inc. to provide residential substance abuse treatment services on August 11, 2004, by Resolution No. 04-2302.

Authorized a contract with two twelve-month renewal options with Homeward Bound, Inc. to provide residential substance abuse treatment services on June 25, 2003, by Resolution No. 03-1854.

FISCAL INFORMATION

$150,000 - Current Funds (subject to appropriations)

ETHNIC COMPOSITION

Homeward Bound, Inc. (Board)

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

OWNER(S)

Homeward Bound, Inc.

Board of Directors

Isabella Collora, President
Don Nicolini
Jeff Smith
Tonya Tarpeh
Gloria LeVario, Secretary/Treasurer

Jesse Oliver, Vice President
Elizabeth Moyer
James Tarpeh
Aurora Madrigal
Rossi Walter
WHEREAS, the City of Dallas acknowledges the need for programs that address substance abuse issues in a comprehensive manner, including the provision of prevention, intervention and treatment services; and

WHEREAS, Homeward Bound, Inc. is licensed by the Department of State Health Services as a provider of residential substance abuse treatment services for adults; and

WHEREAS, Homeward Bound, Inc. has access to the Centralized Intake Unit managed by the Greater Dallas Council on Alcohol and Drug Abuse, that links to the waiting lists of other substance abuse providers in Dallas and enables providers to instantly refer clients to the most appropriate treatment service available;

NOW, THEREFORE;

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into the second twelve-month renewal option to the contract with Homeward Bound, Inc. to provide residential substance abuse treatment services for low-income medically indigent adults 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 Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4023, Object Code 3099, Encumbrance No. CTGH184035, to Vendor No. 359492, in an amount not to exceed $150,000 (subject to appropriations).

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

DISTRIBUTION: Environmental and Health Services
City Attorney's Office
Office of Financial Services, 4FN
Authorize the second twelve-month renewal option to the contract with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services for low-income uninsured adult females for the period October 1, 2008 through September 30, 2009 - Not to exceed $63,840 - Financing: Current Funds (subject to appropriations)

BACKGROUND

On August 23, 2006, City Council passed a resolution authorizing the City Manager to enter into a twelve-month contract with two twelve-month renewal options, with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services to low income, uninsured adult females, for the period October 1, 2006 through September 30, 2007 and to execute all related documents required by the agreement.

Nexus Recovery Center, Inc. is a private, non-profit agency providing treatment to alcohol and chemically dependent females. All programs, services and the administrative office operate from one campus at 8733 La Prada Drive. Nexus Recovery Center, Inc. is licensed by the Texas Commission on Accreditation for Rehabilitation Facilities (TCARF) and the Department of State Health Services (DSHS). This non-profit agency was established and chartered in 1971 as a structured living and social detoxification model.

In 1974, Nexus Recovery Center, Inc. evolved into a more specific recovery program that included therapy and personal, social adjustment training. In October 1990, Nexus Recovery Center, Inc. opened a DSHS funded program that allowed women to bring their young children, ages 2 through 10, with them. In January 1991, an adolescent girls program was initiated. Upon receipt of a grant from the Center for Substance Abuse Treatment (CSAT) in October 1993, Nexus Recovery Center, Inc. opened a demonstration program for treating pregnant, drug addicted women and their newborns.
**BACKGROUND** (Continued)

Presently, Nexus Recovery Center, Inc. has four residential programs, (adult women, adolescent females, women and children (ages 2 through 10), and pregnant and postpartum women), an outpatient program, and an aftercare program. Nexus Recovery Center, Inc. has a staff of 75 persons including bilingual staff to address the needs of bilingual clients.

Services include primary and intermediate treatment services, job readiness training, individual, group and family therapy, on-site day care for the women and children program, an adolescent program operated and staffed by Dallas Independent School District, and a cafeteria that serves all programs.

Approval of this item will provide funding for residential substance abuse treatment services to at least 60 low-income adult females for one year.

**PERFORMANCE MEASURES**

<table>
<thead>
<tr>
<th></th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td># of unduplicated clients to be served</td>
<td>Goals</td>
<td>Actual*</td>
<td>Goals</td>
</tr>
<tr>
<td></td>
<td>60</td>
<td>85</td>
<td>60</td>
</tr>
<tr>
<td># of patient days</td>
<td>982</td>
<td>663</td>
<td>982</td>
</tr>
</tbody>
</table>

*As of June 30, 2008

**OUTCOME MEASURES**

<table>
<thead>
<tr>
<th></th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>To maintain 25% or less relapse rate</td>
<td>Goals</td>
<td>Actual*</td>
<td>Goals</td>
</tr>
<tr>
<td></td>
<td>45</td>
<td>42</td>
<td>45</td>
</tr>
</tbody>
</table>

*As of June 30, 2008

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

Authorized the first twelve-month renewal option with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services to adult females on August 22, 2007, by Resolution No. 07-2379.

Authorized a contract with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services to adult females on August 23, 2006, by Resolution No. 06-2219.

Authorized the second twelve-month renewal option with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services to adult females on September 28, 2005, by Resolution No. 05-2840.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Authorized the first twelve-month renewal option with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services to adult females on June 23, 2004, by Resolution No. 04-2096.

Authorized a contract with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services to adult females on June 25, 2003, by Resolution No. 03-1856.

FISCAL INFORMATION

$63,840 - Current Funds (subject to appropriations)

ETHNIC COMPOSITION

Nexus Recovery Center, Inc. (Board)

<table>
<thead>
<tr>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
<th>Black Female</th>
<th>Black Male</th>
<th>White Female</th>
<th>White Male</th>
<th>Other Female</th>
<th>Other Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>13</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

OWNER(S)

Nexus Recovery Center, Inc.

Board of Directors

Carla Brooks    Nancy Bush    Patricia Rodriguez
Reem Samara    Frank Dyer    Patty Morris
Debora Collins Kathy Donovan Ann Diamond
Karl Nelson    Patti Flowers Shari Hughes Scott
Steve Saxon    Janet Ferguson Karen Rogers
Lynda Zimmerman Jan Madigan Cynthia Urbanowicz
Cynthia Arterbery Audrey Moorehead Maria Viera-Williams
Matt Chance    Charles Schwartz David H. Rosenberg
Jonna Haynes   Jeannie Nethery Carolyn Waghorne
WHEREAS, the City of Dallas acknowledges the need for programs that address substance abuse issues in a comprehensive manner, including prevention, intervention, and treatment services for adult females; and

WHEREAS, Nexus Recovery Center, Inc. is licensed by the Department of State Health Services as a provider of residential substance abuse treatment services for adult females;

NOW, THEREFORE;

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into the second twelve-month renewal option to the contract with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services to low-income uninsured adult females 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 Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4023, Object Code 3099, Encumbrance No. CTGH184037, to Vendor No. VS0000008490, in an amount not to exceed $63,840 (subject to appropriations).

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

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

Authorize the second twelve-month renewal option to the contract with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period October 1, 2008 through September 30, 2009 - Not to exceed $80,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The Bethlehem Foundation is a nonprofit organization located at 1159 W. Camp Wisdom Road in the southwestern corridor of the city. The Bethlehem Foundation was established to alleviate unmet social service needs to address service gaps for persons "falling between the cracks." The service area is primarily the southern sector of the city, however, other residents of the city are eligible for services. The agency currently employs two staff members with Spanish language skills to serve 70% to 80% of clients that only speak Spanish.

The Bethlehem Foundation provides low-income clients financial assistance with delinquent rent, mortgage and/or utility payments, food, clothing, case management services, advocacy services, and follow-up. The agency also provides crisis intervention services to help transition individuals and families into a stabilized environment. There is a six month follow-up provided after services are rendered to determine the client's housing status and if any other services are needed.
**BACKGROUND** (Continued)

**PERFORMANCE MEASURES**

<table>
<thead>
<tr>
<th>Goal</th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of individuals/families provided financial assistance</td>
<td>200</td>
<td>139</td>
<td>200</td>
</tr>
<tr>
<td>Number of follow-ups</td>
<td>200</td>
<td>139</td>
<td>200</td>
</tr>
</tbody>
</table>

*Performance thru June 2008

**OUTCOME MEASURES**

<table>
<thead>
<tr>
<th>Goal</th>
<th>2007-08</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. John Baptist Church</td>
<td>150</td>
<td>89</td>
<td>150</td>
</tr>
</tbody>
</table>

*Performance thru June 2008

The Bethlehem Foundation's budget includes the following funding sources.

- St. John Baptist Church $42,000
- Other churches 11,000
- Events 5,000
- Combined Federal Employees 5,000
- Emergency Food & Shelter Program 54,695
- Companies & Individuals 20,000
- City of Dallas - General Fund 80,000
- Sharp Foundation 50,000
- Social Service Block Grant 99,700
- ESG-Community Dev. Block Grant 16,500

**Total** $383,895

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

Authorized the first twelve-month renewal option to the contract with The Bethlehem Foundation for the provision of a family stabilization program on September 12, 2007, by Resolution No. 07-2568.

Authorized a contract with The Bethlehem Foundation for the provision of a family stabilization program on August 23, 2006, by Resolution No. 06-2223.

Authorized the second twelve-month renewal option to the contract with The Bethlehem Foundation for the provision of a family stabilization program on September 28, 2005, by Resolution No. 05-2837.

Authorized a contract with The Bethlehem Foundation for the provision of a family stabilization program on February 25, 2004, by Resolution No. 04-0762.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Authorized the second twelve-month renewal option to the contract with The Bethlehem Foundation for the provision of a family stabilization program on March 26, 2003, by Resolution No. 03-0981.

FISCAL INFORMATION

$80,000 - Current Funds (subject to appropriations)

<table>
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<tr>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
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<tr>
<td>5</td>
<td>$26,666.67</td>
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<td><strong>Total</strong></td>
<td><strong>$80,000.00</strong></td>
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</table>

ETHNIC COMPOSITION

The Bethlehem Foundation (Board)

<table>
<thead>
<tr>
<th>Hispanic Female</th>
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</thead>
<tbody>
<tr>
<td>1</td>
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<tr>
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<td>White Male</td>
<td>White Female</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

OWNER(S)

The Bethlehem Foundation

Board of Directors

Warnell Roberson       Thelma L. Wells
Byron Fuller           Alice Milligan
Thomas Jefferson       Carolyn Crawford
Pamela Skinner         Dr. Ethel B. Scruggs
Christine Castillo     Alfred Tilley
Glenda Hamilton        Mertis Evans
WHEREAS, there is a need for a family stabilization program in the southern sector of Dallas to assist low income populations; and

WHEREAS, The Bethlehem Foundation provides a family stabilization program through expansion of its existing community-based case management and other services for low income persons; and

WHEREAS, The Bethlehem Foundation has successfully met the terms of previous contracts with the City of Dallas to provide emergency services to the indigent;

NOW, THEREFORE;

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into the second twelve-month renewal option to the contract with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period October 1, 2008 through September 30, 2009, and execute any and all documents required by the contract.

Section 2. That the City Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4023, Object Code 3099, Encumbrance No. CTGH184106, to Vendor No. 256232, in an amount not to exceed $80,000 (subject to appropriations).

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

DISTRIBUTION: Environmental and Health Services
City Attorney's Office
SUBJECT

Authorize (1) an increase in the contract with Entech Sales and Services, Inc. for the City Hall Security System Upgrade, in the amount of $71,491, from $573,478 to $644,969; and (2) an increase in appropriations in Equipment and Building Services' budget - Not to exceed $71,491, from $15,933,864 to $16,005,355 - Financing: Contingency Reserve Funds

BACKGROUND

This action will increase the original contract with Entech Sales and Service, Inc., to provide for the installation of additional security equipment for the purpose of expanding the existing security system located throughout City Hall. Additional equipment to be installed includes door access control card readers, video surveillance cameras and related devices necessary to provide additional security coverage to the Mayor and City Council offices, Council Chambers, meeting rooms and briefing areas. System parts and components will be furnished under a separate Council Action.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 16, 2008, the Public Safety Committee was briefed.

On August 23, 2006, the City Council authorized the purchase of equipment to upgrade the existing building security system by Resolution #06-2269.

On August 21, 2006, the Public Safety Committee was briefed.

FISCAL INFORMATION

$71,491 – Contingency Reserve Funds
M/WBE INFORMATION

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

Entech Sales and Service

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
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<td>White Male</td>
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<td>Other Male</td>
<td>6</td>
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</tbody>
</table>

OWNER

Entech Sales and Service

Pat Ricker, President
Nick Kollasch, Vice President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) an increase in the contract with Entech Sales and Services, Inc. for the City Hall Security System Upgrade, in the amount of $71,491, from $573,478 to $644,969; and (2) an increase in appropriations in Equipment and Building Services’ budget - Not to exceed $71,491, from $15,933,864 to $16,005,355 - Financing: Contingency Reserve Funds

Entech Sales and Service a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Construction

<table>
<thead>
<tr>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
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<tr>
<td>Non-local contracts</td>
<td>$71,491.00</td>
</tr>
<tr>
<td><strong>TOTAL THIS ACTION</strong></td>
<td><strong>$71,491.00</strong></td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

<table>
<thead>
<tr>
<th>Amount</th>
<th>Percent</th>
</tr>
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<tbody>
<tr>
<td>African American</td>
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<tr>
<td>Hispanic American</td>
<td>$0.00</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$0.00</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$114,689.50</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$114,689.50</strong></td>
</tr>
</tbody>
</table>
WHEREAS, on August 23, 2006, City Council authorized the purchase of equipment to upgrade the existing building security system by Resolution #06-2269;

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to execute an increase in the contract for the construction of the Dallas City Hall security system upgrade with Entech Sales and Service, Inc., in an amount not to exceed $71,491 after it has been approved as to form by the City Attorney.

Section 2. That the City Manager is hereby authorized to transfer funds in an amount not to exceed $71,491 from Fund 0001, Department NBG, Unit 1000, Revenue Source RTRF to Fund 0001, Department EBS, Unit 3064, Revenue Source 9229; and increase total General Fund revenue appropriations by $71,491, from $1,052,647,008 to $1,052,718,499.

Section 3. That the City Manager is hereby authorized to increase Equipment and Building Services appropriations by $71,491, from $15,933,864 to $16,005,355 in Fund 0001, Department EBS, Unit 3064, and increase total General Fund expenditure appropriations by $71,491 from $1,052,647,008 to $1,052,718,499.

Section 4. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed $71,491:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Dept</th>
<th>Unit</th>
<th>Object</th>
<th>Amount</th>
<th>Vendor Number</th>
<th>Encumbrance</th>
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<tr>
<td>0001</td>
<td>EBS</td>
<td>3064</td>
<td>3210</td>
<td>$71,491.00</td>
<td>162568</td>
<td>EBS7107CT44</td>
</tr>
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</table>

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:

Equipment and Building Services (Sheila Singleton) 6BN
Business Development and Procurement Services, 3FN
City Controller's Office, 4BN (Sherrian Parham)
Communication and Information Services, 4DS
AGENDA ITEM # 32

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 4

DEPARTMENT: Equipment & Building Services

CMO: David O. Brown, 670-3390

MAPSCO: 56L

SUBJECT

Authorize a construction contract for the installation of a spill containment system at the Southeast Service Center located at 6500 Bexar Street - North Texas Contracting, Inc., lowest responsible bidder of two - $63,000 - Financing: 2005 Certificates of Obligation

BACKGROUND

This action will provide for the construction of a spill containment system at the Southeast Service Center. This system was designed to contain potential spills during fuel loading. It is required to comply with the City of Dallas Storm Water Management Plan. This containment system coupled with the previously installed stormwater interceptors and other best management practices will provide cleaner water outflow into our storm sewers and waterways.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2008
Complete Construction January 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2005 Certificates of Obligation - $63,000

M/WBE INFORMATION

See Attached.
ETHNIC COMPOSITION

North Texas Contracting, Inc.

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
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<td>115</td>
</tr>
<tr>
<td>African American</td>
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<tr>
<td>White</td>
<td>1</td>
<td>17</td>
</tr>
</tbody>
</table>

BID INFORMATION

Seven vendors were contacted and the following two bids were received and opened on July 31, 2008:

*Denotes successful bidder

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>*North Texas Contracting, Inc.</td>
<td>$63,000</td>
</tr>
<tr>
<td>4999 Keller Haslet Drive</td>
<td></td>
</tr>
<tr>
<td>Texas Standard Construction, Ltd.</td>
<td>$89,000</td>
</tr>
</tbody>
</table>

7 M/WBE and Non M/WBE vendors were contacted.

OWNER(S)

North Texas Contracting, Inc.

Jay M. Louy, President

MAP(S)

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a construction contract for the installation of a spill containment system at the Southeast Service Center located at 6500 Bexar Street - North Texas Contracting, Inc., lowest responsible bidder of two - $63,000 - Financing: 2005 Certificates of Obligation

North Texas 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>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$17,500.00</td>
<td>27.78%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$45,500.00</td>
<td>72.22%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$63,000.00</td>
<td>100.00%</td>
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</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>The James C Paris Company</td>
<td>NMDB35267Y1008</td>
<td>$15,500.00</td>
<td>88.57%</td>
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<tr>
<td>Total Minority - Local</td>
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<td>$15,500.00</td>
<td>88.57%</td>
</tr>
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</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>
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<td>$0.00</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>
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<td>0.00%</td>
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<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>$15,500.00</td>
<td>88.57%</td>
<td>$15,500.00</td>
<td>24.60%</td>
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<tr>
<td>WBE</td>
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<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$15,500.00</td>
<td>88.57%</td>
<td>$15,500.00</td>
<td>24.60%</td>
</tr>
</tbody>
</table>
WHEREAS, bids were received and opened on July 31, 2008 for the installation of a Spill Containment System at the Southeast Service Center, located at 6500 Bexar Street, as follows:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Texas Contracting, Inc.</td>
<td>$63,000</td>
</tr>
<tr>
<td>Texas Standard Construction, Ltd.</td>
<td>$89,000</td>
</tr>
</tbody>
</table>

WHEREAS, it has been determined that acceptance of the low bid of $63,000 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 execute a contract with North Texas Contracting, Inc. after it has been approved as to form by the City Attorney.

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

2005 Certificates of Obligation
Fund 0592, Agency EBS, Unit P194, Activity MMCF
Object code 4599, Program#06DC031, CT#EBS08P194CT36
Vendor # 514455 in an amount not to exceed $63,000

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
City Attorney
Office of Financial Services, 4FN
Public Works and Transportation, Erick Thompson, OCMC, Room 107
AGENDA ITEM # 33

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize a renewal to the contract with The University of Texas Southwestern Medical Center at Dallas for the required services of a Medical Director - Not to exceed $152,472 - Financing: Current Funds (subject to appropriations)

BACKGROUND

State law requires a Medical Director for pre-hospital care delivered by Emergency Medical Service personnel. The Medical Director provides protocols for paramedics to follow, allows paramedics to operate under his/her license and represents the City on legal/medical issues.

The current contract, authorized by Resolution No. 07-2757, between the City of Dallas and The University of Texas Southwestern Medical Center, and provides the services of a Medical Director. Dr. Paul Pepe is the individual currently assigned as the Medical Director.

Section IV of the original contract titled “Terms of Contract” authorizes successive twelve-month renewals, subject to City Council approval and funding.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a renewal to the contract for FY 2008-09 on September 26, 2007, by Resolution 07-2757.

FISCAL INFORMATION

Current Funds - $152,472 (subject to appropriations)
MWBE INFORMATION

In accordance with State Law, The University of Texas Southwestern Medical Center at Dallas, strongly supports a Minority Business Enterprise Program consistent with the City's Good Faith Effort Plan.

ETHNIC COMPOSITION

The University of Texas Southwestern Medical Center at Dallas, Department of Allied Health Sciences, Division of Emergency Medicine Education.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Females</th>
<th>Males</th>
</tr>
</thead>
<tbody>
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<td>5</td>
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<tr>
<td>Other</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

OWNER

The University of Texas Southwestern Medical Center at Dallas

Kern Wildenthal, M.D., Ph.D., President, UTSWMCD
WHEREAS, The City of Dallas Fire-Rescue Department operates the emergency ambulance service for the City; and

WHEREAS, The State legislature enacted legislation requiring guidelines for medical direction/supervision of pre-hospital care delivered by certified Emergency Medical Service (EMS) personnel; and

WHEREAS, State law requires and it is in the best interest of the community to provide a Medical Director to perform the duties as outlined in the above named legislation; and

WHEREAS, the City Council pursuant to Resolution No. 06-2644 authorized a contract with The University of Texas Southwestern Medical Center at Dallas (UTSWMC) to provide the services of a Medical Director; and

WHEREAS, The original contract provides for annual renewals by city council resolution and availability of funding;

NOW, THEREFORE,

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

SECTION 1. That the City Manager be and is hereby authorized to execute an amendment to renew the original contract for medical director with The University of Texas Southwestern Medical Center at Dallas.

SECTION 2. That the City Controller be and is hereby authorized to expend funds in an amount not to exceed $152,472 for services provided by a Medical Director beginning October 1, 2008 through September 30, 2009, contingent upon appropriation of funds in fiscal year 2008-2009.

SECTION 3. That the City Controller be and is hereby authorized to disburse funds for this service from fiscal year 2008-2009 in Fund 0001, Agency DFD, Unit 2050, OBJ 3070, Encumbrance DFD20500687, Vendor 904272, in the amount of $152,472.

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 # 34

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize (1) a contract renewal for a twenty-four-month period with Parkland Memorial Hospital for Biomedical On-Line Supervision; and (2) Interlocal Agreements with participating local governmental entities - Total not to exceed $1,791,387 - Financing: Current Funds (subject to annual appropriations) ($788,209 to be received from participating cities)

BACKGROUND

State law requires Biomedical On-Line Supervision of the City of Dallas Fire Department Paramedics. The City issued a Request for Proposal No. PA0000357 for Biomedical On-Line Supervision for the Dallas area emergency medical system. The Biotel system, staffed by Parkland Memorial Hospital physicians and nurses, was created on July 1, 1980 to provide medical control for the paramedics in the field via radio and telemetered patient data. Other cities currently participate on a per capita basis, thus deferring the cost. The number of participating cities is increasing or decreasing from time to time. The City of Dallas contributes approximately 56% of the total cost. This service also provides for the implementation and maintenance of the Comprehensive Trauma Plan endorsed by the City Council in February 1993.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Contract renewal for FY 2006-2008 was approved by City Council on September 26, 2006, by Resolution No. 06-2649.

FISCAL INFORMATION

Current Funds - $1,791,387 (subject to annual appropriations) ($788,209 to be received from participating cities)
M/WBE INFORMATION

Parkland Memorial Hospital, has fulfilled the Good Faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution No. 84-3501, as amended.

ETHNIC COMPOSITION

Parkland Memorial Hospital (Biotel Communications Center)

Hispanic Females 0  Hispanic Males 2
Black Females 0  Black Males 0
Other Females 0  Other Males 0
White Females 6  White Males 5

OWNERS

Parkland Memorial Hospital

Dr. Ron Anderson, President and CEO, Parkland Health and Hospital System
WHEREAS, State law requires Biomedical On-Line Supervision of the City of Dallas Fire–Rescue Department paramedics; and

WHEREAS, The City of Dallas Fire-Rescue Department has entered into a contract with Parkland Memorial Hospital to provide Biomedical On-Line Supervision; and

WHEREAS, it is most advantageous to the City of Dallas to renew the Biomedical On-Line Supervision contract with Parkland Memorial Hospital; and

WHEREAS, it is in the best interest of the City to renew the interlocal agreements with participating governmental entities which shall distribute the cost of the system on a per capital basis;

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 renew the Biomedical On-Line Supervision contract with Parkland Memorial Hospital for the second twenty-four-month renewal period, subject to available funding.

Section 2. That the City Controller be and is hereby authorized to disburse funds in an amount not to exceed $1,791,387.00 for Biomedical On-Line Supervision for the second twenty-four-month renewal period.

Section 3. That the City Controller be and is hereby authorized to disburse funds to Parkland Memorial Hospital, from Fund 0001, Dept DFD, Unit 2050, Object 3070, Encumbrance PD DFD20500674, Vendor #900498A, total payment not to exceed $884,183 in FY08-09, and $907,204 in FY 09-10.

Section 4. That the City Controller is hereby authorized to receive revenues from the participating cities in the amount of $788,209 over the second twenty-four-month contract period and deposit revenues into Fund 0001, Dept BMS, Unit 1258, Revenue Source 7472.

Section 5. That the City Manager be and is hereby authorized to enter into interlocal agreements with other governmental entities to provide Biomedical On-Line Supervision, the cost for such services to be calculated on a per capita basis. Governmental entities may be added or deleted as required.
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 Purchasing/Business Diversity Development
Fire-Rescue Department
Office of Financial Services, 4FN
AGENDA ITEM # 35

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing

CMO: A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize approval of (1) a Permanent Supportive Housing Program Statement and 5-year plan endorsing city-wide implementation for the creation of 700 Permanent Supportive Housing units for chronically homeless individuals; and (2) use of Community Development Grant Funds, HOME Funds, General Obligation Bonds and Certificates of Obligation to fund project gap requirements to the extent permissible from each funding source - Financing: No cost consideration to the City

BACKGROUND

The development of Permanent Supportive Housing and the support services that are required for the low-income tenants continues to be a priority for the Metro Dallas Homeless Alliance (MDHA), Corporation for Supportive Housing and the City of Dallas. To that end, Permanent Support Housing (PSH) Steering Committee and City staff from Environment and Health Services and Housing Departments have developed a strategy to address our community needs and the provision of housing and services to chronically homeless individuals.

Through a series of meetings the PSH Committee has developed a 5-year plan with the goal of increasing the number of PSH units in the City of Dallas by 700 by year 2014 and has outlined potential costs to the City based upon project models.

On August 18, 2008, the Housing Committee recommended the approval of the Program Statement and the five-year plan. The attached Program Statement to implement the 5-year plan incorporates policies and procedures for the financing and the determination of eligibility and development of the 700 PSH units. The 700 units include rent for 200 additional leased units that will be paid through the HUD Special Needs Voucher Program presently committed by the Dallas Housing Authority. Leasing 200 existing units carries no occupancy cost due to HUD vouchers being made available.
The development of 500 new units will have a funding gap to build, depending on the type of financing structure that is used, and will require rental subsidies. Tenants, once qualified for the program can spend no more than 30% of their income on rent plus utilities.

The financial models used assume a 100% tax abatement based upon an ownership of the new units by either an Limited Liability Corporation (LLC) of the Dallas Housing Authority or an LLC of the Dallas Housing Finance Corporation. The funding gap, in current dollars, to build the 500 new units would range from $7.2M (all 9% tax credits) to $18M (all 4% tax credits) depending on the mix of available financing including conventional. The plan also requires city-wide implementation based on land availability and cost. The City will be expected to fund the majority of the gap financing with CDBG, HOME funds, GO Bonds or Certificates of Obligation (CO) to the extent permissible from each funding source. GO Bond projects will be considered as part of an economic development initiative project area, while COs will be used for public works components in project initiatives where the City will own the improvements. As the program is developed and projects are identified City staff will return to Council with a financing plan to seek the Council’s approval on a project-by-project basis.

The PSH support services also assume an $8,000 cost built into the service investment per person. These costs are based on the needs of the clients; some will need more, others less. Support services will come from the following potential funding sources and may include; Medicaid, City of Dallas, Philanthropy, and Supportive Housing Program Continuum of Care. Other public contributions could include NorthStar Behavioral Health, Department of Labor – Job Training, Veteran’s Administration, Health, Resources and Services Administration (HRSA), and Substance Abuse and Mental Health Services Administration (SAMHSA). Assuming that 140 units per year, for 5 years, are placed into service at a cost of $8,000 per unit; it would carry a total cost of approximately $16.8 Million.

The Plan includes a Dallas area interagency work group led by Metro Dallas Homeless Alliance (MDHA) to further design, implement and finance the PSH plan through intergovernmental collaborations with Housing Authority, Mental Health Agencies and MDHA. It includes development of a program of neighborhood education regarding benefits and myths related to PSH. MDHA will provide the materials and tailor the program to each individual Council District. It also includes, development of a collaborative legislative agenda among City of Dallas, Dallas County and Dallas County Medical District to increase state funding for PSH in Dallas and selected statewide efforts for tax credit improvements and related issues.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 18, 2008, the Housing Committee was briefed on the Permanent Supportive Housing Program Statement and 5-year Plan.

On September 8, 2008, the Quality of Life Committee was briefed on the Permanent Supportive Housing Program Statement and 5-year plan.

FISCAL INFORMATION

No cost consideration to the City.
WHEREAS, the development of Permanent Supportive Housing (PSH) and the support services continues to be a high priority for the City of Dallas; 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, among others, of providing funds for promoting economic development in the Southern Sector area of the City; and

WHEREAS, the City of Dallas desires to provide residential development opportunities as part of economic development projects that include mixed-used, mixed-income and retail and commercial master plans; and

WHEREAS, the PSH committee composed of Metro Dallas Homeless Alliance (MDHA), Corporation for Supportive Housing and the City of Dallas representatives have developed a 5-year plan with the goal of increasing the number of PSH units in the City of Dallas by 700 by 2014 and outlined potential costs to the City based upon project models; and

WHEREAS, on August 18, 2008 the Housing Committee was briefed on the Permanent Supportive Housing Program five year plan; and

WHEREAS, on September 8, 2008, the Quality of Life Committee was briefed on the Permanent Supportive Housing Program Statement and 5-year plan.

WHEREAS, the City of Dallas desires to provide rental housing opportunities to chronically homeless individuals through the use of financing for the construction of Single Room Occupancy (SROs) and multifamily programs using 9% tax credits with conventional financing, 4% tax credits and tax-exempt bonds, conventional or other financing methods that meet project needs; and

WHEREAS, the City of Dallas will require that project financing for SRO and Multifamily construction also include provisions for the cost of providing supportive services for chronically homeless individuals to provide an estimated $8,000 per person per year in supportive services for the residents; and

WHEREAS, the City of Dallas desires to approve (1) a Permanent Supportive Housing Program Statement and 5-year plan endorsing city-wide implementation for the creation of 700 PSH units for chronically homeless individuals, and (2) use CDBG and HOME funds, General Obligation Bonds for residential development as part of an economic development initiative project area and Certificates of Obligation to fund public improvement developments that the City will own. Funding will be used for their approved purposes and to the extent permissible to fund project gap requirements; NOW THEREFORE,
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS.

SECTION 1. That the City Manager, or his designee, is authorized to implement the procedures contained in the PSH Program Statement attached as “Attachment A” in furtherance of the City’s public purpose approving 1) a Permanent Supportive Housing Program Statement and 5-year plan endorsing city-wide implementation for the creation of 700 PSH units for chronically homeless individuals, and (2) use CDBG and HOME funds, General Obligation Bonds for residential development as part of an economic development initiative project area and Certificates of Obligation to fund public improvement developments that the City will own. Funding will be used for their approved purposes and to the extent permissible to fund project gap requirements.

SECTION 2. That proposed project financing for SRO and Multifamily construction must include provisions for the cost of providing supportive services for chronically homeless individuals to provide an estimated $8,000 per person per year in supportive services for the residents.

SECTION 3. That, upon approval as to form by the City Attorney, the City Manager is authorized to execute all documents necessary for implementing procedures as set forth in the Permanent Supportive Housing Program Statement including, but not limited to: deeds, release of liens, releases of reverter interests, and deed restrictions.

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:
Housing Department
City Attorney’s Office
Office of Financial Services/Community Development, 4FN
ATTACHMENT A

PROGRAM STATEMENT
PERMANENT SUPPORTIVE HOUSING PROGRAM (PSH)

Program Purpose: To provide permanent supportive housing opportunities to chronically homeless individuals and to strive to achieve the goals of the Five-Year Plan (PLAN) to create 700 Permanent Supportive Housing units for chronically homeless individuals endorsing city-wide implementation based on land availability and cost.

Out of the 700 units:
- 200 additional lease unit’s rent will be paid through the HUD Special Needs Voucher Program presently committed by the Dallas Housing Authority
- 500 new units will have a funding gap to build depending on the type of financing structure that is used and will require rental subsidies

Client Profile: Chronically Homeless Individuals
A chronically homeless person is defined as 1) an unaccompanied homeless individual, 2) with a disabling condition, 3) either continuously homeless for a year or more OR at least 4 episodes of homelessness in three years, and 4) must have been sleeping in a place not meant for human habitation, (e.g. living on the streets) and or in emergency homeless shelters during that time

Program Description: PSH Program provides guidance in the implementation and development of the 700 PSH unit goals:

- Provides rental housing opportunities to chronically homeless individuals through the use of financing for the construction of SROs and multifamily programs using 9% tax credits with conventional financing, 4% tax credits and tax-exempt bonds

- Authorizes the use of Community Development Block Grant (CDBG) and HOME funds, General Obligation Bonds and Certificates of Obligations for their approved purposes and to fund project gap requirements to the extent permissible from each funding source

- Provides residential development opportunities as part of economic development projects that include mixed-used, mixed-income and retail and commercial master plans
ATTACHMENT A

- Allows for ad valorem tax-exemptions, donation of land and/or other City resources when available and necessary to assist in funding the gap in financing.

- Developers using Dallas Housing Trust Fund financing may reserve loans for development site rather than a specific buyer.

- Assistance can be in the form of a lump sum payment at closing in exchange for the execution and placement of deed restrictions on the property for a 15-year term.

- An entity controlled by The Dallas Housing Finance Corporation or The Dallas Housing Authority may be the General Partner/Owner for the purpose of obtaining a 100% ad valorem tax exemption.

- Encourages Public and Private Partnerships promoting revitalization and economic development initiatives that will provide residential development as part of mixed-use and mixed-income projects.

Program Policy:

Developers must apply for financial assistance directly from the Housing Department:

- Pre-application waiver process must be used for tax credit and tax-exempt bond financing as well as The Dallas Housing Finance Corporation final application and the Texas Department of Housing and Community Affairs tax credit applications.

- A project using conventional financing and/or other City funding sources such as CDBG, HOME, and General Obligation Bonds proceeds can apply in the form of a letter proposal requesting City assistance addressed to the Housing Director. Applicants can also propose the development of public improvements using Certificate of Obligation proceeds that involve infrastructure, utilities, and projects that involve the development of City owned facilities.

- Applications for proposed development of PSH, SROs and multi-family projects must include financing provisions for the cost associated with supportive services to chronically homeless individuals. Based on the availability of funding, the City may commit to funding a portion of the required supportive services costs.

- For PSH Projects applying for financing for the construction of SROs and Multifamily programs using 9% tax credits with conventional financing, 4% tax credits and tax-exempt bonds:
ATTACHMENT A

- The applicant submits a pre-application waiver package along with an initial waiver fee of $500 payable to the Dallas Housing Finance Corporation in addition to all other required fees for the approval process.

Program Funding Year:

City assistance for the purpose of creating PSH units can be applied for all year long; however, the City begins a new funding year on October 1st of each year in accordance with its budget calendar. Projects will be considered when City resources are available.

Criteria Evaluation of Projects

Housing staff will evaluate each project based on established underwriting criteria for multifamily projects applying for financial assistance and the City’s approved criteria on Exhibit “A” attached.

- City Manager is authorized to establish guidelines and procedures to administer this program in accordance with this Program Statement and applicable Federal, State and local regulations.
EXHIBIT “A”
Criteria for Multifamily Projects

1. Where the proposed project fits within the City’s priorities which follow in order of priority:
   a. Demolition and reconstruction of an existing substandard multifamily development;
   b. Rehabilitation of an existing multifamily development;
   c. New construction of housing for special needs such as senior households, AIDS or other disabilities, youth projects, including housing for the homeless on an individual basis; or
   d. Accept applications for tax credit financed projects for new construction of housing for low and moderate income households with a priority given to Master Plan Developments, Mixed Income Developments and Transit Developments.

2. Whether the City has already provided, or committed to provide, direct financial assistance to the project.

3. Whether the project involves the elimination of slum or blight already existing on the subject property.

4. Whether the site has appropriate zoning for the project.

5. The proximity and capabilities of nearby schools, and comments of school district officials regarding the project.

6. The comments of owners and residents of properties located in the surrounding area at a public meeting held in the community in which the project will be located, attended by City of Dallas or Dallas Housing Finance Corporation representatives.

7. Whether there is already an over-concentration of multifamily development in the surrounding area.

8. Whether the applicant has agreed to incorporate appropriate safety and security features into the project.

9. Whether the applicant has responded to and/or plans to address the lawful concerns, if any, raised by residents or owners of properties in the surrounding area.

10. Whether the proposed project will be of high quality.

11. Whether the applicant has taken into consideration, in the project design, the standard or specialized needs of expected tenants.
12. Whether the proposed project will have an adverse effect on the surrounding area.

13. Whether the project is compatible with existing or anticipated single-family developments in the surrounding area.

14. Whether the estimated parking demand and trip generation for the project will impose an undue burden on public facilities.

15. Whether the current and probable future capacities of adjacent and nearby streets on the City’s thoroughfare plan are adequate to address any anticipated changes caused by the project.

16. Whether there is existing or proposed adequate public transit available.

17. Whether the location, density and height of the buildings, structures, and equipment will be detrimental or injurious to future development of the surrounding area or otherwise impose an undue burden on public facilities.

18. Whether trees will be planted or protected and other landscaping provided to create, preserve, and enhance the natural beauty and vegetative space in the vicinity of the project.

19. Whether managers of the project will reside on site.

20. Whether the Applicant has demonstrated the financial capacity to complete and operate the project.

21. Whether the proposed project’s rental market has the ability to absorb the proposed additional rental units.

22. Proposed financing for the construction of Single Room Occupancy (SROs) and multifamily programs using 9% tax credits with conventional financing, 4% tax credits and tax-exempt bonds requires that if two or more new projects are proposed within a mile of each other, whether either or any of the projects:
   a. Contributes to the rehabilitation or elimination of substandard housing;
   b. Provides a significantly lower density of units per acre; or
   c. Provides revenues for the creation or support of additional affordable housing.
23. Whether the Applicant has presented a suitable development plan for the entire development site, including property acquired by the Applicant in excess of that to be developed specifically for the project.

24. Whether there exists any other factor relevant to the issue of whether the project is in the best interest of the City of Dallas.
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 56G

SUBJECT

Authorize acquisition of a parcel improved with an occupied commercial structure at 6407 Municipal Street and a parcel improved with an occupied single-family residence at 6306 Canaan Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - $81,000 including estimated closing costs - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of an occupied commercial structure at 6407 Municipal Street for $55,000 and a parcel improved with an occupied single-family residence at 6306 Canaan Street for $22,000. The acquisitions will be used for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program - Census Tract 39.02. The total consideration of $77,000 is based upon independent appraisals. Closing costs are estimated to be approximately $2,000 for each property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - $81,000 including estimated closing costs

MAP

Attached
**Bexar Street Redevelopment Project**

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Owner</th>
<th>Property Address</th>
<th>Offer Amount</th>
<th>MapSCO</th>
<th>Council District</th>
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</thead>
<tbody>
<tr>
<td>A46</td>
<td>Willis V. Johnson</td>
<td>6407 Municipal Street</td>
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<td>56G</td>
<td>7</td>
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<tr>
<td>A48</td>
<td>Inez Jones</td>
<td>6306 Canaan Street</td>
<td>$22,000</td>
<td>56G</td>
<td>7</td>
</tr>
</tbody>
</table>
BE IT RESOLVED BY THE DALLAS CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That for the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas.

"PROJECT": Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Census Tract 39.02.

"PROPERTY": Described in Exhibit A, attached hereto and made a part hereof for all purposes.

"PROPERTY INTEREST": Fee Simple

"OWNER(S)" and "OFFER AMOUNT": Described in Exhibit A, attached hereto and made a part hereof for all purposes.

SECTION 2. That it is hereby determined that public necessity requires that the CITY should acquire the PROPERTY INTEREST under, over and across the PROPERTY necessary for the PROJECT.

SECTION 3. That the PROPERTY is hereby determined to be necessary for the PROJECT. That for the purpose of acquiring the PROPERTY INTEREST, the Director of Development Services, or such employee as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY to be acquired and full damages allowable by law, which amount represents its fair cash market value.

SECTION 4. That the CITY determines to appropriate the PROPERTY INTEREST under, over and across the PROPERTY for the PROJECT under the provisions of the Charter of the City of Dallas.

SECTION 5. That in the event the OWNER accepts the OFFER AMOUNT as authorized herein, the City Controller is authorized to draw a warrant in favor of the OWNER, or the then current owner of record, in the OFFER AMOUNT payable from the funding as shown below, for the properties shown on Exhibit A.
SECTION 5. (continued)

Republic Title of Texas  
VENDOR # 342843

<table>
<thead>
<tr>
<th>FUND DEPT</th>
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<tr>
<td>7T52 HOU</td>
<td>T807</td>
<td>4210</td>
<td>ADQM</td>
<td>HOUBEXAR01</td>
<td>$77,000</td>
</tr>
</tbody>
</table>

CT
HOUT807K118

SECTION 6. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs in an estimated amount of $4,000.

Republic Title of Texas  
VENDOR # 342843

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CT
HOUT807K118

SECTION 7. That the term OWNER in this resolution means all persons having an ownership interest in the PROPERTY regardless of whether those persons are actually named in Section 1. In the event of a conflict between this section and Section 1, this section controls.

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

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FN
EXHIBIT A

Bexar Street Redevelopment Project

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</table>
Authorize the redesignation of seven census tracts comprising three Neighborhood Investment Program target areas and the designation of ten census tracts comprising two additional Neighborhood Investment Program target areas for a minimum of two years, beginning October 1, 2008 - Financing: No cost consideration to the City.

BACKGROUND

On February 26, 2003, the City Council approved the Neighborhood Investment Program (NIP) to focus and leverage housing and other city resources in designated Community Development Block Grant (CDBG) target areas/neighborhoods. Five census tracts including CT 101.01 (West Dallas), CT 25.00 (South Dallas/Jubilee), CT 39.02 (South Dallas/Ideal), CT 49.00 (Oak Cliff) and CT 89.00 (Oak Cliff), were designated as NIP target areas for a two-year period, beginning October 1, 2003.

On September 28, 2005, the City Council voted to re-designate three NIP target areas comprising seven census tracts by expanding CT 101.01 to include 101.02 (West Dallas), CT 25.00 to include 27.01 and 27.02 (South Dallas/Jubilee-Frazier), and CT 39.02 to include 115.00 (part) (South Dallas/Ideal-Rochester Park). These neighborhoods were designated as NIP target areas for a three-year period, beginning October 1, 2005.

As briefed to the City Council Housing Committee, the NIP-III strategy/plan is designed to maximize city investment and complete implementation of ongoing projects in existing NIP target areas. The NIP-III strategy/plan also includes the addition of two target areas that will connect redevelopment efforts in North Oak Cliff between Lake Cliff and Bishop Davis, and support transit-oriented development opportunities along the Lancaster Corridor. These additional NIP target areas directly support Southern Sector redevelopment efforts.
**BACKGROUND (Continued)**

As such, this City Council action will:

Redesignate the three existing NIP target areas:
- CT’s 101.01, 101.02 (West Dallas)
- CT’s 25.00, 27.01 and 27.02 (South Dallas/Jubilee-Frazier), and
- CT’s 39.02 and 115.00 (part) (South Dallas/Ideal-Rochester Park)

Designate two new NIP target areas
- CT’s 55.00 (part), 57.00, 87.04 (part), 87.05 (part), 88.01 (part), 88.02 (part), 113.00 (part), 114.01 (part) (Lancaster Corridor)
- CT’s 20.00 (part) and 48.00 part (Oak Cliff-Marsalis)

These census tracts will be designated for a minimum of two years, beginning October 1, 2008.

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

On February 26, 2003, the City Council approved selection criteria that designated certain census tracts (CT 25.00, CT 39.02, CT 101.01, CT 49.00 and CT 89.00) as NIP target areas for a two-year period, beginning October 1, 2003 by Resolution No. 03-0830.

On September 28, 2005, the City Council voted to re-designate three NIP target areas by expanding CT 101.01 to include 101.02, CT 25.00 to include 27.01 and 27.02, and CT 39.02 to include 115.00 (part) for a three-year period, beginning October 1, 2005 by Resolution No. 05-2795.

On January 22, 2008, the Housing Committee was briefed on the status of NIP target area CT’s 25.00, 27.01, and 27.02.

On February 4, 2008, the Housing Committee was briefed on the status of NIP target area CT’s 39.02 and 115.00 (part).

On March 3, 2008, the Housing Committee was briefed on the status of NIP target area CT’s 101.01 and 101.02.

On April 7, 2008, the Housing Committee was briefed on recommendations for future NIP initiatives.

On May 13, 2008, the Community Development Commission Housing Committee was briefed on the proposed NIP target areas and future initiatives.
PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)

On August 18, 2008, the Housing Committee was briefed on the proposed NIP-III strategy which calls for the redesignation of seven census tracts comprising three existing Neighborhood Investment Program target areas and the designation of ten census tracts comprising two additional Neighborhood Investment Program target areas that support Southern Sector redevelopment efforts. The Committee recommended approval of the proposed recommendations.

FISCAL INFORMATION

No cost consideration to the City

MAP(S)

Attached
WHEREAS, on February 26, 2003, by Resolution No. 03-0830, the City Council approved a selection criteria that designated certain census tracts (CT 25.00, CT 39.02, CT 101.01, CT 49.00 and CT 89.00) as NIP target areas for a two year period, beginning October 1, 2003; and

WHEREAS, on September 28, 2005, by Resolution No. 052795, the City Council approved the redesignation of three NIP target areas by expanding CT 101.01 to include 101.02, CT 25.00 to include 27.01 and 27.02, and CT 39.02 to include 115.00 (part) for a three-year period, beginning October 1, 2005; and

WHEREAS, on January 22, 2008, the Housing Committee was briefed on the status of NIP target area CT’s 25.00, 27.01 and 27.02; and

WHEREAS, on February 4, 2008, the Housing Committee was briefed on the status of NIP target area CT’s 39.02 and 115.00 (part); and

WHEREAS, on March 3, 2008, the Housing Committee was briefed on the status of NIP target area CT’s 101.01 and 101.02; and

WHEREAS, on April 7, 2008, The Housing Committee was briefed on recommendations for future NIP initiatives; and

WHEREAS, on May 13, 2008, the Community Development Commission Housing Committee was briefed on the proposed NIP target areas and future initiatives; and

WHEREAS, on August 18, 2008, the Housing Committee was briefed on the proposed NIP-III strategy which calls for the redesignation of seven census tracts comprising three existing Neighborhood Investment Program target areas and the designation of ten census tracts comprising two additional Neighborhood Investment Program target areas; and

WHEREAS, the City Council desires to redesignate: CT 25.00, CT 27.01, CT 27.02 (South Dallas-Jubilee/Frazier), CT 39.02, 115.00 (part) (South Dallas-Ideal/Rochester), CT 101.01, 101.02 (West Dallas), and designate CT 55.00 (part), CT 57.00, CT 87.04 (part), CT 87.05 (part), CT 88.01 (part), CT 88.02 (part), CT 113.00 (part), CT 114.01 (part) (Lancaster Corridor) and CT 20.00 (part) and CT 48.00 (part) (Oak Cliff-Marsalis) as Neighborhood Investment Program target areas for a minimum of two years, beginning October 1, 2008; NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:
SECTION 1. That the following census tracts be designated as Neighborhood Investment Program target areas for a minimum of two years, beginning October 1, 2008: CT 25.00, CT 27.01, CT 27.02, CT 101.01, CT 101.02, CT 39.02, CT 115.00 (part), CT 55.00 (part), CT 57.00, CT 87.04 (part), CT 87.05 (part), CT 88.01 (part), CT 88.02 (part), CT 113.00 (part), CT 114.01 (part), CT 20.00 (part) and CT 48.00 (part).

SECTION 2. That within two years from the effective date of this Resolution, the Dallas City Council will review the development needs of each target area and determine whether to extend the target area’s designation.

SECTION 3. That the City Manager be authorized to initiate planning and other activities to implement the Neighborhood Investment Program in CT 25.00, CT 27.01, CT 27.02, CT 101.01, CT 101.02, CT 39.02, CT 115.00 (part), CT 55.00 (part), CT 57.00, CT 87.04 (part), CT 87.05 (part), CT 88.01 (part), CT 88.02 (part), CT 113.00 (part), CT 114.01 (part), CT 20.00 (part) and CT 48.00 (part).

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

DISTRIBUTION:

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

Authorize an amendment to Resolution No. 08-0595, previously approved on February 20, 2008, authorizing the execution of an economic development loan agreement with South Dallas/Fair Park Innercity Community Development Corporation to add the following addresses for acquisition of improved and unimproved properties: 4700-4900 block of Brashear Street, 2800-3000 block of Troy Street and 4900 block of Hatcher Street – Financing: No cost consideration to the City.

BACKGROUND

Over the period of 2003-2008, master planning, leveraging of capital investments, public/private developments, and redevelopment has begun in the Frazier Neighborhood Investment Program (NIP) Area. In order to implement components of the master plan, catalyst projects for new private/public development and redevelopment have been considered by the City Council on an individual basis.

One of the key Frazier Neighborhood community stakeholders, South Dallas/Fair Park Innercity Community Development Corporation (ICDC), who is a certified Community Housing Development Organization (CHDO), proposed to work with the City of Dallas to undertake the Spring Avenue Revitalization which is a component of the master plan.

On February 20, 2008, City Council Resolution No. 08-0595 authorized the execution of an economic development loan agreement with ICDC to begin acquisition of improved and unimproved properties, address any relocation issues, address environmental remediation, and demolish existing improvements in order begin revitalization efforts. Since that time, ICDC has executed a contract with the City of Dallas in the amount of $500,000 for the 4700-4900 blocks of Spring Avenue. Sites are to be acquired for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment.
BACKGROUND (continued)

This action will expand the boundaries for ICDC’s project of revitalization to 4700-4900 block of Brashear Street, 2800-3000 block of Troy Street and 4900 block of Hatcher. All properties are located within the Neighborhood Investment Program (NIP) Frazier Redevelopment Area and they are part of the master plan for the area. All acquisitions are expected to be complete by 2011.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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.

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.

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.

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.

On January 22, 2008, the Housing Committee of the City Council was briefed on the Frazier Neighborhood Investment Area and the Spring Avenue Revitalization Project.

On February 20, 2008, the City Council authorized the execution of an economic development loan agreement with South Dallas/Fair Park Innercity Community Development Corporation (ICDC) for the acquisition of improved and unimproved properties, located within the 4700-4900 block of Spring Avenue and associated relocation, environmental remediation, or demolition costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment by Resolution No. 08-0595.

FISCAL INFORMATION

No cost consideration to the City
OWNERS

South Dallas/Fair Park
Innercity Development Corporation
Diane Ragsdale, Executive

DEVELOPER

South Dallas/Fair Park
Innercity Development Corporation
Diane Ragsgale, 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, 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.

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 January 22, 2008, the Housing Committee of the City Council was briefed on the Frazier Neighborhood Investment Area and the Spring Avenue Revitalization Project; and

WHEREAS, on February 20, 2008, the City Council authorized the execution of an economic development loan agreement with South Dallas/Fair Park Innercity Community Development Corporation (ICDC) for the acquisition of improved and unimproved properties located within the 4700-4900 block of Spring Avenue and associated relocation, environmental remediation, or demolition costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment; and by Resolution No. 08-0595,

WHEREAS, South Dallas/Fair Park Innercity Community Development Corporation (ICDC) has executed a contract with the City of Dallas in the amount of $500,000 for the Spring Avenue Revitalization Project; 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 amend Resolution No. 08-0595, previously approved on February 20, 2008, authorizing the execution of an economic development loan agreement with South Dallas/Fair Park Innercity Community Development Corporation (ICDC) to add the following addresses for acquisition of improved and unimproved properties: 4700-4900 block of Brashear Street, 2800-3000 block of Troy Street and 4900 block of Hatcher Street.

SECTION 2. 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
AGENDA ITEM # 39

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 9

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 37-B C F G K L M P Q R T and U

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Carter & Burgess, Inc. for the preparation of a lighting master plan at White Rock Lake Park located at 8300 Garland Road - Not to exceed $49,340, from $253,085 to $302,425 - Financing: 2006 Bond Funds

BACKGROUND

The original professional services contract with Carter & Burgess, Inc. was approved by Council on March 9, 2005, by Resolution No. 05-0905 for topographic survey, design concept, public meeting, design development, construction documents, bidding, and construction administration services for the West Lawther hike and bike trail improvements at White Rock Lake Park located at 8300 Garland Road, in an amount not to exceed $155,445.

Supplemental Agreement No. 1, approved by Council on May 23, 2007, by Resolution No. 07-1534 for topographic survey, conceptual design, design development, construction documents, bidding, and construction administration services for the reconstruction of the existing hike and bike trail along West Lawther Drive at White Rock Lake Park located at 8300 Garland Road, in an amount not to exceed $36,620, making a revised contract amount of $192,065.

Supplemental Agreement No. 2, approved by Administrative Action No. 07-2104 on July 12, 2007 for design and construction administration for the Celebration Tree Grove entry plaza at the intersection of East Lawther Drive and Poppy Drive, and trail improvements along East Lawther Drive from Poppy Drive to the bridge over Dixon Branch Creek, in an amount not to exceed $15,490, making a revised contract amount of $207,555.
BACKGROUND (Continued)

Supplemental Agreement No. 3, approved by Council on August 13, 2008, by Resolution No. 08-2077 for topographic survey through construction administration services for improvements to the Celebration Tree Grove on East Lawther Drive, West Lawther hike and bike trail improvements, lighting design for the existing parking lots, and relocation of the Fisher Road overlook at White Rock Lake Park located at 8300 Garland Road, in an amount not to exceed $45,530, making a revised contract amount of $253,085.

Supplemental Agreement No. 4, authorizes an increase to the professional services contract with Carter & Burgess, Inc. for the preparation of a lighting master plan at White Rock Lake Park, in an amount not to exceed $49,340, making a revised contract amount of $302,425.

ESTIMATED SCHEDULE OF PROJECT

Begin Lighting Master Plan October 2008
Complete Lighting Master Plan January 2009

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized a professional services contract on February 17, 2005.

Authorized a professional services contract on March 9, 2005, by Resolution No. 05-0905.

The Park and Recreation Board authorized Supplemental Agreement No. 1 on April 19, 2007.

Authorized Supplemental Agreement No. 1 on May 23, 2007, by Resolution No. 07-1534.

The Park and Recreation Board authorized Supplemental Agreement No. 3 on June 19, 2008.

Authorized Supplemental Agreement No. 3 on August 13, 2008, by Resolution No. 08-2077.
FISCAL INFORMATION

2006 Bond Funds - $49,340

Original Contract $155,445
Supplemental Agreement No. 1 $36,620
Supplemental Agreement No. 2 $15,490
Supplemental Agreement No. 3 $45,530
Supplemental Agreement No. 4 (this action) $49,340

Total $302,425

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Carter & Burgess, Inc.

White Male 1,689 White Female 647
Black Male 87 Black Female 59
Hispanic Male 213 Hispanic Female 99
Other Male 168 Other Female 79

OWNERS

Carter & Burgess, Inc.

Jerry W. Allen, President/CEO
John R. Aughinbaugh, Senior Vice President
John V. Beyett, Jr., Senior Vice President
William S. Brown, Vice President
Thad B. Brundrett, Vice President
Stephen C. Bushong, Vice President

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Carter & Burgess, Inc. for the preparation of a lighting master plan at White Rock Lake Park located at 8300 Garland Road - Not to exceed $49,340, from $253,085 to $302,425 - Financing: 2006 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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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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</table>
WHEREAS, on March 9, 2005, Resolution No. 05-0905, City Council approved a contract with Carter & Burgess, Inc. for topographic survey, design concept, public meeting, design development, construction documents, bidding, and construction administration services for the West Lawther hike and bike trail improvements at White Rock Lake Park located at 8300 Garland Road for a contract amount of $155,445; and

WHEREAS, on May 23, 2007, Resolution No. 07-1534, authorized Supplemental Agreement No. 1 to include topographic survey, conceptual design, design development, construction documents, bidding, and construction administration services for the reconstruction of the existing hike and bike trail along West Lawther Drive at White Rock Lake Park located at 8300 Garland Road, in an amount not to exceed $36,620, increasing the contract amount from $155,445 to $192,065; and

WHEREAS, on July 12, 2007, Administrative Action No. 07-2104, authorized Supplemental Agreement No. 2 to include design and construction administration services for the Celebration Tree Grove entry plaza at the intersection of East Lawther Drive and Poppy Drive, and trail improvements along East Lawther Drive from Poppy Drive to the bridge over Dixon Branch Creek, in an amount not to exceed $15,490, increasing the contract amount from $192,065 to $207,555; and

WHEREAS, on August 13, 2008, by Resolution No. 08-2077, authorized Supplemental Agreement No. 3 for topographic survey through construction administration services for improvements to the Celebration Tree Grove on East Lawther Drive, West Lawther hike and bike trail improvements, lighting design for the existing parking lots, and relocation of the Fisher Road overlook at White Rock Lake Park located at 8300 Garland Road, in an amount not to exceed $45,530, increasing the contract amount from $207,555 to $253,085.

WHEREAS, it is now desired to enter into Supplemental Agreement No. 4 with Carter & Burgess, Inc. for the preparation of a lighting master plan at White Rock Lake Park located at 8300 Garland Road, in an amount not to exceed $49,340, increasing the contract amount from $253,085 to $302,425.

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. 4 to the professional services contract with Carter & Burgess, Inc. for the preparation of a lighting master plan at White Rock Lake Park located at 8300 Garland Road, in an amount not to exceed $49,340, increasing the contract amount from $253,085 to $302,425.
SECTION 2. That the President of the Park and Recreation Board and the City Manager be authorized to execute the contract with Carter & Burgess, 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 $49,340 to Carter & Burgess, Inc., from (2006) Park and Recreation Facilities Improvement Fund 7T00, Department PKR, Unit K295, Object 4114, Activity RGPK, Program PK03K295, CT-PDPKR05017977, Commodity 92500, Vendor 101370.

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 # 40

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Police

CMO: Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize an agreement with the Internal Revenue Service, Criminal Investigation, a Treasury law enforcement agency, for the purpose of equitable sharing from asset seizure and forfeiture pursuant to a joint operation/task force for the period October 1, 2008 through September 30, 2009 - Financing: No cost consideration to the City

BACKGROUND

This agreement is entered into with the Internal Revenue Service, Criminal Investigation, a Treasury law enforcement agency, and the Dallas Police Department for the purpose of equitable sharing from asset seizure and forfeiture pursuant to a joint operation/task force, in accordance with the provisions of the Department of Treasury Guide to Equitable Sharing for Foreign Countries and Federal, State, or Local law Enforcement Agencies.

As part of the agreement, the Dallas Police Department will assign one police officer to the joint operations/task force established as the North Texas Asset Forfeiture Task Force. The mission of the task force is to develop and assist with criminal investigations and asset forfeitures of illegal activities in the North Texas area. The emphasis of the task force is to pursue investigations on individuals and organizations that will result in criminal prosecutions and large asset forfeitures.

Assets seized in connection with the task force will be forfeited under Federal and/or State laws. All sharing is within the discretionary authority of the Department of the Treasury, 18 U.S.C. 981(e)(2), and the Secretary of the Treasury’s Guidelines on Seized and Forfeited Property. The agreement authorizes a 80/20 percent split of equitable sharing. The Treasury Forfeiture Fund will retain at least 20% of the net proceeds in all seizure-related investigations and the remaining 80% or less will be allocated between the Dallas Police Department, the other participating departments, and the Internal Revenue Service.
BACKGROUND (Continued)

The term of this agreement shall be for a period of one-year beginning October 1, 2008, and must be renewed annually if deemed appropriate.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an equitable sharing agreement with the Internal Revenue Service, Criminal Investigation on February 27, 2008, by Resolution No. 08-0667.

Briefed to the Public Safety Committee on September 16, 2008.

FISCAL INFORMATION

No cost consideration to the City.
WHEREAS, the Internal Revenue Service, Criminal Investigation, a Treasury law enforcement agency, desires to enter into an Agreement with the City of Dallas for the purpose of equitable sharing from asset seizure and forfeiture pursuant to a joint operation/task force; and

WHEREAS, the task force, established as the North Texas Asset Forfeiture Task Force, consists of members of participating agencies, including the Dallas Police Department, will assist with criminal investigations and asset forfeitures of illegal activities in the North Texas area that result in criminal prosecutions and large asset forfeitures; and

WHEREAS, all equitable sharing is within the discretionary authority of the Department of the Treasury, 18 U.S.C. 981(e)(2), and the Secretary of the Treasury's Guidelines on Seized and Forfeited Property.

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 execute an agreement with the Internal Revenue Service, Criminal Investigation, a Treasury law enforcement agency, for the participation in equitable sharing from asset seizure and forfeiture pursuant to a joint operation/task force established as the North Texas Asset Forfeiture Task Force for the period October 1, 2008 through September 30, 2009.

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 (1) the acceptance of the Dallas Police Department Victim Services/8 grant from the U.S. Department of Justice pass through State Office of the Governor, Criminal Justice Division in the amount of $49,400 to adequately respond to victims of violent crime with needed aid, for the period July 1, 2008 through June 30, 2009, (2) a local match in the amount of $12,350; and (3) execution of the grant agreement - Total not to exceed $61,750 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds ($49,400) and Current Funds ($12,350) (subject to appropriations)

BACKGROUND

This grant award is from Federal (U.S. Department of Justice) pass through State (Office of Governor, Criminal Justice Division) to the City of Dallas. The Dallas Police Department's Victim Services Program, formally established in April, 1996, provides victims of violent crimes with crisis intervention, crime victims’ compensation assistance, information regarding the criminal justice process, information and referral services specifically for victims or family survivors, and court accompaniment if requested by the victim. Aid is provided through telephone contact, office visits, and/or home visits. The Police Department's goal is to lessen the trauma experienced by people who are victimized by violent crimes.

This grant will provide eighth-year funding for the salaries, benefits, training, and supplies of one full-time Victim Advocate and one part-time Victim Advocate. The Victim Services Coordinator's office is located in the Crimes Against Persons Division which includes the Homicide, Sexual Assaults, Aggravated Robbery, and Aggravated Assaults Units. Referrals come from the detectives assigned to those units. It is important that victims are informed in a timely manner of the Texas Crime Victims Compensation Fund in order to provide emergency financial assistance for funeral benefits which may be needed and to provide information about the agencies that provide counseling and support.
BACKGROUND (Continued)

The Victim Advocates provide crime victim compensation application assistance, follow-up, information and referral, crisis counseling, and court advocacy for the survivors of homicides, sexual assaults, robbery, aggravated assaults, traffic fatalities or injuries as a result of Failure to Stop and Render Aid and Driving While Intoxicated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized application for the Dallas Police Department Victim Services/3 grant on January 22, 2003, by Resolution No. 03-0389.

Authorized acceptance of the Dallas Police Department Victim Services/3 grant on June 25, 2003, by Resolution No. 03-1864.

Authorized application for the Dallas Police Department Victim Services/4 grant on January 14, 2004, by Resolution No. 04-0205.

Authorized acceptance of the Dallas Police Department Victim Services/4 grant on August 11, 2004, by Resolution No. 04-2310.

Authorized application for the Dallas Police Department Victim Services/5 grant on February 23, 2005, by Resolution No. 05-0696.

Authorized acceptance of the Dallas Police Department Victim Services/5 grant on August 24, 2005, by Resolution No. 05-2477.

Authorized application for the Dallas Police Department Victim Services/6 grant on April 12, 2006, by Resolution No. 06-1095.

Authorized acceptance of the Dallas Police Department Victim Services/6 grant on August 23, 2006, by Resolution No. 06-2236.

Authorized application for the Dallas Police Department Victim Services/7 grant on April 25, 2007, by Resolution No. 07-1292.

Authorized acceptance of the Dallas Police Department Victim Services/7 grant on September 26, 2007, by Resolution No. 07-2767.

Authorized application for the Dallas Police Department Victim Services/8 grant on March 26, 2008, by Resolution No. 08-0885.

Briefed to the Public Safety Committee on September 16, 2008.
FISCAL INFORMATION

$12,350 - Current Funds (subject to appropriations)
$49,400 - Office of the Governor, Criminal Justice Division State Grant Funds
WHEREAS, the Dallas Police Department Victim Services/8 grant from the U.S. Department of Justice pass through State Office of the Governor, Criminal Justice Division, has made funds available for law enforcement projects during the 2008-09 fiscal year; and

WHEREAS, the City of Dallas was awarded the Dallas Police Department Victim Services/8 grant on August 21, 2008; and

WHEREAS, it is in the best interest of the City of Dallas to accept such funding.

Now, Therefore,

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

Section 1. That the City Manager or designee be and is hereby authorized to accept the Dallas Police Department Victim Services/8 grant, VA-08-V30-15781-08, in the amount of $49,400 for the period July 1, 2008 through June 30, 2009, and execute the grant agreement.

Section 2. That the City Manager or designee be authorized to establish the appropriation in the Dallas Police Department Victim Services fund in the amount of $61,750 in Fund F219, Department DPD, Unit 1090, in accordance with Schedule A.

Section 3. That the City Controller be authorized to deposit grant funds in an amount not to exceed $49,400 into Fund F219, Department DPD, Unit 1090, Revenue Source 6506.

Section 4. That the City Manager or designee be authorized to transfer the required cash match in the amount of $12,350 from Fund 0001, Department DPD, Unit 2113, Object 3642 to Fund F219, Department DPD, Unit 1090, Revenue Source 9201. (subject to appropriations)

Section 5. That the City Controller be authorized to disburse from Fund F219, Department DPD, Unit 1090, according to Schedule A, an amount not to exceed $61,750.

Section 6. That in the event of loss or misuse of funds, the grantee will return all grant funds to the Office of the Governor, Criminal Justice Division, in full.

Section 7. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.
# SCHEDULE A

Dallas Police Department Victim Services/8  
Fund F219  
Unit 1090

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Transfer one (1) part-time Victim Advocate position, from Fund F015, Unit 0335 to Fund F219, Unit 1090

Transfer one (1) Administrative Assistant position, from Fund F015, Unit 0335 to Fund F219, Unit 1090

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<td>Life Insurance</td>
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<tr>
<td>3361</td>
<td>Professional Development</td>
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Total $61,750
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 2

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 44 C

SUBJECT

Authorize the City Manager to provide a Notice of Intent for establishing a Quiet Zone along the Trinity Railway Express at the Market Center crossing as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 and 229 - Financing: No cost consideration to the City

BACKGROUND

Routine sounding of locomotive train horns as they approach street grade crossings throughout the day and night negatively impacts the quality of life for those persons residing near the rail line and also for those persons in the larger general area.

In response to a growing concern from communities, the Federal Railroad Administration (FRA) issued its Train Horn Rule that permits a public authority to establish a Quiet Zone. The Rule provides a detailed process that initially includes a notice of intent by the public authority.

The FRA has identified various supplemental and alternative safety enhancement options for crossings as a substitute 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. While the routine use of train horns approaching a grade crossing will no longer be required in a Quiet Zone, the train operator will continue to utilize the horn as a warning to track workers, trespassers and animals on the tracks or in other potential dangerous situations anywhere within the corridor.

The actions proposed by this item will only authorize the filing of a Notice of Intent to establish a Quiet Zone at the Market Center crossing to the FRA, TxDOT agencies and the railroad in compliance with the Federal Railroad Administration (FRA) Final Train Horn Rule. Future Council action will be required to authorize staff to issue a “Notice of Establishment” of the Quiet Zone. The time between the Notice of Intent and the Notice of Establishment is related to a FRA mandated 60 day comment period. Those who will be asked for comments include DART, the owner of the line, TxDOT and several train operators who use this line (Trinity Railway Express, Burlington Northern, Dallas, Garland and Northeastern).
ESTIMATED SCHEDULE OF PROJECT

Begin Project October 2008
Complete Project January 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Council Transportation and Environment Committee on February 26, 2007.

FISCAL INFORMATION

No cost consideration to City.

MAP

Attached.
WHEREAS, the routine sounding of the locomotive train horn approaching a street grade crossing 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 becomes 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 crossing of the Trinity Railway Express rail line at Market Center.

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 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
SUBJECT

Authorize a contract for the construction of reinforced concrete pavement, storm drainage, water and wastewater main improvements for Raydell Place from Schooldell Drive to Barnett Avenue - MACVAL Associates, LLC, lowest responsive bidder of six - $527,835 - Financing: 2003 Bond Funds ($364,322) and Water Utilities Capital Construction Funds ($163,513)

BACKGROUND

Raydell Place from Schooldell Drive to Barnett Avenue was requested by property owner petition and accepted in July 1999. In the 2003 Bond Program, the citizens of Dallas approved the design and construction of street paving and storm drainage improvements for Raydell Place. Design was completed in late 2003; however, construction was delayed due to the acquisition of an extensive amount of right-of-way required for the street. It is now necessary to authorize a construction contract for the project.

Raydell Place from Schooldell Drive to Barnett Avenue is an existing, unimproved two-lane asphalt roadway approximately 600 feet in length. The improvements to be provided with this construction contract include upgrading the existing asphalt street to an improved 36-foot wide reinforced concrete street with curbs, 1200 linear feet of sidewalks, drive approaches, storm drainage system, and water and wastewater main improvements.

ESTIMATED SCHEDULE OF PROJECT

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<td>Completed Design</td>
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<tr>
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<tr>
<td>Complete Construction</td>
<td>August 2009</td>
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PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on December 12, 2001, by Resolution No. 01-3604.

FISCAL INFORMATION

2003 Bond Funds - $364,321.50
Water Utilities Capital Construction Funds - $163,513.00

Design $ 34,629.36
Construction
  Paving & Drainage (PBW) $365,486.40 (est.)
  Water & Wastewater (DWU) $238,522.50 (est.)

Total Project Cost $638,638.26 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

MACVAL Associates, LLC

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<tr>
<td>White Female</td>
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OWNER

MACVAL Associates, LLC

Al Attah, P.E., President

MAP(S)

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of reinforced concrete pavement, storm drainage, water and wastewater main improvements for Raydell Place from Schooldell Drive to Barnett Avenue - MACVAL Associates, LLC, lowest responsive bidder of six - $527,835 - Financing: 2003 Bond Funds ($364,322) and Water Utilities Capital Construction Funds ($163,513)

MACVAL Associates LLC, is a local, minority firm, that 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>$527,834.50</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
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<td>TOTAL CONTRACT</td>
<td>$527,834.50</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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<thead>
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<th>Local Contractors / Sub-Contractors</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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<tr>
<td>MACVAL Associates, LLC</td>
<td>BMDB35781N1108</td>
<td>$395,875.87</td>
<td>75.00%</td>
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<tr>
<td>I&amp;H Concrete Cutting</td>
<td>BMDB35345Y1008</td>
<td>$52,783.45</td>
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<tr>
<td>Contreras Trucking</td>
<td>HMDB34560Y0808</td>
<td>$79,175.18</td>
<td>15.00%</td>
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<td>Total Minority - Local</td>
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<td>100.00%</td>
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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<tr>
<td>WBE</td>
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<td>0.00%</td>
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<tr>
<td>Total</td>
<td>$527,834.50</td>
<td>100.00%</td>
<td>$527,834.50</td>
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</table>
WHEREAS, on September 26, 2007, Resolution No. 07-2831 authorized a professional services contract for the engineering services design for Raydell Place from Schooldell Drive to Barnett Avenue; and,

WHEREAS, bids were received on July 31, 2008, for the construction of reinforced concrete pavement, storm drainage, water and wastewater main improvements for Raydell Place from Schooldell Drive to Barnett Avenue, as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
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</thead>
<tbody>
<tr>
<td>MACVAL Associates, LLC</td>
<td>$527,834.50</td>
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<tr>
<td>McMahon Contracting, L.P.</td>
<td>$541,350.00</td>
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<tr>
<td>P &amp; E Contractors, Inc.</td>
<td>$606,950.00</td>
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<tr>
<td>PAEE Corporation</td>
<td>$644,068.00</td>
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<tr>
<td>Jeske Construction Company</td>
<td>$650,660.00</td>
</tr>
<tr>
<td>Camino Construction, L.P.</td>
<td>$705,619.00</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 reinforced concrete pavement, storm drainage, water and wastewater main improvements for Raydell Place from Schooldell Drive to Barnett Avenue in an amount not to exceed $527,834.50, this being the lowest responsive bid received as indicated by the tabulation of bids.

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

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

- Street and Transportation Improvements Fund
  Fund 3R22, Department PBW, Unit R426, Act. STPT
  Obj. 4510, Program #PB03R426, CT PBW03R426L1
  Vendor #VS0000025999, in an amount not to exceed $364,321.50

- Water Construction Fund
  Fund 0102, Department DWU, Unit CW42, Act. RELP
  Obj. 4550, Program #708213, Reporting WX32, CT PBW708213EA
  Vendor #VS0000025999, in an amount not to exceed $92,910.00
September 24, 2008

Water Construction Fund
Fund 0102, Department DWU, Unit CW42, Act. RELP
Obj. 3221, Program #708213X, Reporting WX32, CT PBW708213EN
Vendor #VS0000025999, in an amount not to exceed $ 210.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 4560, Program #708214, Reporting TN89, CT PBW708214EA
Vendor #VS0000025999, in an amount not to exceed $ 65,622.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 3222, Program #708214X, Reporting TN89, CT PBW708214EN
Vendor #VS0000025999, in an amount not to exceed $ 4,771.00

Total in an amount not to exceed $527,834.50

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Paulette Williams, OCMC, Room 307
Esther Darden, Water Utilities, 3AN
Controller's Office, Sherrian Parham, 4BN
Office Financial Services/Community Development, 4FS
City Attorney
AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works & Transportation
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize a contract for the construction of sidewalks, curbs, gutters, drive approaches, water and wastewater adjustments and barrier free ramp improvements for Sidewalk Replacement Program Group 01-08 (list attached) – Salinas Concrete L.P., lowest responsible bidder of four - $408,580 - Financing: Current Funds ($384,380) and Water Utilities Capital Construction Funds ($24,200)

BACKGROUND

In the 2008 Current Funds, the City Council approved funding for the replacement of sidewalks and barrier free ramp improvements. The improvements will provide 4-foot and 5-foot wide reinforced concrete sidewalks and barrier free ramps in compliance with the Americans with Disabilities Act (ADA).

On September 4, 1985, the City Council approved the Sidewalk Replacement Program by Resolution No. 85-2863. The program was originated to assist individual property owners with the cost of replacing sidewalks. The Sidewalk Replacement Program is a cost share program and requires property owner cost participation to qualify for assistance. In this program, the City will pay 50 percent and the property owner will pay 50 percent for sidewalk replacement cost. The property owner pays 100 percent for replacement of drive approaches. The City pays 100 percent for curb and gutter replacement.

This contract will provide sidewalk replacement at 209 locations for Sidewalk Replacement Group 01-08.

Salinas Concrete L.P. 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 May 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Current Funds - $384,380
Water Utilities Capital Construction Funds - $24,200

Design (City Staff) $ 0.00
Construction
  Paving - (PBW) $ 384,380.00
  Water & Wastewater - (DWU) $ 24,200.00

Total Project Cost $ 408,580.00

Council District Amount
1   $ 20,005.00
2   $ 9,187.00
3   $ 15,919.00
4   $ 9,187.00
5   $ 15,919.00
6   $ 3,661.00
7   $ 11,833.00
8   $ 1,210.00
9   $ 28,176.00
10  $126,235.00
11  $ 9,187.00
12  $ 93,549.00
13  $ 32,250.00
14  $ 32,262.00
Total $408,580.00

M/WBE INFORMATION

See attached.
ETHNIC COMPOSITION

Salinas Concrete, L.P.

Hispanic Female  4     Hispanic Male    9
African-American Female  0     African-American Male    2
Other Female    0     Other Male      0
White Female    0     White Male     3

BID INFORMATION

The following bids with quotes were received and opened on July 17, 2008:

*Denotes successful bidder(s)

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
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<tbody>
<tr>
<td>*Salinas Concrete, L.P.</td>
<td>$ 408,580.00**</td>
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<tr>
<td>1300 Tenth Street</td>
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<tr>
<td>Plano, Texas 75074</td>
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<tr>
<td>Lemar Company</td>
<td>$ 401,597.00</td>
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<tr>
<td>MACVAL Associates, L.L.C.</td>
<td>$ 478,841.00</td>
</tr>
<tr>
<td>Ken–Do Contracting, L.P.</td>
<td>$ 596,565.00</td>
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</table>

**This contract will be awarded to the second lowest bidder. This contract includes a contract provision to provide a 5% preferential consideration when selecting the lowest, responsible bidder if the contractor provides a signed and notarized cement preference certificate, committing to the use of a preferred cement (a cement manufactured from a dry kiln process and the manufacturing plant must meet a specified emissions standard). The lowest bidder for this contract did not provide this certification and the second lowest bidder, who was approximately 2% higher did provide the certification.

Engineer's estimate:  
PBW       $ 402,197.00
DWU       $ 23,600.00

Total $ 425,797.00

OWNER(S)

Salinas Concrete, LP

Osiel Salinas, P.E., President

MAP

Attached.
<table>
<thead>
<tr>
<th>Sidewalk Improvements</th>
<th>Council District</th>
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<td>2426 Alco Avenue</td>
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<td>2745 Aster Street</td>
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<td>Sidewalk Improvements</td>
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### Sidewalk Replacement Program Group 01-08

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<tr>
<td>2636 Thomas Avenue</td>
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<tr>
<td>5422 Gaston Avenue</td>
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<td>4124 Herschel Avenue</td>
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<td>5824 Goliad Avenue</td>
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</table>
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of sidewalks, curbs, gutters, drive approaches, water and wastewater adjustments and barrier free ramp improvements for Sidewalk Replacement Program Group 01-08 (list attached) – Salinas Concrete L.P., lowest responsible bidder of four - $408,580 - Financing: Current Funds ($384,380) and Water Utilities Capital Construction Funds ($24,200)

Salinas Concrete is a non-local, minority firm, that 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>
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<td>Total local contracts</td>
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<tr>
<td>Total non-local contracts</td>
<td>$405,580.00</td>
<td>99.27%</td>
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<tr>
<td><strong>TOTAL CONTRACT</strong></td>
<td><strong>$408,580.00</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salinas Concrete</td>
<td>$405,580.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

**Total Minority - Non-local**

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Total</td>
<td>$405,580.00</td>
<td>100.00%</td>
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### TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
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<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<tbody>
<tr>
<td>African American</td>
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<tr>
<td>Hispanic American</td>
<td>$0.00</td>
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<td>$405,580.00</td>
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<td>Asian American</td>
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<tr>
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<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

**Total**

|                      | $0.00  | 0.00%   | $405,580.00       | 99.27%  |
WHEREAS, on September 4, 1985, the City Council approved the Sidewalk Replacement Program by Resolution No. 85-2863 to assist property owners in the removal and replacement of sidewalks, curb and gutter, and drive approaches; and,

WHEREAS, the Sidewalk Replacement Program is a cost share program and requires cost participation to qualify for assistance; and,

WHEREAS, bids were received on July 17, 2008, for the replacement of sidewalks, curbs and gutters, drive approaches, water and wastewater adjustments, and barrier free ramp improvements for the Sidewalk Replacement Program Group 01-08, as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>AMOUNT OF BID</th>
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<tbody>
<tr>
<td>Salinas Concrete, L.P.</td>
<td>$408,580.00**</td>
</tr>
<tr>
<td>Lemar Company</td>
<td>$401,597.00</td>
</tr>
<tr>
<td>MACVAL Associates, L.L.C.</td>
<td>$478,841.00</td>
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<tr>
<td>Ken-Do Contracting, L.P.</td>
<td>$596,565.00</td>
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</tbody>
</table>

**This contract will be awarded to the second lowest bidder. This contract includes a contract provision to provide a 5% preferential consideration when selecting the lowest, responsible bidder if the contractor provides a signed and notarized cement preference certificate, committing to the use of a preferred cement (a cement manufactured from a dry kiln process and the manufacturing plant must meet a specified emissions standard). The lowest bidder for this contract did not provide this certification and the second lowest bidder, who was approximately 2% higher did provide the certification.

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 Salinas Concrete L.P., for the replacement of sidewalks, curbs, gutters, drive approaches, water and wastewater adjustments, and barrier free ramp improvements for the Sidewalk Replacement Program Group 01-08 in an amount not to exceed $408,580 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:
Fund 0001, Department PBW, Unit 3015, Act. PB40
Obj. 4530, Program #PBSR0041, CT PBWSR0041J08
Vendor #VS0000032916, in an amount not to exceed $384,380.00

Water Construction Fund
Fund 0102, Department DWU, Unit CW42, Act. RELP
Obj. 3221, Program #708329X, Reporting WX21, CT PBW708329EN
Vendor #VS0000032916, in an amount not to exceed $23,000.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 3222, Program #708330X, Reporting TN84, CT PBW708330EN
Vendor #VS0000032916, in an amount not to exceed $1,200.00

Total in an amount not to exceed $408,580.00

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, Paulette Williams, OCMC, Room 307
Water Utilities, Esther Darden, 3AN
City Attorney
SUBJECT

Authorize an increase in the contract with Jeske Construction Company for additional paving materials, a clock tower, other adjustments and improvements for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane - Not to exceed $140,265, from $3,588,259 to $3,728,524 - Financing: 2003-04 Community Development Grant Funds ($137,675) and Water Utilities Capital Construction Funds ($2,590)

BACKGROUND

This action will authorize Change Order No. 4 to the construction contract originally authorized with Jeske Construction Company on November 8, 2006, for the reconstruction of Bexar Street from C. F. Hawn Freeway service road to Brigham Lane. Included with the reconstruction of Bexar Street are improvements to the pavement, storm drainage system, streetscape, street and pedestrian lighting, and water and wastewater mains.

This change order will fund bollards on the Crozier Street right-of-way to prevent vehicles from accessing a five point intersection at Bexar Street and minor adjustments to the project including additional asphalt material, and wrought iron fence and brick column relocations.

The Master Plan for the Bexar Street Redevelopment Project included a clock tower feature as a vertical accent and symbolic unification for the neighborhood. The clock tower was not included in the original contract due to limited funding. The progress of the construction, to date, allows for contingency funds to be used in funding the purchase and installation of this clock tower, which is also to be included in Change Order No. 4.
**BACKGROUND** (Continued)

Authorization of Change Order No. 4 will allow Jeske Construction Company to complete the reconstruction of Bexar Street as planned. The costs for new contract items were negotiated with the contractor based on estimated actual cost plus overhead and profit.

**ESTIMATED SCHEDULE OF PROJECT**

Began Construction        April 2007  
Complete Construction      November 2008

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

Authorized NIP Selection Criteria on February 26, 2003, by Resolution No. 03-0830.


Authorized Public Hearing on December 8, 2003, for hearing to be held on January 14, 2004, by Resolution No. 03-3388.

Briefed to the Housing and Neighborhood Development Committee on December 15, 2003.


Authorized a professional services contract for engineering services on May 26, 2004, by Resolution No. 04-1684.

Authorized Supplemental Agreement No. 1 to the engineering contract for the design of paving and drainage improvements on July 26, 2006, by Administrative Action No. 06-2299.

Authorized a construction contract on November 8, 2006, by Resolution No. 06-3124.

Authorized Change Order No. 1 to the construction contract on June 13, 2007, by Resolution No. 07-1759.

Authorized Change Order No. 2 to the construction contract on January 23, 2008, by Resolution No. 08-0320.

Authorized Change Order No. 3 to the construction contract on May 14, 2008, by Resolution No. 08-1417.
FISCAL INFORMATION

2003-04 Community Development Grant Funds - $137,675
Water Utilities Capital Construction Funds - $2,590

Design $ 171,626.24
Construction
  Paving - (PBW) $2,361,321.20
  Water & Wastewater (DWU) $ 784,424.00
  Supplemental Agreement No. 1 $ 24,607.00
  Service Agreement w/ONCOR $ 188,117.31
  Change Order No. 1 $ 184,495.80
  Change Order No. 2 $ 106,523.00
  Change Order No. 3 $ 151,495.00
  Change Order No. 4 (this action) $ 140,265.00

Total Project Cost $4,112,874.55

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Jeske Construction Company

Hispanic Female 0 Hispanic Male 20
African-American Female 0 African-American Male 7
Other Female 0 Other Male 0
White Female 1 White Male 5

OWNER

Jeske Construction Company

Steve Jeske, President

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Jeske Construction Company for additional paving materials, a clock tower, other adjustments and improvements for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane - Not to exceed $140,265, from $3,588,259 to $3,728,524 - Financing: 2003-04 Community Development Grant Funds ($137,675) and Water Utilities Capital Construction Funds ($2,590)

Jeske Construction Company is a local, non-minority firm, that 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>
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<th>Amount</th>
<th>Percent</th>
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<tbody>
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<td>TOTAL CONTRACT</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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<th>Percent</th>
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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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</thead>
<tbody>
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<td>0.71%</td>
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<tr>
<td>Hispanic American</td>
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<td>$2,300.00</td>
<td>1.64%</td>
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<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>2.35%</td>
<td>$3,300.00</td>
<td>2.35%</td>
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</table>
Bexar Street
From C. F. Hawn (U.S. 175) To Brigham Lane

THIS PROJECT

MAPSCO 56C
WHEREAS, on February 26, 2003, Resolution No. 03-0830 authorized the NIP Selection criteria, authorizing the top five (5) ranking census tracts (CT 49.00, CT 101.01, CT 25.00, CT 39.02 and CT 89.00) to be designed as NIP target areas for a two-year period, after which time the City Council shall review the success of the NIP and the target area selection criteria prior to selecting new neighborhoods for program participation; and,

WHEREAS, on August 13, 2003, Resolution No. 03-2191 authorized the FY 2003-04 Consolidated Plan Budget, including funding for NIP public improvements; and,

WHEREAS, on December 8, 2003, Resolution No. 03-3388 authorized a public hearing for January 14, 2004 to receive public input on the proposed FY 2003-04 Consolidated Plan Reprogramming Budget #3 to provide an additional $1,639,187 for NIP public Improvements; and,

WHEREAS, on December 15, 2003, the Housing and Neighborhood Development Committee voted to recommend approval of the proposed FY 2003-04 Neighborhood Investment Program Public Improvement Plan as recommended by staff; and,

WHEREAS, on January 14, 2004, Resolution No. 04-0202 authorized a Public Improvement Plan for Neighborhood Investment Program target areas, including $1,972,069 for streetscape and infrastructure improvements along Bexar Street in CT 39.02; and,

WHEREAS, on May 26, 2004, Resolution No. 04-1684 authorized a professional services contract with Williams-Russell and Johnson, Inc. for the design of streetscape and infrastructure, water and wastewater main improvements for Bexar Street from C.F. Hawn (U.S. 175) service road to Brigham Lane in the amount of $171,626.24; and,

WHEREAS, on July 26, 2006, Administrative Action No. 06-2299 authorized Supplemental Agreement No. 1 to the engineering contract with Williams-Russell and Johnson for the design of paving and drainage improvements for Bexar Street from C.F. Hawn (U.S. 175) service road to Brigham Lane in the amount of $24,607.00; and,

WHEREAS, bids were received on September 14, 2006, for the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, water and wastewater main improvements for Bexar Street from C.F. Hawn (U.S. 175) service road to Brigham Lane; and,
WHEREAS, on November 8, 2006, Resolution No. 06-3124 authorized a contract for the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, water and wastewater main improvements for Bexar Street from C.F. Hawn (U.S. 175) service road to Brigham Lane, in an amount not to exceed $3,145,745.20; and,

WHEREAS, on June 13, 2007, Resolution No. 07-1759 authorized Change Order No. 1 to the contract with Jeske Construction Company for the construction of a temporary road and the installation of new water services to accommodate new development along Bexar Street during the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, water and wastewater main improvements on Bexar Street from C.F. Hawn Freeway (U.S. 175) service road to Brigham Lane, in the amount of $184,495.80, increasing the contract from $3,145,745.20 to $3,330,241.00; and,

WHEREAS, on January 23, 2008, Resolution No. 08-0320 authorized Change Order No. 2 to the contract with Jeske Construction Company for additional quantities of paving materials and subgrade preparation needed for the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, water and wastewater main improvements on Bexar Street from C.F. Hawn Freeway (U.S. 175) service road to Brigham Lane, in the amount of $106,523, increasing the contract from $3,330,241.00 to $3,436,764.00.

WHEREAS, on May 14, 2008, Resolution No. 08-1417 authorized Change Order No. 3 to the contract with Jeske Construction Company for additional water and wastewater main extensions, wastewater access devised, manholes and quantities of paving materials needed for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham lane in the amount of $151,495, increasing the contract from $3,436,764.00 to $3,588,259.00.

WHEREAS, it is now necessary to authorize Change Order No. 4 to the contract with Jeske Construction Company for additional paving materials, a clock tower, other adjustments and improvements for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane in the amount of $140,265.00, increasing the contract from $3,588,259.00 to $3,728,524.00.

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. 4 to the contract with Jeske Construction Company for additional paving materials, a clock tower, other adjustments and improvements for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane in the amount of $140,265, increasing the contract from $3,588,259.00 to $3,728,524.00.

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:

2003-04 Community Development Grant Fund  
Fund 03R3, Dept. HOU, Unit 2574, Act. HO93  
Obj. 4510, Program #PBNIP001, CT PBWNIP001B1  
Vendor #083791, in an amount not to exceed $137,675.00

Water Construction Fund  
Fund 0102, Dept. DWU, Unit CW42, Act. RELO  
Obj. 4550, Program #706103, Rept. WX16, CT PBW706103EA  
Vendor #083791, in an amount not to exceed $2,590.00

Total in an amount not to exceed $140,265.00

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, Paulette Williams, OCMC, Room 307  
Esther Darden, Water Utilities, 3AN  
Controller's Office, Sherrian Parham, 4BN  
Budget and Management Services/Community Development, 4FS  
City Attorney
Authorize (1) an increase in the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA Building for the Dallas Black Dance Theatre in the amount of $309,845, from $4,487,655 to $4,797,500; (2) the receipt and deposit of funds from Dallas Black Dance Theatre in an amount not to exceed $302,513; (3) an increase in appropriations in the amount of $302,513 in the Dallas Black Dance Theatre Participation Fund; and (4) acceptance of the Master Agreement Extension Option, 24 months for Dallas Black Dance Theatre due and payable on or before December 31, 2010 - Total not to exceed $309,845 - Financing: Private Funds ($7,332) and 2003 Bond Funds ($302,513) (to be reimbursed by the Dallas Black Dance Theatre)

BACKGROUND

This action authorizes Change Order No. 5 with TMV LLC dba Triune Associates in the amount of $309,845 to address changes in the work and also increases the Dallas Black Dance Theatre (DBDT) construction contribution in the amount of $302,513, from $2,079,821 to $2,382,334.

The Moorland Building was constructed in 1930 and served as a YMCA until the mid-1960's. The building has been occupied by various businesses until approximately five years ago, when it was acquired by DBDT and gifted to the City of Dallas. Under the Master Agreement, the DBDT has agreed to a long term lease with the Owner (City of Dallas) for the development of a world class facility to benefit present and future generations of the citizens of Dallas.
BACKGROUND (Continued)

This project presented many challenges in dealing with multiple structural systems, complete interior renovation, including removal of structural floors in dance studios, and exterior restoration to address DBDT Historical Tax Credits and maintain the original integrity of the facility. A substantial amount of structural remediation was required to meet the project requirements. The Contractor met the challenges of the work and finished in time to satisfy a primary goal of the DBDT to have the facility ready for an April 2008 gala event.

This is the final change order to close out the project. This represents additional work that is required for the successful completion of the project for the Dallas Black Dance Theatre. During construction, concealed conditions were revealed which necessitated changes to complete the work. Major components include: 1) offsite sewer main had been abandoned, causing the tie-in to be relocated; 2) hydraulic elevator construction encountered solid rock at a shallow elevation, requiring additional boring and excavation for the installation of the piston; 3) the first floor existing slab had a 6" variance in the existing floor, resulting in additional topping slab, engineered fill, and flowable fill to level floors and provide required support; 4) the east side driveway paving elevation was 2' lower than adjacent property, requiring a retaining wall to stabilize the area; 5) during the removal of the existing clay tile roof (reinstalled for roof restoration) it was determined that the entire underlayment required replacement and also a greater number of existing clay tiles were replaced to provide a waterproof roofing system. The change order also includes various other minor changes in the work.

DBDT requested the relocation of lighting fixtures and power receptacles, additional plumbing fixtures, additional furniture, lower ballet bars at three dance studios (230 lin. ft.), and to add washer/dryer equipment and a refrigerator, including connections.

This action also includes DBDT exercising the Master Agreement Extension Option from December 31, 2008 to December 31, 2010 in the amount of $302,513.

ESTIMATED SCHEDULE OF PROJECT

Began Design  June 2006
Completed Design  November 2006
Began Construction  April 2007
Completed Construction  August 2008

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the Arts, Education, and Libraries Committee on April 15, 2005.
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

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

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

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

Authorized a construction contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA Building as the Dallas Black Dance Theatre on February 28, 2007, by Resolution No. 07-0742.

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

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

Authorized Change Order No. 2 to the construction contract on September 12, 2007, by Resolution No. 07-2614.

Authorized Change Order No. 3 to the construction contract on November 12, 2007, by Resolution No. 07-3366.

Authorized Change Order No. 4 to the construction contract on January 23, 2008, by Resolution No. 08-0325.

FISCAL INFORMATION

Private Funds - $7,332
2003 Bond Funds - $302,513 (to be reimbursed by the Dallas Black Dance Theatre)

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<td>Construction</td>
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<tr>
<td>Change Order No. 1</td>
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<tr>
<td>Change Order No. 2</td>
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<tr>
<td>Change Order No. 3</td>
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<tr>
<td>Change Order No. 4</td>
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<tr>
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<td>309,845.00</td>
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Total Project Cost $5,646,318.57
M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

TMV LLC dba Triune Associates

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<th>Ethnicity</th>
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<tr>
<td>Other Female</td>
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</tbody>
</table>

OWNER(S)

TMV LLC dba Triune Associates

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

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) an increase in the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA Building for the Dallas Black Dance Theatre in the amount of $309,845, from $4,487,655 to $4,797,500; (2) the receipt and deposit of funds from Dallas Black Dance Theatre in an amount not to exceed $302,513; (3) an increase in appropriations in the amount of $302,513 in the Dallas Black Dance Theatre Participation Fund; and (4) acceptance of the Master Agreement Extension Option, 24 months for Dallas Black Dance Theatre due and payable on or before December 31, 2010 - Total not to exceed $309,845 - Financing: Private Funds ($7,332) and 2003 Bond Funds ($302,513) (to be reimbursed by the Dallas Black Dance Theatre)

TMV LLC dba Triune Associates is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<table>
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<th>Local</th>
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<tr>
<td>TMV LLC dba Triune Associates</td>
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### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE PARTICIPATION

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

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

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

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

WHEREAS, on May 10, 2006, Resolution No. 06-1411 authorized a professional services contract with Group One / VAI Architects, LLP for the design and construction documents for the renovation of the Moorland YMCA Building for the Dallas Black Dance Theatre in an amount not to exceed $538,691.63; and,

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

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

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

WHEREAS, on September 12, 2007, Resolution No. 07-2614 authorized Change Order No. 2 to the contract for the renovation of the Moorland YMCA Building for the Dallas Black Dance Theatre in the amount of $251,609, increasing the contract from $3,998,811 to $4,250,420; and,
WHEREAS, on November 12, 2007, Resolution No. 07-3366 authorized Change Order No. 3 to the contract for the renovation of the Moorland YMCA Building for the Dallas Black Dance Theatre in the amount of $172,217, increasing the contract from $4,250,420 to $4,422,637; and,

WHEREAS, on January 23, 2008, Resolution No. 08-0325 authorized Change Order No. 4 to the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA Building located at 2700 Flora Street to provide ADA-compliant facilities and value engineering recommendations for the Dallas Black Dance Theatre in the amount of $65,018, from $4,422,637 to $4,487,655; and,

WHEREAS, it is now desirable to authorize Change Order No. 5 to the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA Building for the Dallas Black Dance Theatre in the amount of $309,845, from $4,487,655 to $4,797,500; acceptance of the Master Agreement Extension Option, 24 months for Dallas Black Dance Theatre due and payable on or before December 31, 2010.

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 TMV LLC dba Triune Associates for the renovation of the Moorland YMCA Building for the Dallas Black Dance Theatre, in the amount of $309,845, from $4,487,655 to $4,797,500; acceptance of the Master Agreement Extension Option, 24 months for Dallas Black Dance Theatre due and payable on or before December 31, 2010.

Section 2. That the City Controller is hereby authorized to receive and deposit funds from Dallas Black Dance Theatre in an amount not to exceed $302,513 in Fund DB49, Department PBW, Unit R917, Revenue Source 8492.

Section 3. That the City Manager is hereby authorized to increase appropriations for the Dallas Black Dance Theatre in the amount of $302,513 in Fund DB49, Department PBW, Unit R917, Object 4310.

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

Cultural Arts Facilities Fund
Fund 6R49, Dept. PBW, Unit R917, Act. CULF
Obj. 4310, Program #PB03R917, CT PBW03R917E1
Vendor #512794, in an amount not to exceed $302,513
Dallas Black Dance Theatre Participation Fund  
Fund DB49, Dept. PBW, Unit R917, Act. CULF  
Object 4310, Program #PB03R917, CT PBW03R917E1  
Vendor #512794, in an amount not to exceed $7,332  

Total in an amount not to exceed $309,845

Section 5. That the City Controller is hereby authorized to move all expenditures in an amount not to exceed $302,513 from Fund 6R49, Dept. PBW, Unit R917, Object 4310 to Fund DB49, Dept. PBW, Unit R917, Object 4310.

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, Robert Durham, OCMC, Room 321  
Office of Cultural Affairs  
Office of Financial Services  
City Controller's Office, Sherrian Parham, 4BN  
City Attorney
SUBJECT

Authorize Supplemental Agreement No. 1 to the contract with TranSystems Corporation for the engineering design of various bridge improvements (list attached) - Not to exceed $74,725 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

On December 12, 2007, the City Council authorized a professional services contract with TranSystems Corporation, for the design of 15 bridge repair and modification projects identified in the bond program. As design progressed it was determined that additional design services are required for four of the bridges, and design is no longer required for two bridges. Supplemental Agreement No. 1 is now necessary with TranSystems Corporation to continue and complete the bridge designs.

The structures requiring additional services and the associated elements of design are an additional riprap channel mat and a 72" water main concrete cap replacement at Lake June Road over Prairie Creek; additional concrete wingwall replacement at Gayglen Drive over Elam Creek; 72" water main; lowering at Simpson Stuart Road over Five Mile Creek and an additional approach slab, sidewalk, riprap and pavement replacement at Continental Avenue over the Trinity River.

The structures for which design is no longer required are Lawther Drive (West) over White Rock Creek, and Clover Hill Road over Hickory Creek. Design for the bridge on Lawther Drive (West) at White Rock Creek is not needed because this bridge will be replaced by the Texas Department of Transportation. Design for Clover Hill Road over Hickory Creek is not needed because it has been repaired by the Street Services Department.

This action will authorize Supplemental Agreement No. 1 to the contract with TranSystems Corporation to allow a modification to the design for 4 of the 13 remaining bridge structures.
ESTIMATED SCHEDULE OF PROJECT

Begin Project January 2008
Complete Project November 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering design services on December 12, 2007, by Resolution No. 07-3794.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $74,725.00

Design
PBW $266,638.00
Supplemental Agreement No. 1 (this action) $ 74,725.00

Total Project Cost $341,363.00

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<td>$57,116.00</td>
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<td>9</td>
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M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

TranSystems Corporation

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<tr>
<th>Hispanic Female</th>
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<tbody>
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<td>White Female</td>
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OWNER

TranSystems Corporation

Gary Kraus, P.E., Associate

MAP

Attached.
### Bridge Repair and Modification Project

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<tr>
<td>Lake June Road over Prairie Creek</td>
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<tr>
<td>Continental Avenue over Trinity River</td>
<td>6</td>
</tr>
<tr>
<td>Gayglen Drive over Elam Creek</td>
<td>8</td>
</tr>
<tr>
<td>Clover Hill Road over Hickory Creek</td>
<td>8</td>
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<tr>
<td>Simpson Stuart Road over Five Mile Creek</td>
<td>8</td>
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<tr>
<td>Lawther Drive (west) over White Rock Creek</td>
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</tr>
</tbody>
</table>
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the contract with TranSystems Corporation for the engineering design of various bridge improvements - Not to exceed $74,725 (list attached) - Financing: Water Utilities Capital Construction Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

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

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

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TOTAL M/WBE CONTRACT PARTICIPATION

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<td>$14,800.00</td>
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WHEREAS, on December 12, 2007, Resolution No. 07-3794 authorized a professional services contract for engineering services for 15 bridge repair and modification projects; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 to the contract with TranSystems Corporation for the engineering design of various bridge improvements, in the amount of $74,725, from $266,638 to $341,363.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the contract with TranSystems Corporation for the engineering design of various bridge improvements, in an amount not to exceed $74,725.00.

Section 2. That the City Controller 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:

- Street and Transportation Improvements Fund Fund 7T22, Dept. PBW, Unit U189, Act. BRAM Obj. 4111, Program # PB06U189, CT PBW06U184C1 Vendor #350370, in an amount not to exceed $ 23,223.00

- Street and Transportation Improvements Fund Fund 7T22, Dept. PBW, Unit U192, Act. BRAM Obj. 4111, Program # PB06U192, CT PBW06U184C1 Vendor #350370, in an amount not to exceed $ 1,600.00

- Street and Transportation Improvements Fund Fund 7T22, Dept. PBW, Unit U194, Act. BRAM Obj. 4111, Program # PB06U194, CT PBW06U184C1 Vendor #350370, in an amount not to exceed $ 6,234.00

- Street and Transportation Improvements Fund Fund 7T22, Dept. PBW, Unit U199, Act. BRAM Obj. 4111, Program # PB06U199, CT PBW06U184C1 Vendor #350370, in an amount not to exceed $ 5,404.00
Street and Transportation Improvements Fund
Fund 6T22, Dept. PBW, Unit U187, Act. BRAM
Obj. 4111, Program # PB06U187, CT PBW06U184C1
Vendor #350370, in an amount not to exceed ($13,238.00)

Street and Transportation Improvements Fund
Fund 6T22, Dept. PBW, Unit U196, Act. BRAM
Obj. 4111, Program # PB06U196, CT PBW06U184C1
Vendor #350370, in an amount not to exceed ($23,223.00)

Water Construction Fund
Fund 0102, Dept. DWU, Unit CW42, Act. RELP
Obj. 4111, Program # 709005, CT PBW709005EN
Vendor #350370, in an amount not to exceed $74,725.00

Total in an amount not to exceed $74,725.00

Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions 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, Paulette Williams, OCMC, Room 307
Controller's Office, Sherrian Parham, 4BN
City Attorney, 7DN
AGENDA ITEM # 48

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity River Corridor Project

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

MAPSCO: 44Q 44R

SUBJECT

Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with the Texas Department of Transportation to provide additional local project funding for construction of the Beckley Avenue improvements, from Gulden Lane to approximately the Union Pacific Railroad associated with the Woodall Rodgers Extension (Spur 366) project – Not to exceed $134,024, from $3,548,304 to $3,682,328 - Financing: 1998 Bond Funds

BACKGROUND

On September 10, 1997, Resolution No. 97-2918 approved the Trinity Parkway Major Transportation Investment Study (MTIS) conducted by the Texas Department of Transportation (TxDOT), which evaluated extending the existing Woodall Rodgers Freeway (Spur 366) as a grade-separated, controlled access facility over IH 35E to the intersection of Beckley Avenue and Singleton Boulevard. On June 23, 1999, Resolution No. 99-2037 authorized an agreement with TxDOT, allowing the City to participate in this project.

On May 2, 1998, the citizens of Dallas authorized the issuance of general obligation bonds in the amount of $246,000,000 for projects which include the extension of Woodall Rodgers Freeway and associated improvements to Beckley Avenue improvements within the Trinity River Corridor. The Woodall Rodgers Extension project includes right-of-way acquisition, environmental study, engineering, utility relocation and construction. The center portion of the Woodall Rodgers Extension over the Trinity River is now known as the Margaret Hunt Hill Bridge.
BACKGROUND (Continued)

On May 28, 2008, the City Council authorized an agreement with TxDOT for local project funding for construction of the Beckley Avenue improvements, from Gulden Lane to approximately the Union Pacific Railroad (UPRR), associated with the Woodall Rodgers Extension (Spur 366) project in an amount not to exceed $3,548,304. TxDOT received bids for construction of this project on June 11, 2008, with the lowest responsive bid received being $3,682,328, or $134,024 above the amount previously authorized in the Interlocal Agreement. Under the agreement, TxDOT is responsible for construction of the project, and the City of Dallas is responsible for any increased project costs.

This action would authorize Supplemental Agreement No. 1 to the local project funding agreement between the City of Dallas and TxDOT to provide additional funding in the amount of $134,024 for construction of the Beckley Avenue section of the Woodall Rodgers Extension (Spur 366) project.

ESTIMATED SCHEDULE OF PROJECT

Began Construction August 2008
Complete Construction April 2011

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized the Trinity Parkway Corridor Major Transportation Investment Study conducted by TxDOT on September 10, 1997, by Resolution No. 97-2918.

Authorized an Interlocal Agreement with TxDOT for the extension of Woodall Rodgers (Spur 366) Freeway from Industrial Boulevard across the Trinity River to the intersection of Singleton Boulevard and Beckley Avenue on June 23, 1999, by Resolution No. 99-2037.

Authorized the concept of signature bridges and design enhancements over the Trinity River as opposed to standard Texas Department of Transportation bridges on June 23, 1999, by Resolution No. 99-2138.

Authorized a professional services contract with Santiago Calatrava for the design of the Woodall Rodgers Signature Bridge across the Trinity River on January 16, 2002, by Resolution No. 02-0167.

Authorized an Interlocal Agreement with TxDOT for right-of-way acquisition and utility relocation for the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard on March 24, 2004, by Resolution No. 04-0975.
PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS) (Continued)

Authorized an Interlocal Agreement with TxDOT for local project funding and maintenance of the Margaret Hunt Hill Bridge (formerly referred to as the Woodall Rodgers Signature Bridge) on October 26, 2005, by Resolution No. 05-3076.

Authorized a contract for channel relocation, drainage swale, bank restoration and stabilization improvements on November 9, 2005, by Resolution No. 05-3299.

Authorized a Memorandum of Agreement with the North Central Texas Council of Governments for the Woodall Rodgers Extension (Spur 366) on December 14, 2005, by Resolution No. 05-3492.

Authorized an additional payment to TxDOT for the City's share of the cost for construction of the Margaret Hunt Hill Bridge on February 22, 2006, by Resolution No. 06-0616.

Authorized an Interlocal Agreement with TxDOT for local project funding for construction of the Beckley Avenue improvements, from Gulden Lane to approximately UPRR associated with the Woodall Rodgers Extension (Spur 366) project on May 28, 2008, by Resolution No. 08-1546.

FISCAL INFORMATION

$134,024 -1998 Bond Funds

MAP

Attached.
WHEREAS, on September 10, 1997, Resolution No. 97-2918 authorized the Trinity Parkway Corridor Major Transportation Investment Study conducted by the Texas Department of Transportation (TxDOT); and,

WHEREAS, on May 2, 1998, the citizens of Dallas authorized the issuance of general obligation bonds for the extension of Woodall Rodgers Freeway, Beckley Avenue Improvements, and other transportation improvements within the Trinity River Corridor; and,

WHEREAS, on June 23, 1999, Resolution No. 99-2037 authorized the City of Dallas to enter into an Interlocal Agreement with TxDOT for the extension of Woodall Rodgers (Spur 366) Freeway from Industrial Boulevard across the Trinity River to the intersection of Singleton Boulevard and Beckley Avenue; and,

WHEREAS, on June 23, 1999, Resolution No. 99-2138 supported the concept of one or more signature bridges and design enhancements for all new and replacement bridges across the Trinity River; and,

WHEREAS, on January 16, 2002, Resolution No. 02-0167 authorized a professional services contract with Santiago Calatrava for the design of the Woodall Rodgers Signature Bridge across the Trinity River; and,

WHEREAS, on March 24, 2004, Resolution No. 04-0975 authorized an Interlocal Agreement with TxDOT for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard; and,

WHEREAS, on October 26, 2005, Resolution No. 05-3076 authorized an Interlocal Agreement with TxDOT for local project funding and maintenance of the Margaret Hunt Hill Bridge (formerly referred to as the Woodall Rodgers Signature Bridge); and,

WHEREAS, on November 9, 2005, Resolution No. 05-3299 authorized a contract for channel relocation, drainage swale, bank restoration and stabilization improvements; and,

WHEREAS, on December 14, 2005, Resolution No. 05-3492 authorized a Memorandum of Agreement with the North Central Texas Council of Governments for the Woodall Rodgers Extension (Spur 366); and,

WHEREAS, on February 22, 2006, Resolution No. 06-0616 authorized an additional payment to TxDOT for the City’s share of the cost for construction of the Margaret Hunt Hill Bridge; and,
WHEREAS, TxDOT has notified the City of Dallas of their intent to proceed with construction of the Beckley Avenue improvements associated with the Woodall Rodgers Extension (Spur 366) project; and,

WHEREAS, on May 28, 2008, Resolution No. 08-1546 authorized an Interlocal Agreement with TxDOT for local project funding for construction of the Beckley Avenue improvements, from Gulden Lane to approximately UPRR associated with the Woodall Rodgers Extension (Spur 366) project in an amount not to exceed $3,548,304; and,

WHEREAS, the lowest bid received by TxDOT for construction of the project was $3,682,328, and Supplemental Agreement No. 1 to the Interlocal Agreement is necessary at this time to provide the additional funding in the amount of $134,024 for the Beckley Avenue improvements, from Gulden Lane to approximately the Union Pacific Railroad (UPRR), associated with the Woodall Rodgers Extension 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 enter into Supplemental Agreement No. 1 to the Interlocal Agreement with the Texas Department of Transportation (TxDOT) to provide additional local project funding for construction of the Beckley Avenue improvements, from Gulden Lane to approximately the Union Pacific Railroad (UPRR), associated with the Woodall Rodgers Extension project in an amount not to exceed $134,024.

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 Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from:

- Trinity River Corridor Project Fund
  - Fund 5P14, Dept. PBW, Unit N972, Activity TRPP
  - Object 4510, Program No. PB98N972, Encumbrance No. CT-PBW08N972H02
  - Vendor #239588, in an amount not to exceed $134,024

SECTION 4. That the City Controller is hereby authorized to deposit all overpayments from TxDOT pertaining to this project into Fund 5P14, Dept. PBW, Unit N972, Object 4599.
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: Trinity River Corridor Project, Rebecca Dugger, 6BS
Trinity River Corridor Project, Natalie Wilson, 6BS
City Attorney
Office of Financial Services
SUBJECT

Authorize a contract for the installation of water and wastewater mains at 15 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of six - $5,248,305 - Financing: Water Utilities Capital Construction Funds ($3,630,613), Water Utilities Capital Improvement Funds ($1,612,034), and 2003 Bond Funds ($5,658)

BACKGROUND

This project consists of the installation of approximately 27,430 feet of water and wastewater mains. This includes the installation of approximately 460 feet of 4-inch, 510 feet of 6-inch, 17,540 feet of 8-inch, 400 feet of 12-inch, and 80 feet of 16-inch water mains, and the installation of approximately 10 feet of 6-inch, 6,520 feet of 8-inch, and 1,910 feet of 10-inch wastewater mains.

Approximately 1,010 feet of 8-inch and 10-inch wastewater mains will be rehabilitated utilizing technologies that are more cost effective than the typical open-cut construction method, which will require less excavation, therefore minimizing disturbance to existing pavement as well as inconvenience to the public.

The existing water and wastewater mains were built between 1928 and 1976. These mains contribute to water quality issues associated with older cast iron pipes, in addition to excessive maintenance and service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and will reduce maintenance costs.
BACKGROUND (Continued)

SYB Construction Co., Inc. contractual activities for the past three years:

<table>
<thead>
<tr>
<th></th>
<th>PWT</th>
<th>DWU</th>
<th>PKR</th>
</tr>
</thead>
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<tr>
<td>Projects Authorized</td>
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<td>Change Orders</td>
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<td>Projects Requiring Liquidated Damages</td>
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<tr>
<td>Projects Completed by Bonding Company</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2008
Complete Construction October 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with APM and Associates, Inc. for engineering design services to replace water mains and rehabilitate or replace wastewater mains in various locations, on August 27, 2003, by Resolution No. 03-2281.

FISCAL INFORMATION

$3,630,612.87 - Water Utilities Capital Construction Funds
$1,612,034.22 - Water Utilities Capital Improvement Funds
$  5,657.41 - 2003 Bond Funds

<table>
<thead>
<tr>
<th>Council District</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>$5,056,970.03</td>
</tr>
<tr>
<td>3</td>
<td>$191,334.47</td>
</tr>
<tr>
<td>Total</td>
<td>$5,248,304.50</td>
</tr>
</tbody>
</table>

M/WBE INFORMATION

See attached.
ETHNIC COMPOSITION

SYB Construction Co., Inc.

Hispanic Female  1  Hispanic Male  90  
Black Female  0  Black Male  0  
Other Female  0  Other Male  0  
White Female  5  White Male  18

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>*SYB Construction Co., Inc.</td>
<td>$5,248,304.50</td>
</tr>
<tr>
<td>421 Compton Avenue</td>
<td></td>
</tr>
<tr>
<td>Irving, Texas 75061</td>
<td></td>
</tr>
<tr>
<td>Barson Utilities, Inc.</td>
<td>$5,551,182.50</td>
</tr>
<tr>
<td>John Burns Construction Company of Texas, Inc.</td>
<td>$5,705,284.00</td>
</tr>
<tr>
<td>Omega Contracting, Inc.</td>
<td>$6,579,056.10</td>
</tr>
<tr>
<td>Camino Construction, L.P.</td>
<td>$6,700,588.90</td>
</tr>
<tr>
<td>Atkins Bros. Equipment Co., Inc.</td>
<td>Non-responsive**</td>
</tr>
</tbody>
</table>

**Atkins Bros. Equipment Co., Inc. was deemed non-responsive due to not incorporating and acknowledging addenda number 1 and 2.

OWNER

SYB Construction Co., Inc.

Shirley Y. Bennett, President

MAPS

Attached
Installation of Water and Wastewater Mains at 15 Locations

**District 1**

Alley between 9th Street and Melba Street from Tyler Street to Van Buren Avenue  
Alley between 10th Street and Wentworth Street from Marlborough Avenue east  
Alley between 12th Street and Gladstone Drive from Superior Street to Franklin Street  
Catherine Street from Ravinia Drive to Hampton Road  
Chalmers Street from 12th Street south  
Chalmers Street from Burlington Boulevard to Catherine Street  
Clarendon Drive from Hampton Road east  
Hampton Road from Catherine Street to Brooklyn Avenue  
Hollywood Avenue from Brandon Street to Emmett Street  
Page Avenue from Polk Street to Adams Avenue  
Page Avenue from Rosemont Avenue to Windomere Avenue  
Polk Street from Lebanon Avenue to Clarendon Drive  
Alley between Marlborough Avenue and Brighton Avenue from Wentworth Street north*  
Clarendon Drive from Winnetka Avenue to Tyler Street*

**District 3**

Kyle Avenue from Mary Cliff Road to Montclair Avenue

*Trenchless Installation
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the installation of water and wastewater mains at 15 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of six - $5,248,305 - Financing: Water Utilities Capital Construction Funds ($3,630,613), Water Utilities Capital Improvement Funds ($1,612,034), and 2003 Bond Funds ($5,658)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$4,709,512.50</td>
<td>89.73%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$538,792.00</td>
<td>10.27%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$5,248,304.50</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>North Texas Trucking, Inc.</td>
<td>HMDB36116Y1208</td>
<td>$75,000.00</td>
<td>1.59%</td>
</tr>
<tr>
<td>SYB Construction Co., Inc.</td>
<td>WFDB35128Y1008</td>
<td>$2,858,594.50</td>
<td>60.70%</td>
</tr>
<tr>
<td>Andrews Paving &amp; Construction</td>
<td>WFDB36361Y0109</td>
<td>$758,422.00</td>
<td>16.10%</td>
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<tr>
<td>Magnum Manhole &amp; Underground Co.</td>
<td>WFDB31900Y0908</td>
<td>$51,200.00</td>
<td>1.09%</td>
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<tr>
<td>Partnering for Success, Inc.</td>
<td>WFWB35127Y1008</td>
<td>$4,500.00</td>
<td>0.10%</td>
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<tr>
<td><strong>Total Minority - Local</strong></td>
<td></td>
<td>$3,747,716.50</td>
<td>79.58%</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>Ricochet Fuel Distributors, Inc.</td>
<td>WFDB35123Y1008</td>
<td>$55,000.00</td>
<td>10.21%</td>
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<td>MJ Pipeline Inspection, Inc.</td>
<td>WFWB37767Y0609</td>
<td>$6,752.00</td>
<td>1.25%</td>
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<tr>
<td><strong>Total Minority - Non-local</strong></td>
<td></td>
<td>$61,752.00</td>
<td>11.46%</td>
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</table>
## TOTAL M/WBE CONTRACT PARTICIPATION

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<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>
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<tr>
<td>Hispanic American</td>
<td>$75,000.00</td>
<td>1.59%</td>
<td>$75,000.00</td>
<td>1.43%</td>
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<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
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<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
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<tr>
<td>WBE</td>
<td>$3,672,716.50</td>
<td>77.99%</td>
<td>$3,734,468.50</td>
<td>71.16%</td>
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<tr>
<td>Total</td>
<td>$3,747,716.50</td>
<td>79.58%</td>
<td>$3,809,468.50</td>
<td>72.58%</td>
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</tbody>
</table>
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation at 15 Locations
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation at 15 Locations

D1750 PG 3
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations

D1750 2
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
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Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations

D1750 7
Council District 1

8", 12" W (In Street)

Brooklyn Ave

Catherine St

Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation at 15 Locations

D1750 9
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations

D1750 11
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation at 15 Locations
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation
at 15 Locations
Dallas Water Utilities

Contract Nos. 08-243 and 08-244
Water and Wastewater Main Installation at 15 Locations

D1750 15
WHEREAS, bids were received on July 17, 2008 for the installation of water and wastewater mains at 15 locations, Contract Nos. 08-243 and 08-244, listed as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SYB Construction Co., Inc.</td>
<td>$5,248,304.50</td>
</tr>
<tr>
<td>Barson Utilities, Inc.</td>
<td>$5,551,182.50</td>
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</tr>
<tr>
<td>Atkins Bros. Equipment Co., Inc.</td>
<td>Non-responsive</td>
</tr>
</tbody>
</table>

and,

WHEREAS, the bid submitted by SYB Construction Co., Inc., 421 Compton Avenue, Irving, Texas 75061, in the amount of $5,248,304.50 is the lowest and best of all bids received; Now, Therefore,

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

Section 1. That the bid submitted by SYB Construction Co., Inc. in the amount of $5,248,304.50, for doing the work covered by the plans, specifications, and contract documents, Contract Nos. 08-243 and 08-244, be accepted.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with SYB Construction Co., Inc., for the installation of water and wastewater mains at 15 locations, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of $5,248,304.50 from the Water Construction Fund, Wastewater Capital Improvement Fund, and Street and Transportation Improvements Fund as follows:

<table>
<thead>
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<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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<tr>
<td>0102</td>
<td>DWU</td>
<td>CW40</td>
<td>RELP</td>
<td>4550</td>
<td>708243</td>
<td>WX22</td>
<td>CTDWU708243EN</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SYB Construction Co., Inc. - (Contract No. 08-243) - $3,630,612.87</td>
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</table>

<table>
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<th>OBJ</th>
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<th>ENCUMBRANCE</th>
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<td>TN85</td>
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<td></td>
<td></td>
<td></td>
<td>SYB Construction Co., Inc. - (Contract No. 08-244) - $1,612,034.22</td>
</tr>
</tbody>
</table>
SYB Construction Co., Inc. - $5,657.41

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield
Office of Financial Services, 4BN, Sherrian Parham
Public Works and Transportation, OCMC, Room 101, Jean Mitchell
Authorize a revision to the City of Dallas Financial Management Performance Criteria to increase the limit of tax-exempt commercial paper from 10% to 20% of the 10-year capital improvement program in effect at the time of the commercial paper authorization.

- Financing: No cost consideration to the City

**BACKGROUND**

The City Council adopted the Financial Management Performance Criteria (FMPC) on March 15, 1978 to provide standards and guidelines for the City's financial and managerial decision making and to provide for a periodic review of the criteria to maintain standards and guidelines consistent with current economic conditions. Specific FMPC for the Water Utilities Department were adopted by the City Council on July 8, 1981. The status of each criterion is updated annually and presented with the annual budget.

On September 28, 2005, the City Council approved an update to the FMPC for the Water Utilities, allowing for 30-year debt financing for all types of projects, not to exceed the useful life of the asset, following briefings to the Finance and Audit Committee on November 4, 2004, with follow-up information provided to the Committee in a December 10, 2004 memo.

On June 23, 2008, the Finance, Audit and Accountability Committee was briefed on planned Dallas Water Utilities commercial paper sale timing changes.

On August 12, 2008, the Finance, Audit and Accountability Committee was briefed on a proposed increase of the commercial paper program from $300M to $600M and a recommended update to the FMPC, to increase the limit of tax-exempt commercial paper from 10% to 20% of the 10-year capital improvement program in effect at the time of the commercial paper authorization (see Attachment A).
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Finance, Audit and Accountability Committee on June 23, 2008.

Briefed to the Finance, Audit and Accountability Committee on August 12, 2008.

FISCAL INFORMATION

No cost consideration to the City.
Attachments A

FINANCIAL MANAGEMENT PERFORMANCE CRITERIA

1. Current revenues will be sufficient to support current expenses including debt service and other obligations of the system.

2. Long-term debt will be used only for capital expansion, replacement and improvement of plant, not for current expenses.

3. Short-term debt, including tax-exempt commercial paper will be used as authorized for interim financing of projects, which result in capital improvements. The authorization of tax-exempt commercial paper will be limited to 20 percent of the 10-year capital improvement program in effect at the time of the commercial paper authorization. No commercial paper program will be authorized for more than ten years. Outstanding tax-exempt commercial paper will never exceed the amount authorized by Council.

4. Contingency reserves will be appropriated at a level sufficient to provide for unanticipated, nonrecurring expenditures.

5. Debt financing for capital projects will not exceed the useful life of the asset, and in no case shall the term exceed 30 years.

6. An unreserved cash balance will be maintained such that it provides a minimum quick ratio of 1.50 and at least 30 days of budgeted expenditures for operations and maintenance in net working capital.

7. Net revenues available for debt service should be at least 1.5 times the maximum annual principal and interest requirements of relevant outstanding revenue bonds at the end of the fiscal year, and at least 1.3 times maximum year requirements at all times, measured during a fiscal year using the previous year net revenues available for debt service.

8. Current revenues, which are more than operating expenses and debt service, will be used for capital expenditures and other water and wastewater purposes.

9. Funds available from current rates in each fiscal year for system rehabilitation, replacement, and expansion will be appropriated equal to or more than financial statement depreciation expense reasonably estimated in the same year.

10. Capital financing will be provided through a combination of revenue bonds, current revenues, contributed capital, and short-term debt. An equity to debt ratio of at least 20 percent should be maintained on all capital projects.
11. Retail cost of service studies will be performed at least every two years and reviewed annually. Rate adjustments will be recommended when required, but normally, no more frequently than annually.

12. Wholesale treated water rates for customer cities and other governmental entities will be determined on the basis of the inter-city agreement of 1979. Wholesale wastewater and untreated water rates will be determined on the basis of contractual agreements with wholesale customers. Rates shall be adjusted annually, if cost of service studies indicates a need therefore.

13. Funds generated by Dallas Water Utilities will be used solely for the development, operation, and maintenance of the water and wastewater utility system.
WHEREAS, a fiscally sound City government is in the best interest of the citizens, present and future, of Dallas; and,

WHEREAS, Financial Management Performance Criteria for the Dallas Water Utilities were adopted by the Dallas City Council in 1981 to provide standards and guidelines for the City's financial and managerial decision making; and,

WHEREAS, Financial Management Performance Criteria for the Dallas Water Utilities were revised by the Dallas City Council in 2005 allowing for 30-year debt financing for all types of projects, not to exceed the useful life of the asset; and,

WHEREAS, a periodic review of the criteria is deemed necessary in order to maintain standards and guidelines consistent with current economic conditions; and,

WHEREAS, proposed changes to the Financial Management Performance Criteria for the Dallas Water Utilities have been developed in order to revise an existing criterion regarding debt management; Now, Therefore,

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

Section 1. That the proposed revision, as included in the attached revised Financial Management Performance Criteria for the Dallas Water Utilities, is adopted for incorporation into the City of Dallas' Financial Management Performance Criteria.

Section 2. That all future financial commitments be developed in conformance with the attached revision to the Financial Management Performance Criteria for the Dallas Water Utilities.


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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield
AGENDA ITEM # 52

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 24, 2008
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 34 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for mixed-use development on property zoned an IR Industrial Research District on the northeast side of Redfield Street, and the northwest side of Butler Street excluding parcels at the corner of Butler Street and Redfield Street with consideration being given to an MU-2 Mixed Use District
Recommendation of Staff: Approval of an MU-2 Mixed Use District in lieu of a Planned Development District
Recommendation of CPC: Approval, subject to a development plan and conditions Z078-242(OTH)
FILE NUMBER: Z078-242 (OTH) DATE FILED: June 6, 2008

LOCATION: On the northeast side of Redfield Street, and the northwest side of Butler Street. The parcels at the corner of Butler Street and Redfield Street are not included in the request.

COUNCIL DISTRICT: 2 MAPSCO: 34 - T

SIZE OF REQUEST: Approx. 7.84 acres CENSUS TRACT: 4.01

OWNER: Redfield Butler, L. P.

REPRESENTATIVE/APPLICANT: Michael R. Coker Company, Audra Beckley

REQUEST: An application for a Planned Development District for mixed-use development with consideration to an MU-2 Mixed Use District on property zoned an IR Industrial Research District on the northeast side of Redfield Street, and the northwest side of Butler Street. The parcel on the corner of Butler and Redfield is not included in the request.

SUMMARY: The applicant is proposing to develop the property with a mixed-use development with emphasis in multifamily uses.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions.

STAFF RECOMMENDATION: Approval, of an MU-2 Mixed Use District in lieu of a Planned Development District.
BACKGROUND INFORMATION:

- The property is presently zoned an IR Industrial Research District and is developed with vacant buildings. The property has a total area of 7.84 acres and approximately 272 feet on Redfield Street and approximately 399 feet on Butler Street.

- The applicant is proposing to develop the site with a mixed use development for with emphasis on high density residential development. The applicant is proposing to build 468 units with approximately 5,000 square feet of office and retail uses.

- The surrounding uses are retail, office and warehouse to the east; retail and vacant to the south; office and a mini warehouse to the west; and an undeveloped site to the north.

Zoning History: There have not been recent zoning cases in the area.

Thoroughfares/Streets:

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<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
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<td>Butler Street</td>
<td>Local</td>
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<td>Redfield Street</td>
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<td>50 ft. ROW</td>
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Land Use:

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<th>Site</th>
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<tr>
<td>East</td>
<td>IR</td>
<td>Retail and Office/showroom/warehouse</td>
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<tr>
<td>South</td>
<td>IR</td>
<td>Retail and vacant</td>
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<td>West</td>
<td>IR &amp; SUP No.524</td>
<td>Office and mini warehouse</td>
</tr>
<tr>
<td>North</td>
<td>PD No. 337</td>
<td>Undeveloped</td>
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</table>
Comprehensive Plan:

The request site is in close proximity to the Southwestern Medical Center and the Saint Paul Medical Center. Due to the proximity to these medical centers, the proposed project will provide housing options for these centers’ employees. The applicant is proposing a mixed use development with emphasis in multifamily development.

Staff is recommending an MU-2 Mixed Use District in lieu of a Planned Development District primarily based on the location of the site. A Planned Development District does not appear to be appropriate or necessary in this location. The multifamily use is allowed in an MU-2 District and promotes a mix of uses in future development at a location that is designated as a transit center and a multimodal corridor in the Vision Map of Forward Dallas! Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit.

Land Use Element

Goal 1.3 Provide equitable opportunities for Dallas residents.

Policy 1.3.1 Create housing opportunities throughout Dallas.

STAFF ANALYSIS:

Land Use Compatibility:

The applicant is proposing to develop the site with a mixed use with emphasis on high density residential. The applicant requested a Planned Development District for the following reasons:

1) The original application requested to not apply residential proximity slope. This means, the applicant would have to provide 20 feet side and rear side yard setbacks where adjacent to or directly across an alley from any residential district. In the original application, the applicant proposed to restrict the height to 55’6” on the development plan, with a maximum of 4 stories for habitable structures and 5 stories for garages but is exempt from RPS. Given the surrounding zoning, RPS should not be a factor under either proposal.

2) To allow for higher density. Applicant proposes a density of 60 units to the acre. The MU-2 district permits a base density of 50 units to the acre and a density of 75 units to the acre with a mixed use project that includes 5 percent of the floor area for retail and personal service uses.
The Dallas Development Code defines the purpose of a PDD as one that provides flexibility in the planning/construction of a development consisting of a combination of land uses that are sensitive to contiguous land use and environmental features.

The MU-2 District staff is recommending allows 135 ft in height and 10 stories and is subject to residential proximity slope (RPS). In the original application, the applicant proposed to restrict the height to 55'6" on the development plan, with a maximum of 4 stories for habitable structures and 5 stories for garages but is exempt from RPS. Given the surrounding zoning, RPS should not be a factor under either proposal. The applicant appeared concerned with the tower spacing requirement and urban form requirement of the MU-2 district. The tower spacing requirement would require an additional 1 ft setback for every 2 feet in height above 45 feet in height up to a total setback of 30 ft from any side or rear yard. This would mean a 56 ft tall portion of any building would need to be setback an additional 5'6" from the required setback. This would be a total 5'6" setback on any internal property lines since there is no residential adjacency on this site and the required setback is 0. The urban form requirement requires an additional 20 ft setback for any portion of a structure over 45 ft. This would require an additional 20 ft setback over the 15 ft front yard setback for a total setback of 35 ft for that portion of a building over 45 ft in height. There are portions of the applicant’s development plan which may conflict with this requirement if those sections of the building are greater than 45 ft in height.

Staff is recommending an MU-2 Mixed Use District in lieu of a Planned Development District primarily based on the location of the site. The applicant’s request could be accommodated through an MU-2 Mixed Use District except for the density being requested. As noted above, PD’s provide for the flexibility in the planning/construction of a development consisting of a combination of land uses that are sensitive to contiguous land use and environmental features. The applicant’s proposal is primarily a request for mixed uses. There have been several zoning requests in the area for MU-2 Districts which have been approved. The request site is not substantially different in character from those areas which have been rezoned to MU-2.
Development Standards:

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<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density FAR</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
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<tr>
<td>MU-2</td>
<td>15'</td>
<td>20' adjacent to residential</td>
<td>1.6 FAR base 2.0 FAR maximum + bonus for residential</td>
<td>135' 10 stories 180' 14 stories with retail</td>
<td>80%</td>
<td>Office, retail &amp; personal service, lodging, residential</td>
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<tr>
<td>PDD</td>
<td>20'</td>
<td>No Minimum</td>
<td>Maximum 2.0</td>
<td>Per Development Plan</td>
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<tr>
<td>IR</td>
<td>15'</td>
<td>30' adjacent to residential</td>
<td>2.0 FAR overall 0.75 office/retail 0.5 retail</td>
<td>200' 15 stories</td>
<td>80%</td>
<td>Mixed use with emphasis on multifamily</td>
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<tr>
<td>Industrial research</td>
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</table>

Parking/Traffic:

The Traffic Impact Worksheet shows that for 470 units of residential use, the development will generate 3,097 vehicle trips per day. A Traffic Impact Study is only required for proposals that generate more than 1,000 trips per day unless a waiver is issued. A Traffic Impact Study Waiver dated June 2, 2008 was submitted indicating that the proposed use generates more than 1,000 trips per day, however, the street system will have sufficient capacity. The Traffic Impact Study Waiver also indicates that the existing IR Industrial Research District will generate 4,345 while the proposed development will generate 3,282 trips total trips. The total number of trips calculated in the Traffic Impact Worksheet include trips generated by 1,600 square feet of retail and restaurant use that the applicant is proposing to develop on the site.

Landscaping:

Landscaping of any new development will be in accordance with Article X requirements, as amended.

CPC Action:

The City Plan Commission recommended approval of the Planned Development District with a 10 feet side and rear yard setback.
CPC ACTION:

August 21, 2008

**Motion:** It was moved to recommend **approval** a Planned Development District, subject to a site plan and applicant’s conditions on property zoned an IR Industrial Research District on the northeast side of Redfield Street, and the northwest side of Butler Street with the following change: 1) Inserting a 10ft. side and rear yard setback.

Maker: Emmons  
Second: Rodgers  
Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Buehler, Ekblad, Emmons, Alcantar

Against: 0

Absent: 2 - Strater, Wolfish  
Vacancy: 1 - District 8

Notices: Area: 500  Mailed: 53  
Replies: For: 8  Against: 0

Speakers: None
Officers & Partners

Property Owner:

Redfield Butler, LLP

General Partner - GIC-Redfield GP - Gerald Stool
Limited partners:
  James F. Reilly
  Joel A. Maten
HHS Family Limited Partnership
  General Partner – Gerald Stool
  Limited Partners:
    Claudia Stool
    Hayley Stool
AF Butler, LTD
  General Partner – Tod Fobare
  Limited Partners:
    Moshe Azoulay

Applicant (Potential Buyer):

Mockingbird Building Group

Mitch Vexler        Sole Proprietor
CPC RECOMMENDED 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 northeast corner of Butler Street and Redfield Street. The size of PD ____ is approximately 7.84 acres.

SEC. 51P-_____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article:

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

SEC. 51P-_____.104. EXHIBITS.

The following exhibit is incorporated into this article: Exhibit ____A: development plan.

SEC. 51P-_____.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit __A). If there is a conflict between the development plan and the text of this article, the text of this article controls.

SEC. 51P-_____.106. MAIN USES PERMITTED.

(a) The following uses are the only main uses permitted:

-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- Multifamily.
-- Office.
-- Private recreation center, club, or area.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service.
-- Temporary construction or sales office.

SEC. 51P-____.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory use is permitted by SUP only:

-- Accessory helistop.

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) Front yard.

(1) Butler Street. Minimum front yard is 35 feet for a distance equal to at least 40 percent of the length of street frontage. Minimum front yard for the remaining front yard is 15 feet.

(2) Redfield Street. Minimum front yard is 35 feet for a distance equal to at least 40 percent of the length of street frontage. Minimum front yard for the remaining front yard is 25 feet.

(b) Side and rear yard. Minimum side and rear yard is 10 feet.

(c) Density. Maximum dwelling unit density is 60 units per acre.

(d) Floor area ratio. Except as provided in this subsection, maximum floor area ratio is 1.6. For aboveground parking structures maximum floor area ratio is 0.72.
(e) **Height.**

(1) Except as provided in this subsection, maximum structure height is 60 feet.

   (i) For aboveground parking structures, 48 feet.

(2) Except as provided in this subsection, any portion of a structure over 26 feet in height may not be located above the residential proximity slope. See Section 51A-4.412 for the site of origination.

(3) Chimneys and structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height or 12 feet above the residential proximity slope, whichever is less.

(f) **Lot coverage.** Maximum lot coverage is 70 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.** Maximum number of stories above grade is as follows:

   (1) For aboveground parking structures, five.

   (2) For all other structures, four.

SEC. 51P-_____.109. **OFF-STREET PARKING AND LOADING.**

(a) Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use.

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. **SCREENING AND FENCING.**
(a) Roof-mounted mechanical equipment must be screened or set back so that it is not visible from a point five-feet, six-inches above grade at the property line. Screening materials must match the facade materials of the building.

(b) Fences must be set back a minimum of two feet from a sidewalk that is within a public right-of-way. Fencing must be in accordance with the development plan.

SEC. 51P-_____.113. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) Detached signs:

(1) must be monument signs;

(2) may not exceed six feet in height and 30 square feet in effective area;

(3) may be back-lit; and

(4) must not have a changeable message, have any components that flash, or use LED or video-streaming technology.

(c) The board of adjustment may not grant a special exception to allow additional detached premise signs.

SEC. 51P-_____.114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Vehicular access security gates must be located at least 40 feet from a public right-of-way.

SEC. 51P-_____.115. COMPLIANCE WITH CONDITIONS.
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. 51P-_____.116. ZONING MAP.

PD _____ is located on Zoning Map No. _____.


ZONING AND LAND USE

1:3,600

DATE: 06/30/2008

GIS TECHNICIAN: KRua

Map no: I-6
Case no: Z078-242 OTH
### Notification List of Property Owners

**Z078-242**

53 Property Owners Notified

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<td>5415 MAPLE</td>
<td>ANDREWS DILLINGHAM PPTIES LTD PS</td>
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*Monday, June 30, 2008*
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<td>43</td>
<td>2202 INWOOD</td>
<td>BRYAN BURT CHAPMAN &amp;</td>
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<tr>
<td>44</td>
<td>5601 REDFIELD</td>
<td>SALVATION ARMY THE DALLAS ARC</td>
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<td>45</td>
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<td>ILLES CO THE % PRESIDENT</td>
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<td>46</td>
<td>5529 REDFIELD</td>
<td>PIONEER SALES CORP</td>
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<td>47</td>
<td>2214 INWOOD</td>
<td>MESHU MANGEMENT CORP INC</td>
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<td>48</td>
<td>5602 REDFIELD</td>
<td>NATIONAL SELF STORAGE INC STE 1010</td>
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<td>5554 HARRY HINES</td>
<td>SALVATION ARMY THE</td>
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<td>50</td>
<td>5555 MAPLE</td>
<td>DALLAS ISD</td>
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<td>51</td>
<td>2330 BUTLER</td>
<td>FUTERFAS FAMILY LP % FRANK LAWRENCE FUTERFAS</td>
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<td>52</td>
<td>4901 MAPLE</td>
<td>ELLIOTS HARDWARE INC</td>
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<tr>
<td>53</td>
<td>5320 HARRY HINES</td>
<td>SALVATION ARMY THE</td>
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*Monday, June 30, 2008*
# Early Notification List

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State, Zip</th>
</tr>
</thead>
<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></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.</td>
<td>Richardson, TX 75081</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>
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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.</td>
<td>Dallas, TX 75265</td>
</tr>
<tr>
<td>Steve Craft</td>
<td>P O Box 542225, Dallas, TX 75354</td>
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<tr>
<td>Steve Kim</td>
<td>4318 Sexton Ln., Dallas, TX 75229</td>
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<tr>
<td>Alpha Testing, Inc</td>
<td>Virginia Brown, 2209 Wisconsin St, Ste 100</td>
<td>Dallas, TX 75229</td>
</tr>
<tr>
<td>Am. Metro/Study Corp</td>
<td>Marque Nelson, 14881 Quorum Dr #400, Dallas, TX 75240</td>
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<td>Arboriological Services, Inc.</td>
<td>Bill Seaman, 16 Steel Rd.</td>
<td>Wylie, TX 75098</td>
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<tr>
<td>Bluffview Homeowner</td>
<td>Pat White, 4714 Wildwood, Dallas, TX 75209</td>
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<tr>
<td>Dallas ISD</td>
<td>Stan Armstrong, 3700 Ross Ave, Box 61, Dallas, TX 75204</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>
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</table>
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 Lovefield 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

Art Rogers
4523 Holland Ave
Dallas, TX 75219

Carl E. Smith
4517 Weldon St.
Dallas, TX 75204

Gabriel Camacho
11002 Creekmere
Dallas, TX 75218

Jesse Almaguek
7721 Mohawk Dr
Dallas, TX 75235

Laura French
3856 W Beverly
Dallas, TX 75209

Margaret L Ray
3211 Cherrywood
Dallas, TX 75235

Pattie Walker
PO Box 7488
Dallas, TX 75209
<table>
<thead>
<tr>
<th>Group</th>
<th>Address 1</th>
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<th>Address 3</th>
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<tr>
<td>Robert Dyer</td>
<td>1601 Elm St, Ste 3000</td>
<td></td>
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<tr>
<td>Dallas, TX 75201</td>
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<tr>
<td>Airway Heights</td>
<td>Rick Gonzales</td>
<td>4283 S Cresthaven</td>
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<td>Dallas, TX 75209</td>
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<tr>
<td>Bordeaux Village HOA</td>
<td>Kristen Toney</td>
<td>6373 Bordeaux</td>
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<td>Cochran Heights</td>
<td>Hector Garcia</td>
<td>3601 Turtle Creek Blvd #901</td>
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<td>Dallas, TX 75219</td>
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<td>Fitzhugh/Capital NA</td>
<td>Elizabeth Castro</td>
<td>2209 N Prairie Avenue</td>
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<td>Dallas, TX 75204</td>
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<tr>
<td>Greenway Parks HOA</td>
<td>Lanay Hartmann</td>
<td>P O Box 7482</td>
<td></td>
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<tr>
<td>Harwood International, Inc.</td>
<td>Jerry Jackson</td>
<td>2828 N Harwood, Suite 1600</td>
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<td>Dallas, TX 75201</td>
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<td>Lovefield West NA</td>
<td>Wilma Avalos</td>
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<td>Maple-Inwood Neighbors</td>
<td>Nancy Feaster</td>
<td>PO Box 181869</td>
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<td>N Park Lovefield Civic League</td>
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<td>Oak Lawn Committee</td>
<td></td>
<td>P O Box 190912</td>
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<td>Oak Lawn Heights NA</td>
<td>Robert Alexander</td>
<td>5323 Denton Drive</td>
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<td>Fv.Salvador Guzman</td>
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<td>Raleigns-Hall Group</td>
<td>Frank M Stick</td>
<td>4224 N Hall St</td>
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AGENDA ITEM # 53

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 24, 2008
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 34 N; 33 R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast corner of Harry Hines Boulevard and Hawes Avenue with consideration being given to an MU-2 Mixed Use District
Recommendation of Staff and CPC: Approval of an MU-2 Mixed Use District in lieu of an MU-3 Mixed Use District
Z078-227(WE)
FILE NUMBER: Z078-227(WE)  DATE FILED: May 7, 2008

LOCATION: Harry Hines Boulevard and Hawes Avenue, northeast corner

COUNCIL DISTRICT: 2  MAPSCO: 34-N, 33-R

SIZE OF REQUEST: Approx. 13.4 acres  CENSUS TRACT: 4.03

APPLICANT/OWNER: 6814 HH Partners, L.P. a Texas Limited Partnership

REPRESENTATIVE: David Greer

REQUEST: An application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District with consideration being given to an MU-2 Mixed Use District.

SUMMARY: The purpose of the request is to allow for the construction of a mixed use development that will consist of a combination of retail and multifamily structures. The applicant proposes to construct approximately 511 multifamily units on 9.7 acres of land in the southeast portion of the site.

CPC RECOMMENDATION: Approval of an MU-2 Mixed Use District in lieu of an MU-3 Mixed Use District

STAFF RECOMMENDATION: Approval of an MU-2 Mixed Use District in lieu of an MU-3 Mixed Use District
BACKGROUND INFORMATION:

- The applicant’s request for an MU-3 Mixed Use will allow for the construction of a mixed use development that will consist of approximately 511 multifamily units and 28,000 square feet of retail space. The proposed development will have, upon completion, a total of 589,000 square feet of floor area of retail and residential uses.

- The proposed development will be constructed in two phases. Phase I is proposed to be developed with approximately 198 multifamily units that will be completed in 2010, with Phase II being developed with the remaining 313 multifamily units. The retail component will be constructed in Phase II. The projected build out of the entire development is anticipated for 2015.

- There are a variety of uses surrounding the request site which consist of a storage area for tractor trailers, motels, offices, commercial, restaurant and auto related uses. West of the site, across Harry Hines Boulevard, is a senior center nursing home for long term care that is under construction, an affordable senior living facility, restaurant and a warehouse distribution center.

- In June 2007, the City Council approved Planned Development District No. 759 for Regional Retail District uses to the east of the site, across Forest Park Lane.

Zoning History: There have been two recent zoning change requests in the area.

1. **Z034-169** On Wednesday, April 14, 2004, the City Council approved an MU-3 Mixed Use District on property an IR Industrial Research District located on the west corner of the intersection of Mockingbird Lane and Harry Hines Blvd.

2. **Z067-188** On Wednesday, June 27, 2007, the City Council approved a Planned Development District for RR Regional Retail District uses, on property zoned an IM Industrial Manufacturing District and IR Industrial Research District in a general area bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
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<tr>
<td>Harry Hines Blvd.</td>
<td>Collector</td>
<td>190 ft.</td>
<td>190 ft.</td>
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<tr>
<td>Hawes Avenue</td>
<td>Local</td>
<td>50 ft.</td>
<td>50 ft.</td>
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<tr>
<td>Forest Park Lane</td>
<td>Principal Arterial</td>
<td>40 ft.</td>
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<tr>
<td>Empire Central</td>
<td>Local</td>
<td>50 ft.</td>
<td>50 ft.</td>
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<tr>
<td>Langston Court</td>
<td>Local</td>
<td>40 ft.</td>
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**Land Use:**

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<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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<tr>
<td>North</td>
<td>IR</td>
<td>Motel, office, bar, auto related uses, commercial, retail</td>
</tr>
<tr>
<td>South</td>
<td>IR</td>
<td>Motel, Commercial, Nursery</td>
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<tr>
<td>East</td>
<td>PDD No. 759, IR</td>
<td>Storage for tractor trailers, undeveloped, office</td>
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<tr>
<td>West</td>
<td>MU-3 w/DR on a portion, IR</td>
<td>Senior center/nursing Home under construction, restaurant, warehouse distribution</td>
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</tbody>
</table>

**COMPREHENSIVE PLAN:** The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, and recommends the following goals and policies as it relates to future development in the Dallas area.

The applicant’s request to develop the 13.4 acre site with a mixed use development is supported by several goals and policies in the *fowardDallas! Comprehensive Plan*. The proposed mixed use development will provide for an additional housing opportunities and retail within the Dallas area.

**Land Use**

**Goal 1.3** Provide equitable opportunities for Dallas residents

   Policy 1.3.1 Create housing opportunities throughout Dallas

**Economic**

**Goal 2.1** Promote balanced growth

   Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions

**Urban Design**

**Goal 5.2** Strengthen community and neighborhood identity

   Policy 5.2.4 Enhance retail, industrial and business operations.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 13.4 acre site is developed with an 80-berth truck terminal and is adjacent to a variety of commercial, industrial and retail uses. The applicant’s request for an MU-3 Mixed Use District will allow the site to be redeveloped
to accommodate approximately 511 multifamily units and 28,000 square feet of retail space. In addition, the applicant proposes to develop the multifamily units in the southeast portion of the site, with the anticipated build out of the entire development in 2015.

The proposed mixed use development will be constructed in two Phases. Phase I will be developed with approximately 198 multifamily units and Phase II will consist of the remaining multifamily units and the 28,000 square feet of retail space. According to the applicant’s Traffic Impact Analysis report, the mixed use development will be developed with an overall FAR of 1.0.

Staff has reviewed the applicant’s request and can support an MU-2 Mixed Use District in lieu of an MU-3 Mixed Use District. The MU-3 District will permit an overall floor area ratio for a total development of 4.5, when a project is developed with a combination of residential, office and retail and personal service uses. In addition, the MU-3 District permits a maximum height not to exceed 270 feet and does not limit the density when 3 or more land uses categories are developed on site. Staff is concerned that the abovementioned development rights of the MU-3 District could have a negative impact on the adjacent uses.

The MU-2 Mixed Use District, on the other hand, is a more compatible district when compared to the specific development rights for the proposed mixed use development. The MU-2 District development rights and regulations permit a maximum density of 100 dwellings units per acre and height not to exceed 180 feet. Staff believes that the proposed development is compatible with the adjacent uses and is conducive with the development rights of the IR Industrial Research District as it relates to the overall FAR, density and height.

Even though the IR District prohibits residential uses, the IR District allows for a maximum FAR of 0.5 for retail and personal service uses, and a 0.75 for any combination of lodging, office, and retail and personal service uses. A maximum 2.0 FAR is permitted for all uses combined. As it relates to the maximum structure height, the district limits the height to 200 feet.

Staff recommends an MU-2 Mixed Use District in lieu of an MU-3 Mixed Use District because the MU-2 District provides a lesser density, height and FAR than the MU-3 District. Furthermore, the MU-2 District development rights and regulations are consistent with overall development patterns in the area and should not have an adverse impact on the surrounding uses.
### 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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<tbody>
<tr>
<td>IR - Existing Industrial research</td>
<td>15'</td>
<td>30' adjacent to residential</td>
<td>2.0 FAR overall</td>
<td>200</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
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<tr>
<td>MU-2 – Staff recommendation Mixed use-2</td>
<td>15'</td>
<td>20' adjacent to residential</td>
<td>1.6 FAR base</td>
<td>135</td>
<td>80%</td>
<td>Proximity Slope U-form setback Visual Intrusion</td>
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<tr>
<td>MU-3 – Applicant’s proposal Mixed use-3</td>
<td>15'</td>
<td>20' adjacent to residential</td>
<td>3.2 FAR base</td>
<td>270</td>
<td>80%</td>
<td>Proximity Slope U-form setback Tower spacing Visual Intrusion</td>
</tr>
</tbody>
</table>

#### Landscaping:
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 impact the surrounding street system for the proposed development if certain conditions are met. The applicant’s TIA report shows a private drive extension on Langston Court and it appears to be the main ingress/egress point to the site from Harry Hines Boulevard; however, there is neither a provision nor a recommendation in the TIA report detailing a left-turn lane for southbound Harry Hines Boulevard onto this drive.

If a southbound drive is offered, it may be subject to TxDOT approval. However, if a southbound drive is not offered, this movement (southbound left-turn) may be prohibited at a later date by the Department of Public Works and Transportation if it becomes hazardous to the general traffic.

#### CPC Action (June 19, 2008)

**Motion:** In considering an application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast corner of Harry Hines Boulevard and Hawes Avenue, it was moved to **hold** this case under advisement until July 10, 2008.

- **Maker:** Strater
- **Second:** Wolfish
- **Result:** Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
Against: 0
Absent: 1 - Weiss
Vacancy: 0

Notices: Area: 400 Mailed: 54
Replies: For: 8 Against: 0

Speakers: For: David Greer, 1601 E. Lamar Blvd., Arlington, TX, 76011
Against: None

CPC Action (July 10, 2008)

Motion: In considering an application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast corner of Harry Hines Boulevard and Hawes Avenue, it was moved to hold this case under advisement until August 14, 2008.

Maker: Strater
Second: Weiss
Result: Carried: 13 to 0

For: 13 - Strater, Gary, Davis, Rodgers, Lozano, Bagley*, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 1 - Prothro
Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 54
Replies: For: 8 Against: 0

Speakers: For: Joseph Cavagnaro, 2200 Ross Ave., Dallas, TX, 75201
Carol Twitmyer, 300 N. Field St., Dallas, TX, 75203
For(did not speak): Chris Jackson, 2200 Ross Ave., Dallas, TX, 75201
Against: Rick Gonzales, 4283 S. Cresthaven Ave., Dallas, TX, 75209
Wilma Avalos, 2318 Anson Rd., Dallas, TX, 75235
CPC Action (August 14, 2008)

Motion: It was moved to recommend approval of an MU-2 Mixed Use District on property zoned an IR Industrial Research District on the northeast corner of Harry Hines Boulevard and Hawes Avenue.

Maker: Strater
Second: Rodgers
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: 400 Mailed: 54
Replies: For: 8 Against: 0

Speakers: For: None
Against: None
(Did not speak): Se–Gwen Tyler, 1816 Prairie View Dr., Arlington, TX, 752356
Partners of 6814 HH Partners, L.P. a Texas Limited Partnership are:

LIST OF OFFICERS
Stream Acquisition XLIII, LLC

- Lee C. Belland President
- Michael J. McVean Vice President
- Chris Jackson Vice President
- Ray H. Mackery, Jr. Vice President

Limited Partners:

LIST OF OFFICERS
Stream Harry Hines Investors, L.P.

- Lee C. Belland President
- Michael J. McVean Vice President
- Chris Jackson Vice President
- Ray H. Mackery, Jr. Vice President

LIST OF OFFICERS
CCG Harry Hines, LLC

- Lee C. Belland President
- Michael J. McVean Vice President
- Chris Jackson Vice President
- Ray H. Mackery, Jr. Vice President
CPC RESPONSES

Z078-227 (H-6)

Property Owners Notified (54 parcels)
8 Replies in Favor (8 parcels)
0 Replies in Opposition (0 parcels)
400' Area of Notification

07/10/2008 Date
6/19/2008 Under Advisement

CPC 1:3,764
# Notification List of Property Owners

## Z078-227

### 54 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
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<tr>
<td>1</td>
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<td>HARRY HINES MANOR HOSPITALITY CORP</td>
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*Thursday, May 22, 2008*
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<td>HARRY HINES WILLINGHAM W W III</td>
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<td>HARRY HINES AAA COOPER TRANSPORTATION</td>
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<tr>
<td>54</td>
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<td>HARRY HINES CABALLERO REALTY COMPANY</td>
</tr>
</tbody>
</table>

Thursday, May 22, 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 Ballowe c/o Nextel
1680 N. Prosper Dr.
Ricardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

Leanne Witek
16660 N Dallas Pkwy #1200
Dallas, TX 75248

Marcus Wood
6060 N Central Expy Ste 333
Dallas, TX 75206

Pam Conley
901 N Madison Avenue
Dallas, TX 75208

Rob Baldwin
401 Exposition
Dallas, TX 75226

Robert P. Garza
412 E. Sixth St.
Dallas, TX 75203

Sheryl Jean, Newsroom-Business
508 Young St.
Dallas, TX 75265

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

Jackson Walker
Jonathan Vinson
901 Main St. #6000
Dallas, TX 75202
<table>
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<tr>
<th>Neoma Shafer</th>
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<th>Terri Woods</th>
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<td>2538 W Kiest Blvd</td>
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<tr>
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<tr>
<th>Michael R Coker Co</th>
<th>Dennis O'Malley</th>
<th>Joyce Lockley</th>
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<tr>
<td>2700 Swiss Ave. #100</td>
<td>777 Freeport Pkwy</td>
<td>4718 Wateka Dr.</td>
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<tr>
<td>Dallas, TX 75209</td>
<td>Coppell, TX 75019</td>
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<tr>
<th>Art Rogers</th>
<th>Gabriel Camacho</th>
<th>Jesse Almaguek</th>
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<tr>
<td>4523 Holland Ave</td>
<td>11002 Creekmere</td>
<td>7721 Mohawk Dr</td>
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<tr>
<td>Dallas, TX 75219</td>
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<table>
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<tr>
<th>Margaret L Ray</th>
<th>Pattie Walker</th>
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<tbody>
<tr>
<td>3211 Cherrywood</td>
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</tr>
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<tr>
<th>Robert Dyer</th>
<th>Rick Gonzales</th>
<th>Kristen Toney</th>
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<tr>
<td>1601 Elm St, Ste 3000</td>
<td>4283 S Creshaven</td>
<td>6373 Bordeaux</td>
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<tr>
<td>Dallas, TX 75201</td>
<td>Dallas, TX 75209</td>
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<td>Organization</td>
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<tr>
<td>Cedar Springs CC</td>
<td>Alice Dykeman</td>
<td>4926 Cedar Springs Rd</td>
</tr>
<tr>
<td>Cochran Heights</td>
<td>Hector Garcia</td>
<td>3601 Turtle Creek Blvd #901</td>
</tr>
<tr>
<td>Greenway Parks HOA</td>
<td>Lanay Hartmann</td>
<td>P O Box 7482</td>
</tr>
<tr>
<td>Harwood International, Inc.</td>
<td>Jerry Jackson</td>
<td>2828 N Harwood, Suite 1600</td>
</tr>
<tr>
<td>Kimball Square HOA</td>
<td>Joseph Johnson</td>
<td>3420 Shady Hollow Ln.</td>
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<tr>
<td>Lovefield West NA</td>
<td>Wilma Avalos</td>
<td>P O Box 35141</td>
</tr>
<tr>
<td>N Park Lovefield Civic League</td>
<td>Rick Gonzales</td>
<td>4283 S Cresthaven St.</td>
</tr>
<tr>
<td>Oak Lawn Committee</td>
<td></td>
<td>P O Box 190912</td>
</tr>
<tr>
<td>Oak Lawn Heights NA</td>
<td>Robert Alexander</td>
<td>5323 Denton Drive</td>
</tr>
<tr>
<td>OLPH Church</td>
<td>Fv. Salvador Guzman</td>
<td>7617 Cortland Ave.</td>
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<tr>
<td>Raleigns-Hall Group</td>
<td>Frank M Stick</td>
<td>4224 N Hall St</td>
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<tr>
<td>Robin Road Neigh</td>
<td>Alneda Frierson</td>
<td>7410 Robin Rd</td>
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<td>Robin Road Neigh</td>
<td>Betty R Jekins</td>
<td>7402 Robin Rd</td>
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<tr>
<td>Walnut Hill Business Owners</td>
<td>Jim Wiley/Glen Wiley</td>
<td>P O Box 541323</td>
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AGENDA ITEM # 54

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 46 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a financial institution with drive-in window on property zoned Subdistrict B-2 in Planned Development District 749, the Baylor University Medical Center Special Purpose District, and an LO-3 Limited Office District on the north corner of Crutcher Street and Hill Avenue

Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions Z078-251(MAW)
HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, SEPTEMBER 24, 2008

ACM: A.C. Gonzalez

FILE NUMBER: Z078-251 (MAW)    DATE FILED: June 13, 2008

LOCATION: North corner Crutcher Street and Hill Avenue

COUNCIL DISTRICT: 2

MAPSCO: 46E

SIZE OF REQUEST: ±2.46 acres

CENSUS TRACT: 22

REPRESENTATIVE: Duncan Fulton

APPLICANT: Duke Realty, Inc.

OWNER: Baylor Healthcare System

REQUEST: An application for a Specific Use Permit for a financial institution with drive-in window on property zoned Subdistrict B-2 in Planned Development District 749, the Baylor University Medical Center Special Purpose District, and an LO-3 Limited Office District.

SUMMARY: The purpose of this request is to allow for the relocation of the existing Baylor Employee Credit Union to the administration building currently under construction on the request site. While the financial institution use is allowed by right, an SUP is required for the drive-in window component.

CPC RECOMMENDATION: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods; subject to a revised site plan and conditions.

STAFF RECOMMENDATION: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods; subject to a site plan and conditions.
BACKGROUND INFORMATION:

- While currently undeveloped, a new Baylor Administration Office building is under construction on the ±2.46-acre request site.

- The purpose of this request is to allow for the relocation of the Baylor Employee Credit Union, currently at 3510 Crutcher Street.

- The existing credit union facility is ±4,141 square feet; the proposed facility is ±4,757 square feet within the future ±84,044-square foot administration building.

- The existing drive-through is comprised of two lanes, as is the proposed drive-through.

- The request site is surrounded by auto-related uses, office uses and surface parking to the northeast, office and townhomes to the southeast, medical offices, childcare and surface parking to the southwest and medical offices, structured parking and vacant multifamily to the northwest.

Zoning History:

<table>
<thead>
<tr>
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<th>Z078-269:</th>
<th>On July 30, 2008, an application was filed for a P(A) Parking District on property zoned an MF-2 Multifamily District. The application is pending a CPC hearing.</th>
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<tbody>
<tr>
<td>2.</td>
<td>Z045-120:</td>
<td>On June 28, 2006, the City Council approved (1) a Planned Development District for mixed uses; (2) the termination of Specific Use Permits Nos. 853, 673, and 1110; (3) the termination of Planned Development District No. 613 and portions of Planned Development District No. 298 and Planned Development District No. 298-D, the Bryan Area Special Purpose District; and (4) the termination of deed restrictions on property zoned Planned Development District No. 298, Planned Development District 298-D, an MU-3 Mixed Use District, an MU-3-D Mixed Use District with a Dry Liquor Control Overlay, an MU-2 Mixed Use District, an MU-2-D Mixed Use District with a Dry Liquor Control Overlay, a P(A) Parking District, a CS Commercial Service District, an MF-2(A) Multifamily District, an LO-3 Limited Office District, an LO-3-D Limited Office District with a Dry Liquor Control Overlay, an IM Industrial Manufacturing District and a GO(A) General Office District.</td>
</tr>
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</table>
On June 28, 2006, the City Council approved an MU-3 Mixed Use District with removal of the D Liquor Control Overlay on property zoned an LO-3-D Limited Office District with the D Liquor Control Overlay.

On January 26, 2005, the City Council approved an MU-2 Mixed Use District on property zoned an LO-3-D Limited Office District with a Dry Liquor Control Overlay and a P(A) Parking District.

**Thoroughfares/Streets:**

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<td>Crutcher Street</td>
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<td>Hill Avenue</td>
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**Land Use:**

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<td>CR; MC-3, LO-3</td>
<td>Auto-related and office uses; surface parking</td>
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<td><strong>Southeast</strong></td>
<td>PD 749 (Subdistrict B-2); MF-2(A); MC-3</td>
<td>Office; townhomes; undeveloped property</td>
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<td><strong>Southwest</strong></td>
<td>PD 749 (Subdistrict B-1); LO-3</td>
<td>Medical offices; childcare; surface parking</td>
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<tr>
<td><strong>Northwest</strong></td>
<td>PD 749 (Subdistrict B-1); LO-3</td>
<td>Medical offices, structured parking; vacant multifamily</td>
</tr>
</tbody>
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**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 a **Campus Building Block**. The Campus Building Block focuses on areas around large master-planned educational, institutional or business facilities outside the Downtown. Campus Building Blocks often act as smaller versions of a complete community and include a range of single-family and multifamily housing for students, employees and visitors. A variety of office, shops services and open space should exist to support the major campus employer and area residents.

The applicant’s proposal to relocate a financial institution with drive-in (Baylor Employee Credit Union) within and adjacent to the Planned Development District 749, the Baylor University Medical Center Special Purpose District, is consistent with the **forwardDallas!** Vision and further complies with the following goals and policies of the Comprehensive Plan.

**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 ±2.46-acre request site is zoned Subdistrict B-2 in Planned Development District 749, the Baylor University Medical Center Special Purpose District, and an LO-3 Limited Office District.

The applicant proposes to relocate the existing Baylor Employee Credit Union to the administration building currently under construction on the request site. While the financial institution use is allowed by right, an SUP is required for the drive-in window component in PD 749 and the LO-3 Limited Office District.

The request site is surrounded by auto-related uses, office uses and surface parking to the northeast, office uses and townhomes to the southeast, medical offices, childcare and surface parking to the southwest and medical offices, structured parking and vacant multifamily to the northwest.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The City Council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with
the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the City.

The applicant’s request, subject a site plan and conditions, complies with the general provisions for consideration of an SUP.

**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:**

Pursuant to §51A-4.210 of the Dallas Development Code, the off-street parking requirement for an office or financial institution is one space per 333 square feet of floor area. Therefore, the 84,044 square-foot administration building would require 265 spaces, which includes handicapped spaces, as depicted on the site plan. Of those required spaces, 14 would be allotted to the 4,757-square foot credit union.

**Landscaping:**

Landscaping is required per Article X of the Dallas Development Code with the addition of special landscaping provisions for pedestrian linkage streets (i.e. Crutcher Street and Worth Street) pursuant to PD 749. These pedestrian provisions pertain to street trees, tree grates, sidewalks, pedestrian lighting and street furniture.
CPC ACTION: August 21, 2008

Motion: It was moved to recommend approval of a Specific Use Permit for a financial institution with drive-in window for a ten-year period with automatic renewal for additional ten-year periods, subject to a revised site plan and revised conditions on property zoned Subdistrict B-2 in Planned Development District 749, the Baylor University Medical Center Special Purpose District and an LO-3 Limited Office District on the north corner Crutcher Street and Hill Avenue.

Maker: Weiss  
Second: Lozano  
Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Buehler, Ekblad, Emmons*, Alcantar

Against: 0  
Absent: 0  
Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 300’ Mailed: 60  
Replies: For: 3 Against: 0

Speakers: None
List of Partners/Principals/Officers

Applicant: Duke Realty, Inc.

Board of Directors

Dennis D. Oklak
Chairman of the Board and Chief Executive Officer
Duke Realty Corporation

Barrington H. Branch
President
The Branch-Shelton Company, LLC

Geoffrey Button
Independent Real Estate and Financing Consultant

William Cavanaugh III
Chairman
World Association of Nuclear Operations

Ngaire E. Cuneo
Partner
Red Associates, LLC

Charles R. Eitel
Chairman and Chief Executive Officer
The Simmons Company

L. Ben Lytle
Chairman and CEO
AXIA Health Management, LLC
Chairman
Emeritus Wellpoint Inc.

William O. McCoy
Partner
Franklin Street Partners

Jack Shaw
Vice President and Treasurer
The Regenstrief Foundation

Chairman
Palmer-Donavin Manufacturing Co.
Owner: Baylor Healthcare System

Board of Trustees: FY 2009 (Effective July 1, 2008)

Joel T. Allison
W. W. Aston
Albert C. Black, Jr. (Chair-elect)
E. R. Brooks
Nancy Chapman
Dee S. Finley, Jr.
Walker G. Harman, Sr.
Judge Ed Kinkeade
Roy Lamkin
Mayor Thomas C. Leppert
Janie Pena
William M. Pinson, Jr., Th.D.
Jim L. Turner (Vice Chair)
David B. Walls (Chair)
Dr. Leonard Riggs, Jr., M.D., Ex. Officio member
Paul Madeley, M.D., Physician Representative
1. **USE:** The only use authorized by this specific use permit is a financial institution with drive-in window.

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 (ten years from the passage of this ordinance), ______________, but is eligible for automatic renewal for additional ten-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 applications for automatic renewal is strictly enforced.)

4. **DRIVE-IN LANES:** A maximum of two drive-in lanes are permitted in the locations shown on the attached site plan. A minimum of five stacking spaces for each drive-in lane must be provided in the locations shown on the attached site plan.

5. **PARKING:** A minimum of 14 off-street parking spaces must be provided in the locations shown on the attached site plan.

6. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.

7. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.
# Notification List of Property Owners

**Z078-251**

### 60 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3906 CRUTCHER</td>
<td>BAYLOR HEALTH CARE SYSTEM</td>
</tr>
<tr>
<td>2</td>
<td>4024 WORTH</td>
<td>BAYLOR HEALTH CARE SYSTEM</td>
</tr>
<tr>
<td>3</td>
<td>4029 SIMPSON</td>
<td>BAYLOR HEALTH CARE SYSTEM STE 2800</td>
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<tr>
<td>4</td>
<td>3921 WORTH</td>
<td>BAYLOR UNIVERSITY MED CTR</td>
</tr>
<tr>
<td>5</td>
<td>4020 JUNIUS</td>
<td>DALLAS DIAGNOSTIC IMAGING CENTER LTD</td>
</tr>
<tr>
<td>6</td>
<td>4001 WORTH</td>
<td>BAYLOR HEALTH CARE SYSTEM LOCKBOX 89</td>
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<tr>
<td>7</td>
<td>4015 WORTH</td>
<td>INCA PROPERTIES LLC</td>
</tr>
<tr>
<td>8</td>
<td>4017 WORTH</td>
<td>BAYLOR HEALTH CARE SYSTEM STE 2800 LB 89</td>
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<tr>
<td>9</td>
<td>4021 WORTH</td>
<td>BAYLOR HEALTH CARE SYS I STE 2800 LB 89</td>
</tr>
<tr>
<td>10</td>
<td>607 HASKELL</td>
<td>COLEMAN JAMES E JR % CARRINGTON, COLEMAN</td>
</tr>
<tr>
<td>11</td>
<td>4025 WORTH</td>
<td>4025 WORTH ST LLC</td>
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<tr>
<td>12</td>
<td>601 HASKELL</td>
<td>JAGODA INVESTMENT CORP</td>
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<td>13</td>
<td>613 HASKELL</td>
<td>OWENS FRED D &amp;</td>
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<td>14</td>
<td>618 HASKELL</td>
<td>THOMI MARK S</td>
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<td>15</td>
<td>612 HASKELL</td>
<td>OWENS FRED STE 1103</td>
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<tr>
<td>16</td>
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<td>KHADIVI KAMBIZ</td>
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<td>PIRANIO LYNN ROSE ET AL</td>
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<td>KHADAVI KAMBIZ</td>
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<td>19</td>
<td>4113 WORTH</td>
<td>EAST DALLAS CHRISTIAN CHURCH</td>
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<td>20</td>
<td>408 HASKELL</td>
<td>DALLAS ISD</td>
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<td>21</td>
<td>502 HASKELL</td>
<td>DTS ASSOC LTD SUITE 405</td>
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<td>METZ DENNIS P</td>
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<td>26</td>
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<td>BAYLOR HEALTH CARE SYSTEM ATTN: BRAD GAHM</td>
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<td>CHUNG KAP TAEK</td>
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<td>3925 SIMPSON</td>
<td>WORKS GEORGE W JR &amp; N WORKS TRUSTEE</td>
</tr>
<tr>
<td>31</td>
<td>4026 JUNIUS</td>
<td>JUNIUS STREET MED PTNS % DR FRED OWENS</td>
</tr>
</tbody>
</table>
32 515 JOSEPHINE CABEL ROBERT M
33 523 JOSEPHINE FOLEY DONALD W
34 527 JOSEPHINE PEREZ ANTHONY
35 531 JOSEPHINE CARLSON SARAH K
36 535 JOSEPHINE POTTS MELVA DIANNE
37 539 JOSEPHINE MUNOA PILAR MARIA
38 543 JOSEPHINE ST LAND TR HALE JARRETT TR
39 547 JOSEPHINE JEFFERSON RONALD
40 551 JOSEPHINE STARK DAREN MICHAEL
41 559 JOSEPHINE FLETCHER LISA
42 563 JOSEPHINE GRIMES RHONDA C
43 567 JOSEPHINE BROWN KARON F
44 571 JOSEPHINE MURPHY LOYCE
45 519 JOSEPHINE COURT ASSOC % ROBERT M CABEL, PRES
46 9011 WORTH DTS ASSOC LTD
47 502 HASKELL FDI POSTAL PPTIES II INC
48 201 PEAK DALLAS AREA RAPID TRANSIT
49 3913 CRUTCHER BAYLOR HEALTH CARE SYSTEM SUITE 2200
50 4004 WORTH HRT PROPERTIES OF TX LTD
51 4002 CRUTCHER LEACH WILLIAM J & MELANIE
52 436 HILL MOORE THOMAS D
53 432 HILL BOUTTE RANDY J
54 428 HILL WHATLEY JON R & THANH DAO
55 424 HILL SMITH MONICA BOX 378
56 420 HILL SKINNER CHANDRA
57 409 HASKELL CENTRAL DALLAS FOOD PANTRY
58 3930 CRUTCHER KKT I L P
59 3920 WORTH BAYLOR HEALTH CARE SYSTEM SUITE 2200
60 3920 WORTH HRT PROPERTIES OF TX LTD
Early Notification List

Al Romero  
PO Box 870875  
Mesquite, TX 75150

Anthony Jones  
PO Box 0711  
Galveston, TX 77553

Betty Wadkins  
2843 Modesto Drive  
Dallas, TX 75227

ENZ078-251

Bill Dahlstrom  
901 Main St., Ste 6000  
Dallas, TX 75202

Bridge Ballowe c/o Nextel  
1680 N. Prosper Dr.  
Richardson, TX 75081

Cindy Harris  
4310 Buena Vista #8  
Dallas, TX 75205

Clarence F Cope  
10404 Ferndale  
Dallas, TX 75238

Jane Guerrini  
7032 Lupton  
Dallas, TX 75225

Jeff Bosse  
PO Box 4738  
Dallas, TX 75208

Leanne Witek  
16660 N Dallas Pkwy #1200  
Dallas, TX 75248

Marcus Wood  
6060 N Central Expy Ste 333  
Dallas, TX 75206

Pam Conley  
901 N Madison Avenue  
Dallas, TX 75208

Rob Baldwin  
401 Exposition  
Dallas, TX 75226

Robert P. Garza  
412 E. Sixth St.  
Dallas, TX 75203

Sheryl Jean, Newsroom-Business  
508 Young St.  
Dallas, TX 75265

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

Arborological 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
<table>
<thead>
<tr>
<th>Name of Organization</th>
<th>Name of Contact</th>
<th>Address</th>
<th>City, State</th>
</tr>
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<tr>
<td>INCAP Fund</td>
<td>Jackson Walker</td>
<td>901 Main St. #6000</td>
<td>Dallas, TX 75202</td>
</tr>
<tr>
<td>Lauren Odell</td>
<td>Suzan Kedron</td>
<td>300 Crescent Court</td>
<td>Dallas, TX 75208</td>
</tr>
<tr>
<td>Kiestwood Neighbors</td>
<td>Koons Real Estate Law</td>
<td>1516 San Saba Dr.</td>
<td>Dallas, TX 75218</td>
</tr>
<tr>
<td>Neoma Shafer</td>
<td>James Schnurr</td>
<td>777 Freeport Pkwy</td>
<td>Dallas, TX 75204</td>
</tr>
<tr>
<td>Law Office of R Albright</td>
<td>Master Plan</td>
<td>900 Jackson St</td>
<td>Dallas, TX 75202</td>
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<tr>
<td>Roger Albright</td>
<td>J Kimborough</td>
<td>14881 Quorum Dr #400</td>
<td>Dallas, TX 75254</td>
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<td>Law Office of R Albright</td>
<td>Minyards Properties Inc</td>
<td>900 Jackson St</td>
<td>Dallas, TX 75204</td>
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<tr>
<td>Michael R Coker Co</td>
<td>Dennis O'Malley</td>
<td>4718 Wateka Dr.</td>
<td>Dallas, TX 75209</td>
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<tr>
<td>Michael R Coker</td>
<td>777 Freeport Pkwy</td>
<td>12126 Vendome Place</td>
<td>Dallas, TX 75209</td>
</tr>
<tr>
<td>PARC DU LAC</td>
<td>PWS Architects Inc.</td>
<td>1010 Allen St. #214</td>
<td>Dallas, TX 75204</td>
</tr>
<tr>
<td>Linda Sharp</td>
<td>Phillip Shepherd</td>
<td>14450 Trinity Blvd. #300</td>
<td>Dallas, TX 75232</td>
</tr>
<tr>
<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>Signs Manufacturing</td>
<td>1515 Reynaldston Ln.</td>
<td>Dallas, TX 75218</td>
</tr>
<tr>
<td>Robert Reeves</td>
<td>William Watson</td>
<td>11002 Creekmere</td>
<td>Dallas, TX 75236</td>
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<tr>
<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>W.A.R.N.</td>
<td>Gabriel Camacho</td>
<td>Dallas, TX 75218</td>
</tr>
<tr>
<td>Thelma J. Norman</td>
<td>Tashia Moseley</td>
<td>10002 Creekmere</td>
<td>Dallas, TX 75235</td>
</tr>
<tr>
<td>United HOA</td>
<td>Karen Roberts</td>
<td>3211 Cherrywood</td>
<td>Dallas, TX 75235</td>
</tr>
<tr>
<td>United HOA</td>
<td>Margaret L Ray</td>
<td>1010 Allen St. #214</td>
<td>Dallas, TX 75204</td>
</tr>
<tr>
<td>United HOA</td>
<td>Bryan Place NA</td>
<td>502 Cameron Ave</td>
<td>Dallas, TX 75223</td>
</tr>
<tr>
<td>United HOA</td>
<td>Christopher R Craig</td>
<td>928 Pavillion St</td>
<td>Dallas, TX 75204</td>
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<tr>
<td>United HOA</td>
<td>Bryan Place NA</td>
<td>1540 McCoy Street</td>
<td>Dallas, TX 75204</td>
</tr>
</tbody>
</table>
Bryan Place NA
Drake Frazier
3112 Trevolle Place
Dallas, TX 75204

BSEAT
Allen McGill
P O Box 41561
Dallas, TX 75241

Buckner Terrace HOA
Frances James
4322 St. Francis Ave.
Dallas, TX 75227

Cochran Heights
Hector Garcia
3601 Turtle Creek Blvd #901
Dallas, TX 75219

Crime Watch VIP
Sandra Graham
4203 Junius St.
Dallas, TX 75246

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 Assoc
Chuck Cole
5820 Penrose Ave
Dallas, TX 75206

Mill Creek HOA
Jo Blount
4834 Worth Street
Dallas, TX 75246

Munger Place Historic Dist Assoc
President
PO Box 140524
Dallas, TX 75214

Munger Place Historic Dist Assoc
Joanna L Hampton
4924 Tremont St
Dallas, TX 75214

Old E Dallas Renaissance
Rick Leggio
4503 Reiger Avenue
Dallas, TX 75246

OLPH Church
Fv. Salvador Guzman
7617 Cortland Ave.
Dallas, TX 75235

Orion Real Estate Group
Bill Lamm
PO Box 540021
Dallas, TX 75354

Peak's Addition HA
J.W. Brasher
4811 Swiss Ave
Dallas, TX 75204

Peak & Bryan Merch Assoc
Bill Dickerson
4223 Bryan
Dallas, TX 75204

Southern Hill Home Owner
Dercy Walker
630 Plark Wood Dr.
Dallas, TX 75224

Swiss Ave Hist Dist
Larry Waisanen
5105 Swiss Ave
Dallas, TX 75214

Swiss Ave Hist Dist Assn
V. McAlester/D. Savage
5703 Swiss Avenue
Dallas, TX 75214

Urban Pioneers
Marian Gibson
4940 Worth Street
Dallas, TX 75214

ENZ078-251
A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an extended stay hotel or motel on property zoned an IM Industrial Manufacturing District on the southeast corner of Cockrell Hill Road and La Reunion Parkway
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions Z078-261(OTH)
LOCATION: On the southeast corner of Cockrell Hill Road and La Reunion Parkway.

COUNCIL DISTRICT: 3

MAPSCO: 42-V

SIZE OF REQUEST: Approx. 7.8 acres

CENSUS TRACT: 105.00

APPLICANT: Amer Patel

OWNER: Turnpike West, LLC

REQUEST: An application for a Specific Use Permit for an extended stay hotel or motel on property zoned an IM Industrial Manufacturing District.

SUMMARY: The applicant is proposing to develop the site with a four-story extended stay hotel.

CPC RECOMMENDATION: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.
BACKGROUND INFORMATION:

- The request site is currently undeveloped. The property is adjacent to a warehouse to the east; and hotel and retail to the south. The surrounding uses are undeveloped to the north and west, retail to the southwest, and warehouse to the northeast.

- The applicant is proposing to develop the property with a 4-story, 110 feet, extended stay hotel with 83 rooms and a 1,250 square feet conference/meeting room. The proposed hotel will be located in the northwest corner of the request site.

- Extended stay hotels are allowed by SUP in the IM Industrial Manufacturing District.

- The property has SUP No 98 on it. The SUP was established in January 7, 1963 for mining and quarrying operations for a large area on the west side of Dallas, including the request site. The applicant is not requesting to remove SUP No. 98 at this time.

Zoning History: There have been three zoning cases and a Board of Adjustment in the area:

1. Z034-168 On May 12, 2004, the City Council approved Planned Development District for RR Regional Retail District uses with modifications to the sign regulations and termination of Specific Use Permit No. 98 for Quarrying and Mining operations, on property zoned an IM Industrial Manufacturing District.

2. Z034-306 On August 10, 2005 the City Council approved a CR Community Retail District, a CS Commercial Service District, and termination of a portion of SUP No. 98.

3. Z067-211 On August 8, 2007, the City Council approved an RR Regional Retail District, only on 2.6 acres as described in a legal description with no change to the remaining 5 acres, on property zoned a CS Commercial Service District, Northeast corner of Cockrell Hill Road and Interstate 30.

4. B078-004 On January 18, 2008, the Board of Adjustment granted a landscape special exception on property zoned a CS Commercial Service District and an IM Industrial Manufacturing District on 1718 N. Cockrell Hill.
Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
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<tbody>
<tr>
<td>Cockrell Hill Road</td>
<td>Principal Arterial</td>
<td>107 ft.</td>
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<td>La Reunion</td>
<td>Collector</td>
<td>60 ft.</td>
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Land Use:

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<tr>
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<td>IM</td>
<td>Undeveloped</td>
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<td>East</td>
<td>IM</td>
<td>Warehouse</td>
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<tr>
<td>South</td>
<td>RR and CS</td>
<td>Retail, Hotel under construction, undeveloped</td>
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<tr>
<td>West</td>
<td>IM</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>Northeast</td>
<td>IM</td>
<td>Warehouse</td>
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</tbody>
</table>

STAFF ANALYSIS:

Comprehensive Plan:

The request complies with the following land use goal and policy of the Comprehensive Plan because the industrial district allows retail uses. The applicant is proposing to include a 1,250 square feet meeting room for the facility.

Economic Element:

Goal 2.4 Create and maintain an environment friendly to business and entrepreneurs.

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.
Area Plans:

*The Southwest Dallas Land Use Study, Phase Two* Report (June 1998) recommends mixed use and non-residential uses for this area. The rezoning request does not conflict with the Plan.

Land Use Compatibility:

The approximately 7.8-acre request site is zoned an IM Industrial Manufacturing District and is currently undeveloped. The proposed use is allowed by Specific Use Permit in the IM Industrial Manufacturing District. The applicant is proposing to develop the property with a 4-story, 110 foot, extended stay hotel with 83 rooms and a 1,250 square feet conference/meeting room. The area has been experiencing growth for the past few years with more development for retail, office/showroom/warehouse development, uses that are close to the central business district. The proposed use is a service that will benefit the existing and growing businesses of the area.

The surrounding uses are undeveloped to the north and west; retail, hotel under construction, and undeveloped to the south; and warehouse to the northeast and east.

An extended stay hotel as defined by the Dallas City Code is a lodging facility containing six or more guest rooms, in which 25 percent or more of the guest rooms have a kitchen that includes a sink, a full-size refrigerator (a cooking area limited to a microwave, mini-refrigerator, or cook-top does not constitute a “kitchen” for the purpose of this definition); ten percent or more of the guest rooms containing a sleeping area that is separated from a sitting area by a wall or partition.

The proposed request should not have an adverse impact on the surrounding areas and is compatible with the surrounding land uses. The general area has been developing with regional serving uses taking advantage of the IH 30 corridor and high capacity thoroughfares (Cockrell Hill Road) in the area. The proposed development is consistent with the recent development and established land use pattern along both sides of IH 30.

Parking/Traffic:

Parking required per the Dallas Development Code based on the uses developed on the property. The extended stay hotel use requires one parking space for each unit for units 1 to 250. The hotel will have 83 guest rooms; therefore, the use will require 83 parking spaces. The conference/business center will not require parking. The use is part of the main use for the SUP.

The proposed development will generate 765 trips per day. The Engineering Section of the Department of Development Services reviewed the request and indicated that the street system has sufficient capacity.
Z078-261(OTH)

**Landscaping:**

Landscaping required per Article X of the Dallas Development Code.
CPC ACTION:

August 21, 2008

Motion: It was moved to recommend approval of a Specific Use Permit for an extended stay hotel or motel for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions on property zoned an IM Industrial Manufacturing District on the southeast corner of Cockrell Hill Road and La Reunion Parkway.

Maker: Weiss
Second: Lozano
Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Buehler, Ekblad, Emmons*, Alcantar

Against: 0

Absent: 2 - Strater, Wolfish
Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 2
Replies: For: 0 Against: 0

Speakers: For: Amer Patel, 1905 Palencia Ct., Arlington, TX, 76006
           For (Did not speak): V.S. Patel, 1905 Palencia Ct., Arlington, TX, 76006
           For (Did not speak): R.V. Patel, 1905 Palencia Ct., Arlington, TX, 76006
           For (Did not speak): Mahbmb Deloan, 20 clear Pond Dr., Frisco, TX, 75034

Against: None
List of Partners/Principals/Officers

Kessler Hospitality, LLC

Manoj Patel  Managing Member
Amar Patel  Managing Member
Vikas Patel  Managing Member

Turnpike West, LLC

Principal Real State Investors, LLC
Donise R. Cannaday  Senior Acquisition Consultant
Donna H. Lutcavish  Assistant Managing Director

Turnpike West, LLC Officers

Turnpike West, LLC
Managing member:
Principal Development Investors, LLC
Principal Life Insurance Company
Authorized Signatory:  Principal Global Investors:
Donise R. Cannaday, Senior Closing Consultant
Amy M. Corwin, Senior Closing Consultant
Diane Cortese, Senior Closing Consultant
Johnna E. Donahue, Senior Closing Consultant
Stacia Van Cleave, Commercial Mortgage Servicer
Jeff Frey, Investment Officer 11 - Capital Mkt
Sandra K. Lanz, Director - Closing
C. Kent Jorgensen, Director - Closing
Patrice K. Davis, Director - Closing
Donna H. Lutcavish, Asst Managing Director
Dennis D. Ballard, Counsel
Thomas R. Pospisil, Assistant General Counsel
Mary Schwarze, Counsel
Brenda S. Tyler, Asst Managing Director- Debt Closing
Cara Stowe, Invest Dir- Asset Management
Brent Hoover, Senior Acquisition Consultant
Dave Graves, Acquisition Consultant
Donisue Rupp, Senior Acquisition Consultant
Kelly McVicker, Senior Acquisition Consultant
Rod Vogel, MD-Acquisitions & Asset Management
Mark Hanrahan, Director - CRE
Jim Halliwell, Director - CRE
Kristine Soliday, Investment Officer II – Capital Markets
Mari Larson, Senior Closing Consultant
SPECIFIC USE PERMIT FOR AN EXTENDED STAY HOTEL OR MOTEL

1. USE: The only use authorized by this specific use permit is an extended stay hotel or motel.

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 _________, 2018, but is eligible for automatic renewal for additional 10-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 applications for automatic renewal is strictly enforced.)

4. LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.

5. INGRESS/ EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.

6. PARKING: Off-street parking and loading must be provided in the locations shown on the attached site plan.

7. ROOMS: Maximum number of guest rooms is 83.

8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

9. 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.


7/28/2008

Notification List of Property Owners

Z078-261

2 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tbody>
<tr>
<td>1</td>
<td>1702 COCKRELL HILL</td>
<td>TURNPIKE WEST LLC</td>
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<tr>
<td>2</td>
<td>4051 LA REUNION</td>
<td>PETULA ASSOCIATES LTD</td>
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Monday, July 28, 2008
Early Notification List

Al Romero  
PO Box 870875  
Mesquite, TX 75150

Anthony Jones  
PO Box 0711  
Galveston, TX 77553

Betty Wadkins  
2843 Modesto Drive  
Dallas, TX 75227

Bill Dahlstrom  
901 Main St., Ste 6000  
Dallas, TX 75202

Bridge Ballowe c/o Nextel  
1680 N. Prospert Dr.  
Ricardson, TX 75081

Cindy Harris  
4310 Buena Vista #8  
Dallas, TX 75205

Clarence F Cope  
10404 Ferndale  
Dallas, TX 75238

Jane Guerrini  
7032 Lupton  
Dallas, TX 75225

Jeff Bosse  
PO Box 4738  
Dallas, TX 75208

Leanne Witek  
16660 N Dallas Pkwy #1200  
Dallas, TX 75248

Marcus Wood  
6060 N Central Expy Ste 333  
Dallas, TX 75206

Pam Conley  
901 N Madison Avenue  
Dallas, TX 75208

Rob Baldwin  
401 Exposition  
Dallas, TX 75226

Robert P. Garza  
412 E. Sixth St.  
Dallas, TX 75203

Sheryl Jean, Newsroom-Business  
508 Young St.  
Dallas, TX 75265

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
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<td>Linda Sharp</td>
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<td>Vicki Keene</td>
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<td>Southwestern Bell</td>
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<td>Suzan Kedron</td>
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<td>Minyards Properties Inc</td>
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<td>Signs Manufacturing</td>
<td>William Watson</td>
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<tr>
<td>W.A.R.N.</td>
<td>Tashia Moseley</td>
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<td>Irving ISD</td>
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<td>Irving, TX 75061</td>
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<td>Lake Highlands AIA</td>
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<td>1516 San Saba Dr.</td>
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<tr>
<td>MetroStudy Corp</td>
<td>Rebecca Webb</td>
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<tr>
<td>Ledbetter Coalition</td>
<td>David Barrientos</td>
<td>Dallas, TX 75212</td>
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<tr>
<td></td>
<td>5414 Bernal Drive</td>
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</table>
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45 P

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1683 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 northeast corner of Main Street and Field Street

Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions

Z078-262(OTH)
HONORABLE MAYOR & CITY COUNCIL  WEDNESDAY, SEPTEMBER 24, 2008

FILE NUMBER: Z078-262(OTH)  DATE FILED: July 9, 2008

LOCATION: Northeast corner of Main Street and Field Street

COUNCIL DISTRICT: 14  MAPSCO: 45 P

SIZE OF REQUEST: ± 4,000 sq. ft.  CENSUS TRACT: 31.01

APPLICANT: Thoth-Dallas, LLC

REPRESENTATIVE: Roger Albright

OWNER: Creekbend Properties Bryan Foster

REQUEST: An application to renew Specific Use Permit No. 1683 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 continue the operation of the existing bar, lounge, or tavern use and the commercial amusement (inside) use limited to a Class A dance hall.

CPC ACTION: 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 continue the operation of the existing bar, lounge, or tavern use and the commercial amusement (inside) use limited to a Class A dance hall. The uses are allowed by Specific Use Permit in PD No. 619.

- The request site is located in the basement of an existing multi-story office building. There is an existing restaurant on the first floor. The site is 4,000 square feet, of which 900 square feet is the dance floor area. Access to the use is through the lobby of the main structure.

- The property is located on the northeast corner of Main Street and Field Street. The location is in the core of downtown Dallas. Planned Development District No. 619 is primarily developed with a combination of office, hotel, retail and commercial uses.

- The Specific Use Permit was originally approved by City Council on September 26, 2007 for a one-year period. The SUP automatically terminates on September 26, 2008.

- The request site is surrounded by a mix of uses, which include retail, restaurants, residential, hotel, parking garages, bank and office.

- 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. The PD’s objective is to encourage the development of retail and service uses in the area and create a mixed use urban activity center.

Zoning History: There have been four zoning cases in the area.

1. Z067-273: 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.

2. Z056-334: 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.

3. Z056-240: On August 9, 2006, the City Council approved a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge, or tavern.

4. Z078-253: 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. The case is scheduled for City Council hearing on September 10, 2008.

**Thoroughfares/Streets:**

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<th>Thoroughfare/Street</th>
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**Land Use:**

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<th>Site Description</th>
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<td>PDD No. 619, SUP 1683</td>
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<td>PDD No. 619</td>
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<td>PDD No. 619 SUP 1637</td>
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<td>PDD No. 619; H/36 on a portion</td>
<td>Retail and parking garage</td>
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<tr>
<td>PDD No. 619</td>
<td>Office; retail; parking garage</td>
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**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 of 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 site is surrounded by offices, restaurant, residential, retail tavern, and parking garages. The requested use represents a continued effort to maintain activity after normal working hours within the Central Business District.

The request site represents lease space within an existing office structure. The applicant proposes to utilize the basement for the requested uses. Access is through the main entrance of the building.

The applicant is seeking to renew existing Specific Use Permit No. 1683 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. SUP No. 1683 automatically terminates on September 26, 2008.

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.

**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. The proposed use is located within an existing structure, therefore no parking is required.

**Dallas Police Department:**

Included in this report is the Police Department Memorandum in which the department states that it has no concerns regarding the renewal of this Specific Use Permit. A list of police calls for this location from January 1, 2005 to July 29, 2008 is also included.
CPC ACTION:

August 21, 2008

Motion: It was moved to recommend approval to renew Specific Use Permit No. 1683 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 conditions on property within Planned Development District No. 619 for Mixed Uses on the northeast corner of Main Street and Field Street.

Maker: Emmons
Second: Lueder
Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Buehler, Ekblad, Emmons, Alcantar
Against: 0
Absent: 2 - Strater, Wolfish
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 39
Replies: For: 0 Against: 0

Speakers: None
Memorandum

DATE: August 2, 2008

TO: Planning Manager Neva Dean
Department of Development Services

SUBJECT: Request to Renew SUP-1683, Thoth-Dallas, L.L.C., #Z078-262

The Dallas Police Department has no concerns regarding the renewal of this permit.

[Signature]
Kimberly B. Owens
Lieutenant of Police
Central Business District
Central Division
Patrol Bureau

[Handwritten note: 8/17/08]
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List of Partners/Principals/Officers

1301 Main Street:

Owner of the Real Estate: Creekbend Properties, L.P., a Texas limited partnership by: Kenny Kok, General Partner

Applicant & Owner of the Club: Thoth-Dallas, L.L.C., a Texas limited liability company

Owner: Latitude 32 Degrees, L.L.C., a Texas limited liability company

Only Manager/Owner: Timothy A. Tremoni

Limited Partner: Invictus Partners, L.L.C., a Texas limited liability company

Manager: Joseph A. Fabiani
PROPOSED CONDITIONS

FOR A SPECIFIC USE PERMIT FOR AN ALCOHOLIC BEVERAGE
ESTABLISHMENT USE FOR A
BAR, LOUNGE OR TAVERN, AND A COMMERCIAL AMUSEMENT (INSIDE)
LIMITED TO A CLASS A DANCE HALL

1. **USE**: The only uses authorized by this specific use permit are an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) limited to a Class A dance Hall.

2. **SITE PLAN**: Use and development of the Property must comply with the attached site plan. The staircase that connects the bar, lounge, or tavern and the commercial amusement (inside) limited to a Class A dance hall is part of this specific use permit.

CPC Recommendation:

3. **TIME LIMIT**: This specific use permit automatically terminates on (2 years from the date of approval).

Applicant’s Request:

3. **TIME LIMIT**: This specific use permit automatically terminates on (3 years from the date of approval).

4. **FLOOR AREA**:

   A. Alcoholic beverage establishment limited to bar, lounge, or tavern: The maximum area is 4,000 square feet.

   B. Commercial amusement (inside) limited to a Class A dance hall: The maximum floor area is 900 square feet.

5. **HOURS OF OPERATION**: The alcoholic beverage establishment limited to a bar, lounge, or tavern and the commercial amusement (inside) limited to a Class A dance hall may only operate between 11:00 a.m. and 2:00 p.m. (the following day).

6. **MAINTENANCE**: The Property must be properly maintained in a state of good repair and neat appearance.

7. **GENERAL REQUIREMENTS**: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

**PROPOSED SITE PLAN**
ZONING AND LAND USE

Z078-262 (OTH)

DATE: July 28, 2008

GIS TECHNICIAN: S Holyoak

Map no: J-7

Case no: Z078-262 OTH
### Notification List of Property Owners

**Z078-262**

39 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tbody>
<tr>
<td>1</td>
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<td>MERCHANT REHAN I &amp;</td>
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*Monday, July 28, 2008*
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<td>RUTCHIK MORRIS TR MR 2001 TRUST</td>
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Monday, July 28, 2008
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<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<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>
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<tr>
<td>Bill Dahlstrom</td>
<td>901 Main St., Ste 6000, Dallas, TX 75202</td>
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<tr>
<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospert Dr.</td>
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<tr>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8, Dallas, TX 75205</td>
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<tr>
<td>Clarence F Cope</td>
<td>10404 Ferndale, Dallas, TX 75238</td>
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<tr>
<td>Jane Guerrini</td>
<td>7032 Lupton, Dallas, TX 75225</td>
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<tr>
<td>Jeff Bosse</td>
<td>PO Box 4738, Dallas, TX 75208</td>
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<tr>
<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200, Dallas, TX 75248</td>
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<tr>
<td>Marcus Wood</td>
<td>6060 N Central Expy Ste 333, Dallas, TX 75206</td>
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<td>Pam Conley</td>
<td>901 N Madison Avenue, Dallas, TX 75208</td>
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<tr>
<td>Rob Baldwin</td>
<td>401 Exposition, Dallas, TX 75226</td>
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<td>Robert P. Garza</td>
<td>412 E. Sixth St., Dallas, TX 75203</td>
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<tr>
<td>Sheryl Jean, Newsroom-Business</td>
<td>508 Young St.</td>
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<td>Steve Craft</td>
<td>P O Box 542225, Dallas, TX 75354</td>
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<td>Steve Kim</td>
<td>4318 Sexton Ln., Dallas, TX 75229</td>
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<td>Alpha Testing, Inc</td>
<td>Virginia Brown 2209 Wisconsin St, Ste 100, Dallas, TX 75229</td>
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<td>Arboriological Services, Inc.</td>
<td>Bill Seaman 16 Steel Rd. Wylie, TX 75098</td>
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<td>Bluffview Homeowner</td>
<td>Pat White 4714 Wildwood, Dallas, TX 75209</td>
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<td>Dallas ISD</td>
<td>3700 Ross Ave, Box 61, Dallas, TX 75204</td>
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<td>Dallas Planning Asoc</td>
<td>Stuart Pully P O Box 781609, Dallas, TX 75378</td>
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<td>Donna McGuire 9155 Sterling Dr. Ste 160, Dallas, TX 75063</td>
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<td>Kiestwood Neighbors</td>
<td>Neoma Shafer, 2538 W Kiest Blvd, Dallas, TX 75233</td>
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<td>Koons Real Estate Law, James Schnurr, 3400 Carlisle St. #400, Dallas, TX 75204</td>
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<td>Lake Highlands AIA, Terri Woods, 1516 San Saba Dr., Dallas, TX 75218</td>
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<td>Law Office of R Albright</td>
<td>Roger Albright, 3301 Elm St., Dallas, TX 75226</td>
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<td>Master Plan, J Kimborough, 900 Jackson St, Dallas, TX 75202</td>
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<td>MetroStudy Corp, Rebecca Webb, 14881 Quorum Dr #400, Dallas, TX 75254</td>
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<td>Mischeal R Coker Co</td>
<td>Michael R Coker, 2700 Swiss Ave. #100, Dallas, TX 75209</td>
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<td>Minyards Properties Inc, Dennis O'Malley, 777 Freeport Pkwy, Coppell, TX 75019</td>
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<td>N Pk Lovefielded Comm Civic League, Joyce Lockley, 4718 Wateka Dr., Dallas, TX 75209</td>
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<td>PARC DU LAC</td>
<td>Linda Sharp, 12126 Vendome Place, Dallas, TX 75230</td>
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<td>PWS Architects Inc, Phillip Shepherd, 4616 Abbott Ave, Dallas, TX 75205</td>
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<td>Quick Trip Co., Teri Dorazil, 14450 Trinity Blvd. #300, Fort Worth, TX 76155</td>
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<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>Robert Reeves, 900 Jackson St, Suite 160, Dallas, TX 75202</td>
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<td>Thelma J. Norman, 2628 Blackstone Dr., Dallas, TX 75237</td>
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<td>Allen W. Rubin, 2714 Turtle Creek Circle, Dallas, TX 75219, ENZ078-262</td>
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<td>Bryan K. Haywood</td>
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<td>Cullen Rogers, 3030 McKinney Ave. #2001, Dallas, TX 75204</td>
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<td>Jeannie Ball, 3030 McKinney Ave. #906, Dallas, TX 75204</td>
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<tr>
<td>Jeri Arbuckle</td>
<td>4800 Victor St., Dallas, TX 75246</td>
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<td>Laura French, 3856 W Beverly, Dallas, TX 75209</td>
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<td>Margaret L Ray, 3211 Cherrywood, Dallas, TX 75235</td>
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</table>
Pam Veshia  
City Hall, Rm. 2CN  
Dallas, TX 75201

Vicki Keene  
738 Cedar Hill Dr  
Dallas, TX 75208

AT & T Svs, Inc.  
Andy Sokolowsky  
308 S Akard St, #1800  
Dallas, TX 75202

Bryan Place NA  
Sonali Patnaik  
928 Pavilion St  
Dallas, TX 75204

Cedars NA  
Eric Anderson  
7329 Lakehurst Ave.  
Dallas, TX 75230

Cochran Heights  
Hector Garcia  
3601 Turtle Creek Blvd #901  
Dallas, TX 75219

Downtown Dallas  
Jim Wood  
1412 Main #2500  
Dallas, TX 75202

Friends of the Katy Trail  
Eric Van Steenburg  
3523 McKinney Ave, PMB 441  
Dallas, TX 75204

Harwood International, Inc.  
Julie Morris  
2828 N Harwood, Suite 1600  
Dallas, TX 75201

Harwood International, Inc.  
Jerry Jackson  
2828 N Harwood, Suite 1600  
Dallas, TX 75201

Junius Heights HOA  
Kara Kunkel  
5527 Tremont Street  
Dallas, TX 75214

Kidd Springs NA  
John W. (Bill) Robson  
1010 Cedar Hill Ave.  
Dallas, TX 75208

La Tour HA  
Hanne Klein  
3030 McKinney Ave. #502  
Dallas, TX 75204

Meadows Foundation, Inc.  
Robert Weiss, V.P Admin.  
3003 Swiss Ave.  
Dallas, TX 75209

Orion Real Estate Group  
Bill Lamm  
PO Box 540021  
Dallas, TX 75354

Preston Hollow Asso  
M Thomas Lardner  
5811 Redwood Court  
Dallas, TX 75209

Raleigns-Hall Group  
Frank M Stick  
4224 N Hall St  
Dallas, TX 75219

Urban Pioneers  
Marian Gibson  
4940 Worth Street  
Dallas, TX 75214

ENZ078-262
A public hearing to receive comments regarding an application for an IM Industrial Manufacturing District on property zoned an A(A) Agricultural District and a Specific Use Permit for an Outside salvage or reclamation use, on the northeast line of South Central Expressway, south of Youngblood Road
Recommendation of Staff and CPC: Denial
Z078-172(RB)
ACM: A. C. Gonzalez

FILE NUMBER: Z078-172(RB)                      DATE FILED: February 13, 2008

LOCATION: Northeast Line of South Central Expressway, South of Youngblood Road

COUNCIL DISTRICT: 8                      MAPSCO: 67 P

SIZE OF REQUEST: Approx. 14.388 Acres                      CENSUS TRACT: 114.02

APPLICANT: Brown Lewisville Railroad Family First, L. P.

REPRESENTATIVE: Michael R. Coker

OWNERS: Julie Montague and Maribelle Davis

REQUEST: An application for an IM Industrial Manufacturing District and a Specific Use Permit for an Outside salvage or reclamation use on property zoned an A(A) Agricultural District.

SUMMARY: The applicant is proposing to utilize the site for a salvage or reclamation use, with various on-site improvements associated with the processing of materials.

CPC RECOMMENDATION: Denial.

STAFF RECOMMENDATION: Denial.
BACKGROUND:

- The request site is undeveloped.

- The request involves rezoning the site for an IM District as well as a request for an SUP for the proposed use.

- The applicant proposes to operate a concrete crushing plant.

- The site plan submitted by the applicant provides for two designated stockpiles/finished product storage areas as well as required infrastructure for the processing operation.

Zoning History: There has been no recent zoning activity relevant to this request.

<table>
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<tr>
<th>Thoroughfare</th>
<th>Designation; Existing &amp; Proposed ROW</th>
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<tbody>
<tr>
<td>South Central Expressway</td>
<td>Freeway; Variable ROW</td>
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</table>

Comprehensive Plan:

The applicant is proposing to operate a concrete crushing plant. Additionally, an IM District is being requested (the use is only permitted in an IM District with an SUP). The facility will possess two 35 foot tall stockpiles as well as additional improvements to facilitate the processing of raw materials. As a gateway corridor, the proposed use possesses various characteristics (visually-stockpiles as well as the industrial nature of the process) and the requested IM District permits certain uses that are in conflict with the Land Use and Urban Design Elements, respectively, 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 5.2 Strengthen community and neighborhood identity.

Policy 5.2.3 Ensure attractive gateways into the city.
Trinity River Corridor Comprehensive Land Use Plan

The property is located in the Community Corridor module of the Trinity River Corridor Land Use Plan. The recommended land use for the corridor is Regional Employment. The Community Corridor module recommends a primary land use to be comprised of community serving retail and regional serving office. An optional land use includes industrial-distribution uses.

STAFF ANALYSIS:

Land Use Compatibility: The request site is undeveloped. The site is linear in its physical configuration and abuts the McCommas Landfill to the east. Scattered undeveloped parcels are prevalent to the south/southwest. Various auto salvage yards and present in the immediate area along the west alignment of South Central Expressway in close proximity to the site.

The requested SUP for an outside salvage or reclamation use requires an IM District, therefore the applicant is requesting this zoning change as well.

For background purposes, the applicant currently crushes concrete rubble deposited in the McCommas Landfill on an ‘as needed’ basis. The process involves a portable crusher brought onto the site. The crushed concrete is retained as aggregate for future projects.

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.

Due to the constraints of the physical dimensions of the site (depth ranging from 250 to 375 feet and garnering approximately 1,200 feet of the site’s approximate 2,300 feet of frontage) it is difficult to ‘hide’ the proposed 35 foot tall stockpiles.
Should the City Council wish to consider granting approval of the request, staff would recommend limiting the intensity of the stockpiles as well as requiring various measures to mitigate the dust associated with the processing of materials, inclusive of requiring a wheel washing area prior to the trucks leaving the site. Due to the intensity of the use, a limited time period should be considered. For information purposes, the applicant’s requested conditions are attached.

Lastly, staff is concerned that certain uses permitted in an IM District are in conflict with the future land use vision as outlined in the Trinity River Corridor Comprehensive Land Plan as well as forwardDallas!

Traffic: The Engineering Section of the Department of Development Services has reviewed the requested amendment and determined it will not significantly impact the surrounding street system.

Landscaping: The site is void of landscaping except for significant stands of trees along the perimeter of the site. Compliance with Article X will be required prior to the issuance of a certificate of occupancy for the use.

CPC ACTION

(August 14, 2008)

Motion: It was moved to recommend denial of an IM Industrial Manufacturing District on property zoned an A(A) Agricultural District and a Specific Use Permit for an Outside salvage or reclamation use, on the northeast line of South Central Expressway, south of Youngblood Road.

Maker: Rodgers
Second: Davis
Result: Carried: 9 to 4

For: 9 - Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Wolfish, Emmons
Against: 4 - Strater, Buehler, Ekblad, Alcantar
Absent: 0
Vacancy: 1 - District 8
Abstained: 1 - Prothro**
**abstained due to bus tour requirement**

**Notices:**
- Area: 400
- Mailed: 10

**Replies:**
- For: 2
- Against: 0

**Speakers:**
- For: Michael Coker, 2700 Swiss Ave., Dallas, TX, 75204
  - Julie Montague, 6201 Locke Ave., Ft. Worth, TX, 76116
  - Maribelle Davis, 1906 Sparrows Point Ct, Plano, TX, 75023
- Against: None
Brown Lewisville Railroad Family First, L.P.

List of Partners, Principals, Officers

Mason C. Brown, Jr.  Member/Manager/President
Barbara L. Brown  Member/Manager
Mason C. Brown, III  Member
Michael A. Richard  Member
APPLICANT’S REQUESTED CONDITIONS

SITE PLAN: Use and development of the Property must comply with the attached site plan.

INGRESS-EGRESS: Ingress and egress must be provided as shown on the attached site plan and must include a minimum 20-foot-wide access road. The approach to the access road must be constructed with a concrete driveway opening. The remainder of the access road must be constructed with either concrete or crushed rock.

GROUND AND DUST CONTROL: All areas of the Property, inclusive of any stockpiles, must be sprinkled with water or chemicals as necessary to achieve maximum control of dust emission.

STOCKPILE HEIGHT: The maximum stacking height for stockpiles is 35 feet.

MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and will all ordinances, rules, and regulations of the City of Dallas.
Property Owners Notified (17 parcels)
2 Replies in Favor (2 parcels)
0 Replies in Opposition (0 parcels)
400' Area of Notification
07/24/2008 Date
### Notification List of Property Owners

#### Z078-172

10 Property Owners Notified

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<th>Label #</th>
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<td>5200</td>
<td>YOUNGBLOOD TEXAS UTILITIES ELEC CO</td>
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<td>8</td>
<td>9901</td>
<td>CENTRAL DALLAS COUNTY OF</td>
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<tr>
<td>9</td>
<td>9915</td>
<td>CENTRAL AMADOR JUAN CARLOS &amp;</td>
</tr>
<tr>
<td>10</td>
<td>9999</td>
<td>NO NAME UNION PACIFIC RR CO</td>
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*Wednesday, June 25, 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</td>
<td>Mesquite, TX 75150</td>
</tr>
<tr>
<td>Anthony Jones</td>
<td>PO Box 0711</td>
<td>Galveston, TX 77553</td>
</tr>
<tr>
<td>Betty Wadkins</td>
<td>2843 Modesto Drive</td>
<td>Dallas, TX 75227</td>
</tr>
<tr>
<td>Bill Dahlstrom</td>
<td>901 Main St., Ste 6000</td>
<td>Dallas, TX 75202</td>
</tr>
<tr>
<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospert Dr.</td>
<td>Richardson, TX 75081</td>
</tr>
<tr>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8</td>
<td>Dallas, TX 75205</td>
</tr>
<tr>
<td>Clarence F Cope</td>
<td>10404 Ferndale</td>
<td>Dallas, TX 75238</td>
</tr>
<tr>
<td>Jane Guerrini</td>
<td>7032 Lupton</td>
<td>Dallas, TX 75225</td>
</tr>
<tr>
<td>Jeff Bosse</td>
<td>PO Box 4738</td>
<td>Dallas, TX 75208</td>
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<tr>
<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200</td>
<td>Dallas, TX 75248</td>
</tr>
<tr>
<td>Marcus Wood</td>
<td>6060 N Central Expy Ste 333</td>
<td>Dallas, TX 75206</td>
</tr>
<tr>
<td>Pam Conley</td>
<td>901 N Madison Avenue</td>
<td>Dallas, TX 75208</td>
</tr>
<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>
</tr>
<tr>
<td>Sheryl Jean, Newsroom-Business</td>
<td>508 Young St.</td>
<td>Dallas, TX 75265</td>
</tr>
<tr>
<td>Steve Craft</td>
<td>P O Box 542225</td>
<td>Dallas, TX 75354</td>
</tr>
<tr>
<td>Steve Kim</td>
<td>4318 Sexton Ln.</td>
<td>Dallas, TX 75229</td>
</tr>
<tr>
<td>Alpha Testing, Inc</td>
<td>Virginia Brown</td>
<td>Dallas, TX 75229</td>
</tr>
<tr>
<td>Am. Metro/Study Corp</td>
<td>Marque Nelson 14881 Quorum Dr #400</td>
<td>Dallas, TX 75240</td>
</tr>
<tr>
<td>Arboriological Services, Inc.</td>
<td>Bill Seaman</td>
<td>Wylie, TX 75098</td>
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<tr>
<td>Bluffview Homeowner</td>
<td>Pat White</td>
<td>Dallas, TX 75209</td>
</tr>
<tr>
<td>Dallas ISD</td>
<td>Stan Armstrong 3700 Ross Ave, Box 61</td>
<td>Dallas, TX 75204</td>
</tr>
<tr>
<td>Dallas Planning Asoc</td>
<td>Stuart Pully</td>
<td>Dallas, TX 75378</td>
</tr>
<tr>
<td>FW Dodge Reports</td>
<td>Donna McGuire</td>
<td>Dallas, TX 75063</td>
</tr>
</tbody>
</table>
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
9603 Rocky Branch Drive
Dallas, TX 75243

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

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

Charles Ozymy
9606 Blanco Rd
Lancaster, TX 75134

BSEAT
Allen McGill
P O Box 41561
Dallas, TX 75241

Pleasant Wood/Grove
J. Eugene Thomas
P O Box 50051
Dallas, TX 75250

SE Dallas Civic Assoc
Lionel Churchill
PO Box 411265
Dallas, TX 75241

ENZ078-172
AGENDA ITEM # 58

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict within Planned Development District No. 317, the Cedars Area Special Purpose District, and an ordinance granting a Specific Use Permit for a commercial engraving and etching facility on property zoned Subdistrict 2 within Planned Development District No. 317 on the east corner of Ervay Street and Hickory Street

Recommendation of Staff: Denial

Recommendation of CPC: Approval of a new subdistrict and approval of a Specific Use Permit for a 15-year period, subject to a site plan and conditions Z078-203(JH)
LOCATION: East corner of Ervay Street and Hickory Street
COUNCIL DISTRICT: 2           MAPSCO: 45-V
SIZE OF REQUEST: Approx. 1.1 acres           CENSUS TRACT: 33.00

REPRESENTATIVE: Karl Crawley
APPLICANT: Texas Name Plate
OWNER: Roy D. Crownover
REQUEST: An application to create a new subdistrict within Planned Development District No. 317, the Cedars Area Special Purpose District, and for a Specific Use Permit for a commercial engraving and etching facility on property zoned a Subdistrict 2 within Planned Development District No. 317.

SUMMARY: The applicant proposes to continue the commercial engraving and etching facility use.

CPC RECOMMENDATION: Approval of a new subdistrict and approval of a Specific Use Permit for a 15 year period subject to a site plan and conditions.

STAFF RECOMMENDATION: Denial
BACKGROUND INFORMATION:

- The request site is currently developed with an industrial (inside) use, specifically the manufacturing of metal nameplates.

- The request site is adjacent to undeveloped land and commercial, residential, and motel uses.

- Planned Development District No. 317 was amended in 2003 in an authorized hearing. The subdistricts of PDD No. 317 were revised in the boundaries and allowable uses. Uses that became non-conforming are subject to a compliance date of January 21, 2013, at which time a non-conforming use must cease operation, become a conforming use, or receive an extension to the compliance date by the Board of Adjustment.

- The applicant’s business appears to have become non-conforming with the creation of PDD No. 317. PDD No. 317 was created on July 26, 1989.

- PDD No. 317 was amended on April 8, 2008; the compliance date was not revised or addressed in this amendment.

- The applicant is requesting to create a new subdistrict that has the same regulations as Subdistrict 2 and a new use for the subdistrict for a commercial engraving and etching facility use to be allowed by Specific Use Permit in the new subdistrict.

Zoning History:


2. Z078-184 On May 28, 2008, the City Council approved a Subdistrict 2 within Planned Development District No. 317, the Cedars Area Special Purpose District, on property zoned a Subdistrict 1 on the northeast side of Gould Street, between McKee Street and Hickory Street.
Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ervay Street</td>
<td>Community Collector</td>
<td>80 ft.</td>
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<tr>
<td>Hickory Street</td>
<td>Local</td>
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Land Use:

<table>
<thead>
<tr>
<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>PD 317 Subdistrict 1</td>
<td>Motel, undeveloped</td>
</tr>
<tr>
<td>East</td>
<td>PD 317 Subdistrict 2</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>PD 317 Subdistrict 2</td>
<td>Residential, commercial, undeveloped</td>
</tr>
<tr>
<td>West</td>
<td>PD 317 Subdistrict 2</td>
<td>Residential, undeveloped</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS:

Comprehensive Plan:

The applicant's request does not comply with the following goals and policies of the Comprehensive Plan. Ervay Street is an important gateway through the Cedars Area and the area is an extension of downtown. Further, the proposed subdistrict gives the property a land use that was determined detrimental to the Cedars, specifically counter to the planning effort of the 2002 Cedars Area Plan.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.2 Establish clear and objective standards for land use planning.

ECONOMIC ELEMENT
GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.1 Restore Downtown Dallas as the economic and cultural heart of North Central Texas.

TRANSPORTATION ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.3 Ensure attractive gateways into the city.

NEIGHBORHOOD ELEMENT

GOAL 7.1 PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS

Policy 7.1.6 Follow a consistent neighborhood planning framework.

Area Plans:

The request does not comply with the recommendation of the Cedars Area Plan, January 2002, which identifies inappropriate land use adjacencies persist throughout the Cedars. The fragmentation of PDD No. 317 in 2002, 16 subdistricts ranging from single properties to several city blocks, did not direct development to be in appropriate areas, was overly complex, and difficult to enforce.

Recommendations of the Cedars Area Plan consolidated the industrial and heavy warehouse/distribution uses to the eastern portion of the Cedars Area. The subdistricts that allow industrial uses are Subdistrict 4 and 5, but Subdistrict 4 only allows light industrial uses. While the applicant could have requested a change to Subdistrict 5, staff strongly discourages this due to the other allowable uses in Subdistrict 5 that are incompatible with Subdistrict 2. The yard, lot, and space regulations of Subdistrict 5 are different from Subdistrict 2 and could allow for incompatible development on the request site.

Subdistrict 2 was established to promote mixed-uses on the important corridors that connect the Cedars Area with downtown. Subdistrict 2 is a moderate density mixed use corridor district that allows residential and non-residential uses. Subdistrict 2 is intended to encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District.

A seafood processing facility is an industrial use that was created in the 2003 authorized hearing. An existing seafood processing facility is in Subdistrict 3, in which no other industrial uses were recommended. The meetings with the community for the authorized hearing identified the seafood processing facility as a use that should not be non-conforming due to its value to the community.
The applicant’s use was brought up several times in the 2003 authorized hearing and the 2007-2008 authorized hearing as a valued business; however, no amendments were made to permit their use by right.

**Land Use Compatibility:**

The approximately 1.1-acre request site is zoned a Subdistrict 2 within Planned Development District No. 317, the Cedars Area Special Purpose District and is currently developed with an industrial (inside) use according to the Certificate of Occupancy for the request site. The applicant is proposing to maintain the industrial (inside) use on the property, which is not allowed by the existing zoning and has a compliance date of January 21, 2013.

The Cedars Area is an area developed with a broad range of uses and a significant amount of undeveloped land. The authorized hearing in 2003 revised PDD No. 317 in order to encourage and capitalize on the potential for mixed-use developments, create pedestrian-friendly amenities to provide a multi-modal alternative within the area, and attract dense residential uses to allow people to have short commutes to the central business district as well as excellent access to freeways by developing compatible uses. The 2003 revisions consolidated the industrial subdistricts to the east side of the Cedars Area. The Cedars Area Plan acknowledged the industrial uses in the area are significant source of employment opportunities in the short term, but the industrial areas will eventually be replaced with uses that are more appropriate for land with proximity to downtown.

The applicant is requesting to create a new subdistrict that has the same regulations as Subdistrict 2 and a new use for the subdistrict for a commercial engraving and etching facility use to be allowed by Specific Use Permit in the new subdistrict.

The applicant’s request to create a subdistrict is specifically contrary to the recommendations a few years ago that revised the subdistrict boundaries and set the compliance date. There are not changes in the area that would justify not following the land use study’s recommendations and allow the plan to be chipped the plan away in pieces. It is particularly concerning to create a new subdistrict for one property when this practice made the pre-2003 PDD No. 317 an overly complicated zoning that was difficult to enforce and allowed incompatible land use adjacencies.

The applicant’s proposal appears to be contrary to both Forward Dallas! And the Cedars area plan. While the use may have limited impacts on existing uses in the area, it is not consistent with projected land uses for the area.

Staff recommends a shorter time period for the SUP if the City Council is inclined to approve the applicant’s request. Staff believes that the area will redevelop in a shorter amount of time than 15 years.
### 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>
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<tbody>
<tr>
<td>Proposed</td>
<td>Front</td>
<td>Side/Rear</td>
<td>FAR</td>
<td></td>
<td></td>
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<tr>
<td>PDD 317 Subdistrict 2A</td>
<td>0’</td>
<td>0’</td>
<td>No max density 2.5 FAR for mixed use; otherwise 2.0 FAR</td>
<td>90’ for mixed use; otherwise 54’</td>
<td>80%</td>
<td>Urban Form on Akard; 90% max nonpermable coverage</td>
</tr>
</tbody>
</table>

| Existing       | Front    | Side/Rear   | FAR    |              |                  |                                                                             |
| PDD 317 Subdistrict 2 | 0’ | 0’ | No max density 2.5 FAR for mixed use; otherwise 2.0 FAR | 90’ for mixed use; otherwise 54’ | 80% | Urban Form on Akard; 90% max nonpermable coverage | Office, retail & personal service, lodging, residential |

### Parking/Traffic:

The expected number of trips generated by the proposed use is 348 trips per day according to the trip rate for an industrial use for the proposed floor area. A Traffic Impact Study is only required for proposals that generate more than 1,000 trips per day unless a waiver is issued. The Engineering Section of the Department of Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

### Landscaping:

Landscaping required per PDD No. 317.
CPC Minutes
July 24, 2008

Z078-203(JH)

Motion: It was moved to recommend approval for the creation of a new subdistrict within Planned Development District No. 317, the Cedars Area Special Purpose District, and approval for a Specific Use Permit for a commercial engraving and etching facility for a fifteen-year period, subject to a site plan and conditions on property zoned a Subdistrict 2 within Planned Development District No. 317 on the east corner of Ervay Street and Hickory Street.

Maker: Strater
Second: Weiss
Result: Carried: 11 to 3

For: 11 - Prothro, Strater, Gary, Davis, Rodgers, Bagley, Weiss, Lueder, Wolfish, Ekblad, Emmons

Against: 3 - Lozano, Buehler, Alcantar
Absent: 0
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 106
Replies: For: 14 Against: 30
Speakers: For: Dale Crownover, 1001 Dale Acres, Italy, TX, 76651 Bennett Miller, 1922 S. Akard St., Dallas, TX, 75215 Lance Peterson, 1909 S. Central Expwy., Dallas, TX, 75215 Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: George Macatee, 6440 N. Central Expwy., Dallas, TX, 75206 Eric Anderson, 7329 Lakehurst Ave., Dallas, TX, 75230 David Galinet, P.O. 701376, Dallas, TX, 75370
List of Partners/Principals/Officers

TEXAS NAMEPLATE CO., INC.

R. Dale Crownover, President/CEO
Roy D. Crownover, Chairman
CPC Recommended PD Conditions

SEC. 51P-317.110.2.

(a) Definition.

(1.1) COMMERCIAL ENGRAVING/ETCHING FACILITY means a facility for making engraved, etched, or silk-screened items or laminating paper, plastic or metal.

(b) Required off-street parking. The off-street parking requirement for a commercial engraving/etching facility is one space per 1000 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(c) Required off-street loading. The off-street loading requirement for a commercial engraving/etching facility is one small space.

Subdistrict 2 and 2A (Moderate Density Mixed Use Corridors)

(1) Purpose. To encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; to encourage development that supports increased pedestrian and bicycle use; and to encourage the preservation of structures with historic value.

(2) Main uses permitted.

(A) Agricultural uses.

-- None permitted.

(B) Commercial and business service uses.

-- Building repair and maintenance shop. [RAR]
-- Catering service. [RAR]
-- Custom business services. [RAR]

-- Commercial engraving/etching facility [By SUP in Subdistrict 2A. Limited to a maximum of 45,000 square feet. Must be wholly enclosed.]
-- Custom woodworking, furniture construction, or repair. [RAR]
-- Electronics service center.
-- Job or lithographic printing. [RAR]
-- Medical or scientific laboratory. [RAR]
-- Technical school. [RAR]

(C) **Industrial uses.**

-- Art or craft production facility.
-- Temporary concrete or asphalt batching plant. *By special authorization of the building official.*

(D) **Institutional and community service uses.**

-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center.
-- Convalescent and nursing homes and related institutions. *[SUP]*
-- Convent or monastery.
-- Foster home.
-- Institution for special education.
-- Library, art gallery, or museum.
-- Public or private school.

(E) **Lodging uses.**

-- Hotel or motel.
-- Lodging or boarding house.

(F) **Miscellaneous uses.**

-- Carnival or circus (temporary). *By special authorization of the building official.*
-- Temporary construction or sales office.

(G) **Office uses.**

-- Financial institution without drive-in window.
-- Financial institution with drive-in window. *[DIR]*
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) **Recreation uses.**

-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) **Residential uses.**
-- Duplex.
-- Handicapped group dwelling.
-- Multifamily.
-- Single family.

(J) Retail and personal service uses.

-- Animal shelter or clinic without outside run. [RAR]
-- Auto service center. [RAR]
-- Bar, lounge, or tavern. [SUP]
-- Business school.
-- Car wash. [RAR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial parking lot or garage. [RAR]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less. [RAR]
-- General merchandise or food store greater than 3,500 square feet. [RAR]
-- Household equipment and appliance repair.
-- Motor vehicle fueling station. [RAR]
-- Nursery, garden shop, or plant sales.
-- Personal service uses.
-- Restaurant with drive-in or drive-through services. [DIR]
-- Restaurant without drive-in or drive-through service. [RAR]
-- Temporary retail use.
-- Theater. [RAR]

(K) Transportation uses.

-- Transit passenger shelter.

(L) Utility and public service uses.

-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [RAR]
-- Post office. [RAR]
-- Utility or government installation other than listed. [SUP]
-- Utility or government service center. [See Section 51P-317.108.]
(M) Wholesale, distribution, and storage uses.

   -- Mini-warehouse. [RAR]
   -- Office showroom/warehouse. [RAR]
   -- Recycling drop-off container. [See Section 51A-4.213(11.2).]
   -- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
   -- Warehouse. [RAR]

(3) Accessory uses. As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

   (A) The following accessory uses are not permitted in this subdistrict:

      -- Accessory helistop.
      -- Accessory medical/infectious waste incinerator.
      -- Accessory outside display of merchandise.
      -- Accessory outside sales.
      -- Accessory outside storage.
      -- Accessory pathological waste incinerator.
      -- Day home.
      -- General waste incinerator.
      -- Private stable.

   (B) In this subdistrict, the following accessory use is permitted by SUP only:

      -- Pedestrian skybridges.

(4) Yard, lot, and space regulations.

   (Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

   (A) Front yard.

      (i) No minimum front yard.

      (ii) If a structure is located on a lot having frontage on Akard Street, an additional 15-foot "urban form" front yard setback is required for that portion of the structure above 54 feet in height.
(B) **Side and rear yard.** No side and rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(C) **Dwelling unit density.** No maximum dwelling unit density.

(D) **Floor area ratio.**
   (i) Maximum floor area ratio is 2.5 in a structure with 50 percent or more of its total floor area restricted to residential use and 50 percent or more of its ground floor area restricted to retail and personal services uses; and
   (ii) in all other cases, maximum floor area ratio is 2.0.

(E) **Height.** Maximum structure height is:
   (i) 90 feet for a structure with at least 50 percent of its total floor area restricted to residential uses and 50 percent or more of its ground floor area restricted to retail and personal services uses; and
   (ii) 54 feet for all other structures.

(F) **Lot coverage.** Maximum lot coverage is 80 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.

(5) **Off-street parking and loading.**
   (A) Except as provided in this paragraph, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) **Tandem parking.** For single family, duplex, and multifamily uses, tandem parking is permitted.

(C) **Multifamily.** One off-street parking space per bedroom per dwelling unit is required; not less than one space nor more than two spaces are required for each dwelling unit.

(D) **On-street parking credit.** Required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.
(i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space \((8 \div 24 = \text{one-third})\). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved in accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

(E) Pedestrian amenities parking reduction.

(i) Parking for uses on a lot that are located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station may be reduced by 40 percent if enhanced pedestrian amenities are provided.

(ii) To qualify,

(aa) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and

(bb) the enhanced sidewalk must provide the shortest walking pathway to the DART light rail station.

(iii) See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations.

(A) In general. This subdistrict is exempt from compliance with Article X of Chapter 51A, except that Article X requirements for street trees, site trees, parking lot trees, parking lot screening, garbage storage screening, and off-street loading screening, apply in this subdistrict, as modified in this paragraph.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages
the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

(C) Maximum nonpermeable coverage of a lot is 90 percent.

(D) Site trees.

(i) Alternate methods of compliance. The site tree requirements of Division 51A-10.125, “Mandatory Provisions,” of Article X apply with the following additional provisions. If a property owner in this subdistrict cannot plant all of the required site trees on the lot, the property owner may comply with one of the following two requirements for up to a maximum of 50 percent of the required site trees:

(aa) Plant the trees in the parkway along the frontage of the lot, in addition to required street trees, with the written permission of the building official.

(bb) Make a payment into the Cedars Open Space Fund.

(ii) Cedars open space fund. The department of development services shall administer a city account to be known as the Cedars Open Space Fund. Funds from the Cedars Open Space Fund must be used only for acquiring park and open-space property, and for the purchase, planting, and maintenance of landscaping on public property in Subdistrict 3A. The amount of the payment required for each site tree not planted is calculated by using the formula for appraising the value of a two-inch tree, as derived from the most recent edition of the Guide for Establishing Values of Trees and Other Plants published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(8) Additional provisions.

(A) Lots containing uses permitted with RAR must have solid screening on the sides of the property that have residential adjacency.

(B) Minimum sidewalk width. All lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet.
SPECIFIC USE PERMIT CONDITIONS FOR A
COMMERCIAL ENGRAVING AND ETCHING FACILITY

1. **USE:** The only use authorized by this specific use permit is a commercial engraving/etching facility.

2. **SITE PLAN:** Use and development of the Property must comply with the attached Site Plan.

   CPC Recommended:

   3. **TIME PERIOD:** This specific use permit automatically terminates on (15 years after the passage of this ordinance).

   Staff Recommended:

   3. **TIME PERIOD:** This specific use permit automatically terminates on (10 years after the passage of this ordinance).

4. **FLOOR AREA:** The maximum floor area for the commercial engraving/etching facility use is 45,000 square feet.

5. **INGRESS-EGRESS:** Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

6. **PARKING:** A minimum of 52 off-street parking spaces must be provided in the location shown on the attached site plan.

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

106 Property Owners Notified (110 parcels)
13 Replies in Favor (13 parcels)
29 Replies in Opposition (29 parcels)
500' Area of Notification
07/24/2008 Date
5/15/2008 Under Advisement

Z078-203 (K-7)
CPC 1:2,400
## Notification List of Property Owners

**Z078-203**

106 Property Owners Notified

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<td>Koons Real Estate Law</td>
<td>James Schnurr 3400 Carlisle St, #400 Dallas, TX 75204</td>
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<tr>
<td>Lake Highlands AIA</td>
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Z078-203

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

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 Dorazl
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
1516 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

W.A.R.N.
Tasha Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

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

Laura French
3856 W Beverly
Dallas, TX 75209

Margaret L Ray
3211 Cherrywood
Dallas, TX 75235

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

Cedars NA
Eric Anderson
7329 Lakehurst Ave.
Dallas, TX 75230

Cedars NA
Richard Schiera
2201 S Harwood
Dallas, TX 75215

Cochran Heights
Hector Garcia
3601 Turtle Creek Blvd #901
Dallas, TX 75219

Downtown Dallas
Jim Wood
1412 Main #2500
Dallas, TX 75202

Friends of the Katy Trail
Eric Van Steenburg
3523 McKinney Ave, PMB 441
Dallas, TX 75204

Harwood International, Inc.
Julie Morris
2828 N Harwood, Suite 1600
Dallas, TX 75201

27
Harwood International, Inc.
Jerry Jackson
2828 N Harwood, Suite 1600
Dallas, TX 75201

La Tour HA
Hanne Klein
3030 McKinney Ave. #502
Dallas, TX 75204

Operation Relief Center, Inc
Sherman Roberts
2010 Grand Ave.
Dallas, TX 75215

Raleighs-Hall Group
Frank M Stick
4224 N Hall St
Dallas, TX 75219

Junius Heights HOA
Kara Kunkel
5527 Tremont Street
Dallas, TX 75214

Meadows Foundation, Inc.
Robert Weiss, V.P Admin.
3003 Swiss Ave.
Dallas, TX 75209

Orion Real Estate Group
Bill Lamm
PO Box 540021
Dallas, TX 75354

Junius Heights Historic Dist
Rene Schmidt, President
715 Parkmont
Dallas, TX 75214

OLPH Church
Fv. Salvador Guzman
7617 Cortland Ave.
Dallas, TX 75235

Preston Hollow Asso
M Thomas Lardner
5811 Redwood Court
Dallas, TX 75209

ENZ078-203
A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a business school on property zoned an NO(A) Neighborhood Office District on the north side of Lyndon B. Johnson Freeway, east of Abrams Road.

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions Z078-205(WE).
FILE NUMBER: Z078-205(WE)       DATE FILED: April 2, 2008
LOCATION: North of Lyndon B. Johnson Freeway, east of Abrams Road
COUNCIL DISTRICT: 11       MAPSCO: 17-X
SIZE OF REQUEST: Approx. 6.8703 acres       CENSUS TRACT: 190.35
APPLICANT: Northcreek Business Park, Ltd.
OWNER: Northcreek Business Park, Ltd./Stom, Inc.
REPRESENTATIVE: Jackson Walker, W. Dahlstrom
REQUEST: An application for a Specific Use Permit for a business school on property zoned an NO(A) Neighborhood Office District.
SUMMARY: The purpose of request is to operate a nursing school within two existing two-story office complexes.
CPC RECOMMENDATION: Approval for a five year period with eligibility for automatic renewals for additional ten year periods, subject to a site plan and conditions
STAFF RECOMMENDATION: Approval for a five year period with eligibility for automatic renewals for additional ten year periods, subject to a revised site plan and staff’s revised recommended conditions
BACKGROUND INFORMATION:

- The applicant is requesting a Specific Use Permit to allow for a business school to operate within two existing two-story office complexes that have approximately 45,000 square feet of floor area. The applicant proposes to use approximately 9,300 square feet of classroom space for a nursing school.

- Currently, the request site has public deed restrictions on the property. The deed restrictions identified the O-1 Office District and one additional use, Medical or scientific laboratory as a permitted use on the property. In addition, the deed restrictions limit the maximum structure height to 72 feet and floor area to 325,000 square feet for one or more buildings. The deed restrictions on the Property will remain.

- The applicant originally requested to operate a restaurant without a drive-in or drive through service within one of the existing office complexes. However, it was determined that a restaurant use was not an allowed use in the O-1 Office District.

- The request site is adjacent to PDD No. 238 for Shopping Center District uses and office uses and TH-2(A) Townhouse District uses to the north, undeveloped land to the east, the LBJ Freeway to the south and office to the west. Across Abrams Road, west of the site are additional retail uses.

Zoning History: There has been one Board of Adjustment case and one zoning change requests in the area.

1. BDA 056-230 On Wednesday, November 15, 2006, the Board of Adjustment Panel B granted a special exception to the off-street parking regulations of 94 spaces at 12160 ad 12170 Abrams road.

2. Z023-132 On Wednesday, January 16, 2003, the City Council approved a CR Community Retail District and a Specific Use Permit for a mini-warehouse use on property zoned a GO(A) General Office District on the north side of LBJ Freeway between Forest Lane and Abrams Road.

Thoroughfares/Streets:

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<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
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<td>Variable lane widths</td>
<td>Variable lane widths</td>
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<td>Abrams Road</td>
<td>Principal Arterial</td>
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Land Use:

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<tr>
<td>North</td>
<td>PD No. 238, TH-2(A)</td>
<td>Townhouses, Office</td>
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<td>South</td>
<td>MU-3</td>
<td>LBJ Freeway</td>
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<td>East</td>
<td>TH-2(A), NO(A), CR w/DR on a portion</td>
<td>Single Family, Undeveloped</td>
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<tr>
<td>West</td>
<td>MU-1 w/DR</td>
<td>Offices</td>
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</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 support the applicant’s request operate a business school. The request site is developed with two two-story office complexes that will provide adequate space for the business school. The proposed use could strengthen the adjacent communities identities by enhancing the retail and business operations in the area.

Economic

**Goal 2.4** Create and maintain an environment friendly

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Urban Design

**Goal 5.2** Strengthen community and neighborhood identity

Policy 5.2.4 Enhance retail, industrial and business operations

STAFF ANALYSIS:

**Land Use Compatibility:** The request site is approximately 6.8703 acres and is developed with two two-story office buildings. The site is part of a larger office development which is divided by two zoning districts; an MU-1 Mixed Use District and an NO(A) Neighborhood Office District. The applicant is requesting a Specific Use Permit to allow a business school to operate within two existing two-story office complexes that have approximately 45,000 square feet of floor area. The applicant is proposing to use approximately 9,300 square feet of classroom space for a nursing school.

The request site is adjacent to an office development that has a nursing school operating within the office complex. In November 2006, the adjacent property owner was granted a special exception to the off-street parking regulation for 94 parking
spaces for the nursing school. In addition, there is a remote parking agreement between the adjacent property owner and the owner of the request site. Currently, the request site has public deed restrictions on the property. The deed restrictions identified the O-1 Office District and one additional use, Medical or scientific laboratory as a permitted use on the property. In addition, the deed restrictions limit the maximum structure height to 72 feet and floor area to 325,000 square feet for one or more buildings. It was determined after the applicant’s request to operate a restaurant within one of the existing office complexes that the deed restrictions prohibited the use.

The request site is adjacent to PDD No. 238 for Shopping Center District uses and office uses and TH-2(A) Townhouse District uses to the north, undeveloped land to the east, the LBJ Freeway to the south and office to the west. Across Abrams Road, west of the site are additional retail 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.

The applicant’s request for a Specific Use Permit for a business school should not have an adverse impact on the surrounding residential and office uses. The City Plan Commission recommended approval of the SUP for a five year period with eligibility for automatic renewals for additional ten year periods, subject to a revised site plan and conditions. All references to the restaurant without a drive-in or drive through service was removed from the conditions.

**Development Standards:**

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<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>NO(A) – Existing Neighborhood Office</td>
<td>15'</td>
<td>0.5 FAR</td>
<td>30'</td>
<td>50%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Office</td>
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**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended. However, the proposed request will not trigger any Article X requirements because the applicant is not proposing any new construction on the site.
Parking Analysis: The applicant has submitted a parking analysis that identified the number of off-street parking spaces needed for the proposed business school and restaurant without a drive-in or drive through service. The Dallas Development code determines the number of off-street parking spaces by the total square feet of classroom space. The Code requires one space per 25 square feet of classroom space.

Based on the 9,300 square feet of classroom space that is proposed for the business school, a total of 372 off-street parking spaces are required. The City Plan Commission increased the classroom square footage by 1,000 square feet because the deed restrictions on the Property prohibited a restaurant use; thus increasing the required parking to 412 spaces. The applicant has designated on the site plan additional areas as future off-street parking within the office development. However, the applicant will have to meet with city officials to determine if the future off-street parking area can be developed because the plat map shows a City of Dallas drainage easement running through a portion of the parking lot that is designated as future parking.

A total of 412 off-street parking spaces are required for the business school and the applicant is providing approximately 606 additional off-street parking spaces to meet the remaining off-street parking requirements for the adjacent office use. The 606 off-street parking spaces may include the remote parking agreement spaces the applicant entered into with the adjacent property owner. The applicant will have to submit supporting documentation to the building official verifying that the office use has met the required off-street parking requirements, which includes the remote parking agreement. The adjacent office use is not a part of this SUP request.

SUP Conditions: The applicant has requested a maximum floor area of 45,000 square feet of classroom space for the business school instead of the recommended 10,300 square feet of floor area. The amount of classroom space being requested will allow for the applicant to increase the business school in the future. The applicant has mentioned that the any additional classroom space over the recommended 10,300 square feet of floor area will not be used until the off-street parking requirements are met for the additional classroom space.

Staff cannot support the SUP condition to allow for 45,000 square feet of classroom spaces for the business school. Staff recommends the applicant submit a parking analysis to support any increases in classroom space for the business school. Any increase in classroom space prior to staff reviewing the parking analysis could negatively impact the office park.

CPC Action (August 21, 2008)

Motion: It was moved to recommend approval of a Specific Use Permit for a business school and a restaurant without a drive-in or drive through service for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and staff’s recommended conditions on
property zoned an NO(A) Neighborhood Office District on the north side of Lyndon B. Johnson Freeway, at Abrams Road with the following two changes:

1) The only authorized use by this Specific Use Permit is a business school, and any reference to a restaurant use in the conditions is stricken. 2) The maximum classroom floor area is 10,300 sq. ft.

Maker: Buehler
Second: Lozano
Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Buehler, Ekblad, Emmons, Alcantar

Against: 0
Absent: 2 - Strater, Wolfish
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 66
Replies: For: 9 Against: 1

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Bradley Mindlin, 1640 S. Sepulveda Blvd., Los Angeles, CA, 90025
Elizabeth Crow, 400 Houston St., Dallas, TX, 75202
Jack Brozman, 5800 Foxridge Dr., Missouri, KS, 66202

Against: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Manny Ybarra, 12160 N. Abrams Rd., Dallas, TX, 75243
Jay Krystinik, 2200 Ross Ave., Dallas, TX, 75201
Note: Northcreek Business Park, LTD. is a limited partnership and such does not have any individual officers. The General Partner of Northcreek Business Park, Ltd. is Palm Equities, LLC. An LLC, does not necessarily have individual officers, and in this instance it appears that Palm Equities, LLC is managed not by individuals but by two entities Managers, those being the Bell & Carter entity and the STOM entity. Both of those, in turn, have their individual officers and shareholders listed. So those named individuals are the only individuals who are involved.
1. **USE**: The only use authorized by this specific use permit is a business school.

2. **SITE PLAN**: Use and development of the Property must comply with the attached site plan.

**CPC’s recommendation**

3. **TIME LIMIT**: This specific use permit expires on (five years from the passage of the ordinance), but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A, 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.)

**Applicant’s proposal**

3. **TIME LIMIT**: This specific use permit expires (twenty years from the passage of the ordinance), but is eligible for automatic renewal for additional twenty-year periods pursuant to Section 51A-4.219 of Chapter 51A, 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.)

**CPC’s recommendation**

4. **FLOOR AREA**: For a business school, the maximum classroom floor area is 10,300 square feet.

**Applicant’s proposal**

4. **FLOOR**: For a business school, the maximum floor area is 45,000 square feet.
5. **HOURS OF OPERATION:** A business school may only operate between 6:30 a.m. and 11:00 p.m., Monday through Friday and 7:30 a.m. and 4:30 p.m., Saturday and Sunday.

6. **INGRESS – EGRESS:** Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.

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.
# Notification List of Property Owners

**Z078-205**

## 66 Property Owners Notified

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<th>Address</th>
<th>Owner</th>
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<td>9441 LBJ</td>
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<td>12160 ABRAMS</td>
<td>LANDGEM OFFICE I LTD STE 100</td>
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<td>9420 FOREST</td>
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*Tuesday, July 01, 2008*
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Tuesday, July 01, 2008
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*Tuesday, July 01, 2008*
Al Romero
PO Box 870875
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Galveston, TX 77553

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Dallas, TX 75202

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Richardson, TX 75081

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Dallas, TX 75205

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Dallas, TX 75376
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Neoma Shafer
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Dallas, TX 75233
Koons Real Estate Law
James Schnurr
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Dallas, TX 75204

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Dallas, TX 75243
Law Office of R Albright
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Master Plan
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Dallas, TX 75254
Micheal R Coker Co
Michael R Coker
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Dallas, TX 75209
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Dennis O'Malley
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Coppell, TX 75019

N Pk Lovefied Comm Civic League
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Dallas, TX 75209
Oak Cliff Chamber
Joe Burkleo
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Dallas, TX 75224
PARC DU LAC
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Phillip Shepherd
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Fort Worth, TX 76155
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ENZ078-205x
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)

Note: This item was considered by the City Council at a public hearing on September 10, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.
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>
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<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
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<tr>
<td>Mockingbird Lane</td>
<td>Principal Arterial</td>
<td>100 ft. ROW</td>
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<tr>
<td>North Central Expressway Service Road</td>
<td>Principal Arterial</td>
<td>Variable ROW</td>
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**Land Use:**

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<tr>
<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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<tr>
<td>PD No. 740</td>
<td>Hotel, retail, and undeveloped</td>
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<tr>
<td>MU-3 &amp; SUP No. 1227</td>
<td>Mini Warehouse</td>
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<td>MU-3, MU-2</td>
<td>Freeway &amp; retail</td>
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<td>M - 3</td>
<td>Office, Retail, Residential &amp; Mockingbird DART Station</td>
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</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 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:**

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<td>PD No. 740</td>
<td>Tract 1</td>
<td>Conceptual/d development plan</td>
<td>Tract 1: 177 dwelling units per acre</td>
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<td>Tract 1: 80%</td>
<td>No RPS No Tower Spacing Lot Coverage Special Provisions</td>
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<td>Tract 2: no minimum</td>
<td>Tract 2: 150 units</td>
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<td>Tract 2: See special provisions</td>
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<td>See special provisions</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:
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
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 nonresidential uses is 200,000 square feet. Retail and personal service uses may not exceed 20,000 square feet.

(B) No maximum floor area for residential uses.
Applicant’s Request:

(2) Tract 2.

20,000 square feet. Retail and personal services uses may not exceed 20,000 square feet area in floor.

(B) No maximum floor area for residential uses.

(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

<table>
<thead>
<tr>
<th>(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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Brick, stone, stucco, concrete, or concrete masonry wall.</td>
</tr>
<tr>
<td>(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.</td>
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<tr>
<td>(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.</td>
</tr>
</tbody>
</table>
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 of any 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 of any for the 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
### TRACT 2: CONCEPTUAL PLAN

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<th>Land Area Setbacks</th>
<th>Minimum Density</th>
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### TRACT 1 DEVELOPMENT PLAN

- **Land Area Setbacks**
- **Minimum Density**
- **Stories: Floor Area**
- **Height: Maximum Sizable Height**
- **Lot Coverage**
- **Off-Street Parking**

### VICINITY MAP

- **Typical Packed Parking**
- **Other Details**

---

**Palomar**

- **Map Details**
- **Scale and Orientation**

---

**Z078-241**
EXISTING TRACT 1 LANDSCAPE PLAN
As approved March 29, 2007
### Notification List of Property Owners

**Z078-241**

99 Property Owners Notified

<table>
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<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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*Thursday, July 31, 2008*
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*Thursday, July 31, 2008*
Early Notification List

Al Romero  
PO Box 870875  
Mesquite, TX 75150

Anthony Jones  
PO Box 0711  
Galveston, TX 77553

Betty Wadkins  
2843 Modesto Drive  
Dallas, TX 75227

Bill Dahlstrom  
901 Main St., Ste 6000  
Dallas, TX 75202

Bridge Ballowe 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 Expy Ste 333  
Dallas, TX 75206

Pam Conley  
901 N Madison Avenue  
Dallas, TX 75208

Rob Baldwin  
401 Exposition  
Dallas, TX 75226

Robert P. Garza  
412 E. Sixth St.  
Dallas, TX 75203

Sheryl Jean, Newsroom-Business  
508 Young St.  
Dallas, TX 75265

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

Arborilological 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
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<td>300 Crescent Court</td>
<td>Dallas, TX 75208</td>
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<td>Neoma Shafer</td>
<td>2538 W Kiest Blvd</td>
<td>Dallas, TX 75233</td>
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<td>Law Office of R Albright</td>
<td>Roger Albright</td>
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<td>Micheal R Coker Co</td>
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<td>2700 Swiss Ave. #100</td>
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<td>PARC DU LAC</td>
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<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>Robert Reeves</td>
<td>900 Jackson St, Suite 160</td>
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<tr>
<td>United HOA</td>
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<td>Avi S Adelman</td>
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<td>Hector Garcia</td>
<td>3601 Turtle Creek Blvd #901</td>
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<td>Holly Kuper</td>
<td>5522 Anita St</td>
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<td>Mr &amp; Mrs William Zeiss</td>
<td>5504 Ellsworth Ave</td>
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<td>Pat Baker</td>
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<td>Kara Kunkel</td>
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<td>Maxine Aaronson</td>
<td>600 N Pearl St, #2170</td>
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<td>Patricia Carr</td>
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<td>Swiss Ave Hist Dist Assn</td>
<td>V. McAlester/D. Savage</td>
<td>5703 Swiss Avenue</td>
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<td>Leslie Densmore</td>
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ENZ078-241
**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** September 24, 2008  
**COUNCIL DISTRICT(S):** 3  
**DEPARTMENT:** Department of Development Services  
**CMO:** A. C. Gonzalez, 671-8925  
**MAPSCO:** 61B G L  

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned an A(A) Agricultural District on the north side of Grady Niblo Road, east of Spur 408  
**Recommendation of Staff and CPC:** Approval for a five-year period, subject to a site plan and conditions  
**Z078-232(MAW)**  
**Note:** This item was considered by the City Council at a public hearing on August 27, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.
HONORABLE MAYOR & CITY COUNCIL  

WEDNESDAY, SEPTEMBER 24, 2008  

ACM: A.C. Gonzalez


LOCATION: North side of Grady Niblo Road, east of Spur 408

COUNCIL DISTRICT: 3  MAPSCO: 61B-G; L

SIZE OF REQUEST: ±6.99 acres  CENSUS TRACT: 165.01

REPRESENTATIVE: Mack Santoyo

APPLICANT: Dr. Vincente Delgado

OWNER: Bethel Temple Lakeview

REQUEST: An application for a Specific Use Permit for an open enrollment charter school on property zoned an A(A) Agricultural District.

SUMMARY: The purpose of this request is to allow the existing church to operate an open enrollment charter school with a maximum of 13 classrooms.

CPC RECOMMENDATION: Approval for a five-year period subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a five-year period subject to a site plan and conditions.
BACKGROUND INFORMATION:

- The request site is currently developed with a ±6,045-square foot church building situated on approximately 2 acres with 1.5 acres utilized for parking. The remainder of the parking is available for future expansion.

- No new construction is proposed by this SUP request; a dedicated portion of the church building will be used for the charter school.

- The proposed hours of operation for the charter school are Monday through Friday from 6:30 am to 6:00 pm.

- The request site is surrounded by undeveloped land to the north and east, single family residential under construction to the south and undeveloped land to the west.

Zoning History:

<p>| | |</p>
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<td>1.</td>
<td>BDA078-072: On August 13, 2008, the Board of Zoning Adjustment will hear a request for a special exception to the tree preservation requirements.</td>
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<td>BDA067-158: On November 14, 2007, the Board of Adjustment denied without prejudice a special exception to tree preservation requirements.</td>
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<td>Z034-273: On June 30, 2004, the City Council approved a Planned Development District for single family uses on property zoned an A(A) Agricultural District.</td>
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<td>2.</td>
<td>Z067-191: On June 21, 2007, the City Plan Commission recommended denial of an amendment to Planned Development District No. 743 for A(A) Agricultural District uses plus Recreational, Residential, Lodging, and Institutional and Community Service uses to permit a group residential facility. The applicant did not appeal to the City Council.</td>
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<td>Z045-225: On April 3, 2006, the City Council approved a Planned Development District for A(A) Agricultural District uses plus Recreational, Residential, Lodging, and Institutional and Community Service uses and the termination of Specific Use Permit No. 965 on property zoned an A(A) Agricultural District with Specific Use Permit No. 965 for a private recreation center, club or area and Planned Development District No. 226 for single family uses.</td>
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**Thoroughfares/Streets:**

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<td>Grady Niblo Road</td>
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**Land Use:**

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<td>East</td>
<td>A(A)</td>
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<td>South</td>
<td>PD 701</td>
<td>Single family under construction</td>
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<tr>
<td>West</td>
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**STAFF ANALYSIS:**

**Area Plan:**

The request site is within the boundaries of the Southwest Dallas Land Use Study: Phase Two, approved by City Council on July 27, 1988. The Study provides recommendations on future land use and land use policies intended to help guide future planning decisions within the southwest quadrant of the City of Dallas.

A Future Land Use Concept Map and policy guidance were created by the Southwest Dallas Plan to help define the appropriateness of a specific location's proposed density and use. The subject site is designated as Single Family Detached on the Future Land Use Concept Map included within the Study. The applicant’s proposal to provide an open enrollment charter school in conjunction with the existing church is not necessarily consistent with recommendations of the study; however, these institutional uses are considered compatible with residential uses and could be complementary to future single family development.

**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 a Residential Neighborhood. While single family dwellings are the dominate land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

In general, the applicant’s proposal to provide an open enrollment charter school at this location is consistent with the following goal and policy of the Comprehensive Plan.

LAND USE

Goal 1.1: Promote Desired Development.

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The ±6.99-acre request site is zoned an A(A) Agricultural District and is currently developed with a church. The applicant proposes to operate an open enrollment charter school with a maximum of 13 classrooms within a dedicated portion of the existing church building.

The request site is surrounded by undeveloped land to the north, east and west and single family residential under construction to the south.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The City Council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the City.

The applicant’s request, subject a site plan and conditions, complies with the general provisions for consideration of an SUP.

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:

Pursuant to §51A-4.210 of the Dallas Development Code, the off-street parking requirement for a church is one (1) space for each four (4) fixed seats. The off-street parking requirement for a school is 1.5 spaces per elementary classroom. Therefore, the existing 166-fixed seat church and proposed 13-classroom open enrollment charter school will require a total of 62 parking spaces. The applicant will provide 77 parking spaces, as depicted on the site plan.

Landscaping:

Landscaping required per Article X of the Dallas Development Code.
CPC ACTION: July 24, 2008

Motion: It was moved to recommend approval of a Specific Use Permit for an open enrollment charter school for a five-year period, subject to a site plan and conditions on property zoned an A(A) Agricultural District on the north side of Grady Niblo Road, east of Spur 408.

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: 400  Mailed: 32  
Replies: For: 2  Against: 0  
Speakers: None
List of Partners/Principals/Officers

7-18-08

PAGE 2

FAITH CHRISTIAN CENTER'S BOARD MEMBERS

TO: MACK SANTOYA

FAITH CHRISTIAN CENTER'S BOARD MEMBERS:
DARRELL PILCHER, PASTOR & BOARD CHAIRMAN
CRAIG SPIERS, SEC./TREASURER
BRYAN DUNN, BOARD MEMBER
CHARLES MITCHELL, BOARD MEMBER
ERNIE RESENDIZ, BOARD MEMBER
BRYANT WRAY, BOARD MEMBER
1. **USE**: The only use authorized by this specific use permit is an open-enrollment charter school.

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 time period that expires on (five years from approval date).

4. **LANDSCAPING**: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code.

5. **CLASSROOMS**: The maximum number of classrooms is 13.

6. **DRIVE**: A pick-up and drop-off area for students must be provided in the location shown on the attached site plan.

7. **HOURS OF OPERATION**: The open-enrollment charter school may only operate between 6:30 a.m. and 6:00 p.m., Monday through Friday.

8. **INGRESS/EGRESS**: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.

9. **PARKING**: Off-street parking must be located as shown on the attached site plan.

10. **TRAFFIC MANAGEMENT PLAN**: The open-enrollment charter school must comply with the attached traffic management plan.

   (a) **In general**: The operation of the uses must comply with the traffic management plan.

   (b) **Queuing**: Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

   (c) **Traffic study**.

      (1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the Director by November 1, 2009. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the Director by November 1st of each year.
(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the Director shall determine if the current traffic management plan is sufficient.

(A) If the Director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the Director determines that the current traffic management plan results in traffic hazards or traffic congestion, the Director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the Director shall notify the city plan commission.

(d) Amendment process.

(1) A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

11. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

12. 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.
Traffic Management Plan
and
Queuing Analysis

Golden Rule Charter School Grady Niblo Campus located at 6801 Grady Niblo Road, Dallas, TX. 75236 will provide education services to a maximum of 300 students as follows:

Pre-K – 1 class (22 students maximum per class)
Kindergarten – 2 classes (22 students maximum per class)
1st thru 5th grades - 2 classes per grade (22 students maximum per class)

The school provides one central drop off location (see site plan for location) with 25 spaces, each space measuring 10'x20' with 500 feet available for queuing of vehicles in a single file.

During traffic periods (drop off and pick up) the school will provide an Administrator and 4 carpool attendants to assist children exiting the vehicles thereby decreasing the time a vehicle waits in a Drop Off location. The school will provide security personnel to assist with traffic management as needed. During Drop Off the school expects to have a maximum of 2 vehicles in the Drop Off location and 8 to 10 vehicles in the queuing spaces provided at any given time, this is based on prior experience at our 2 present locations. The Grady Niblo location will house only Pre-K and Kindergartners classes the 1st year. Grade levels will be staggered by 5 minutes. During pick up parents will have the option as to parking and escort student(s) to vehicle or student will be escorted to vehicle by carpool attendants.

Each entrance and exit from the campus is unidirectional, allowing for only one way traffic. Vehicle flow throughout the campus is primarily from north to south along a one-way road. All exits from the campus allow egress to the east or west along Grady Niblo Road. The school will provide their own private security to assist with traffic flow as necessary.

All families will be educated as to the traffic flow plan of the school. This educational process takes place throughout the year by means of meeting, fliers.

This Traffic Management plan will be filed with the City of Dallas' Department of Public Works and Transportation Department and updated each year during the schools summer break.
## Notification List of Property Owners

**Z078-232**

### 32 Property Owners Notified

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<thead>
<tr>
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<th>Address</th>
<th>Owner</th>
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<td>2</td>
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<td>4500 SPUR 408</td>
<td>SHONUGA GABRIEL T &amp;</td>
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<td>5</td>
<td>7001 GRADY NIBLO</td>
<td>PRICE JOHN WILEY</td>
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### Early Notification List

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<td>Al Romero</td>
<td>PO Box 870875</td>
<td>Mesquite, TX 75150</td>
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<td>901 Main St., Ste 6000</td>
<td>Dallas, TX 75202</td>
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<td>Clarence F Cope</td>
<td>10404 Ferndale</td>
<td>Dallas, TX 75238</td>
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<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200</td>
<td>Dallas, TX 75248</td>
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<td>Rob Baldwin</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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<tr>
<td>Am. Metro/Study Corp</td>
<td>14881 Quorum Dr #400</td>
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<td>Dallas, TX 75204</td>
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<tr>
<td>Anthony Jones</td>
<td>PO Box 0711</td>
<td>Galveston, TX 77553</td>
</tr>
<tr>
<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospert Dr.</td>
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<td>Jeff Bosse</td>
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<tr>
<td>Pam Conley</td>
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<td>Am. Metro/Study Corp</td>
<td>14881 Quorum Dr #400</td>
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<td>Terri Woods</td>
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<td>Law Office of R Albright</td>
<td>Master Plan</td>
<td>1516 San Saba Dr.</td>
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<td>Roger Albright</td>
<td>J Kimborough</td>
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<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>Signs Manufacturing</td>
<td>14450 Trinity Blvd. #300</td>
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<td>William Watson</td>
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</tr>
<tr>
<td>900 Jackson St, Suite 160</td>
<td>4610 Mint Way</td>
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<td>Thelma J. Norman</td>
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ENZ078-232
AGENDA ITEM # 62

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 2, 6

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 44 M R; 45 J N S T

SUBJECT

A public hearing to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District, CS Commercial Service District, CA-2(A) Central Area District, MU-2(SAH) Mixed Use District, Planned Development District No. 774, within the Downtown Special Provision Sign District with Specific Use Permit No. 432 for a Private Animal Pound and Specific Use Permit No. 1203 for a Government Installation Other Than Listed on property generally bounded by Continental Avenue to the north, Interstate 35 to the east and south, and the Trinity River levee to the west with consideration being given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations and an ordinance granting a Planned Development District and an ordinance terminating Specific Use Permit No. 432

Recommendation of Staff and CPC: Approval of a planned development district, subject to conditions and a regulating plan for property located south of the Union Pacific Rail Line, with termination of Specific Use Permit No. 432, and no change to zoning for property located north of the Union Pacific Rail Line Z067-148(DW)

Note: This item was considered by the City Council at public hearings on May 28, June 11, June 25 and August 27, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.
FILE NUMBER: Z067-148 (DW) DATE FILED: January 24, 2007

LOCATION: Generally bounded by Continental Avenue to the north, Interstate 35 to the east and south, and the Trinity River levee to the west

COUNCIL DISTRICT: 2 & 6 MAPSCO: 44-M, R & 45-J, N, S, T

SIZE OF REQUEST: Approx. 229 acres CENSUS TRACT: 100

REQUEST:
A City Council authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District, CS Commercial Service District, CA-2(A) Central Area District, MU-2(SAH) Mixed Use District, Planned Development District No. 774, within the Downtown Special Provision Sign District with Specific Use Permit No. 432 for a Private Animal Pound and Specific Use Permit No. 1203 for a Government Installation Other Than Listed, with consideration given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations

SUMMARY: The authorization was initiated as part of the implementation for the Trinity River Corridor Comprehensive Land Use Plan, which calls for the area to redevelop into a higher-density, mixed use neighborhood.

CPC RECOMMENDATION: Approval of a planned development district, subject to conditions and a regulating plan for property located south of the Union Pacific Rail Line, with termination of SUP No. 432. No change to zoning for property located north of the Union Pacific Rail Line.

STAFF RECOMMENDATION: Approval of a planned development district, subject to conditions and a regulating plan for property located south of the Union Pacific Rail Line, with termination of SUP No. 432. No change to zoning for property located north of the Union Pacific Rail Line.
BACKGROUND INFORMATION:

- The City Council authorized this public hearing on January 24, 2007, as part of the process to implement the Trinity River Corridor Comprehensive Land Use Plan that was adopted on March 9, 2005.

- As part of the review and rezoning process for priority areas identified in the Plan, the City Plan Commission has empanelled an ad hoc committee to work with the Urban Design Advisory Committee to take community input and develop zoning recommendations.

- The committees discussed the item at a total of 16 joint meetings, as well hosted two community meetings on December 4, 2006 and January 14, 2008. Approximately 70 people attended the first community meeting, which also included a discussion of other study areas along Industrial Boulevard. Approximately, 50 people attended the second community meeting that focused on the proposed regulations for the study area.

- The recommended approach utilizes form-based zoning regulations to guide redevelopment of the area in a manner that will ensure walkable districts that will complement the planned amenities within the Trinity River Park.

- The study area will serve to extend Downtown development to the Trinity River. An overlook at Reunion Boulevard will function as the primary access point into the park and the ceremonial entrance into the park.

- Planned park amenities within close proximity to the study area include the urban lake and promenade, a white water course at the northern end of the lake, and two signature bridges designed by Santiago Calatrava:
  - The Margaret Hunt Hill bridge currently under construction that will extend Woodall Rogers across the river to Singleton Boulevard; and
  - The Margaret McDermott Bridge along Interstate 30 as it crosses the river.

- On February 14, the City Plan Commission had a bus tour of the study area.

- On May 6, 2008, staff briefed the Trinity River Corridor project committee regarding this zoning case. A follow-up briefing is scheduled for May 20, 2008. Any amendments the Committee has to the City Plan Commission’s recommended conditions will be provided as updated information to the City Council prior to the public hearing.
Zoning History: There have been two zoning change requests in the area.

1. Z067-229

On October 24, 2007, the City Council approved an amendment to Planned Development District No. 621, the Old Trinity and Design District Special Purpose District to create a new subarea for the Old Trinity Industrial land use opportunity area to address building configuration, building height, building footprint, building orientation and view considerations.

2. Z067-288

On December 12, 2007, the City Council approved a planned development district on property generally bounded by Continental Avenue to the north, I-35 to the east, Union Pacific Railroad to the south, and the Trinity River levee to the west.

Thoroughfares/Streets:

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<td>Commerce Street</td>
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<td>Continental Avenue</td>
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**Land Use:**

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<td>Downtown</td>
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<td>A(A), IR and PDD 468</td>
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**STAFF ANALYSIS:**

**Comprehensive Plan:**

**LAND USE ELEMENT**

The recommendation complies with the following land use goals and policies of the Comprehensive Plan because the proposed zoning removes a regulatory barrier that will allow the area to redevelop into a mixed use environment. The existing commercial and industrial zoning which predominates the area does not comply with the Trinity River Corridor Comprehensive Land Use Plan, nor does it allow for the type of mixed use development that is desired. There are also bonuses given for affordable housing, and environmental performance of buildings.

**GOAL 1.1  ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.1  Implement the Trinity River Corridor Plan.
Policy 1.1.3  Build a dynamic and expanded downtown.

**GOAL 1.3  PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS**

Policy 1.3.1  Create housing opportunities throughout Dallas.
GOAL 1.4  COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT

Policy 1.4.2  Develop a multi-modal transportation network.
Policy 1.4.3  Embrace environmental sustainability.

ECONOMIC ELEMENT
The recommendation complies with the following economic goals and policies of the Comprehensive Plan because the zoning is intended to allow for uses to be adapted to over time to respond to market conditions, allow for the redevelopment of areas adjacent to the Trinity River, expand downtown to the river and enhance the connection of park amenities to the CBD.

GOAL 2.1  PROMOTE BALANCED GROWTH
Policy 2.1.1  Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.2  ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT
Policy 2.2.1  Focus economic development efforts on revitalization of the Trinity River Corridor.

GOAL 2.3  BUILD A DYNAMIC AND EXPANDED DOWNTOWN
Policy 2.3.1  Restore Downtown Dallas as the economic and cultural heart of North Central Texas.
Policy 2.3.3  Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

HOUSING ELEMENT
The recommendation complies with the following housing goals and policies of the Comprehensive Plan because the zoning encourages affordable housing through floor area bonuses.

GOAL 3.3  EXPAND AFFORDABLE HOUSING ALTERNATIVES
Policy 3.3.2  Encourage distribution of affordable housing throughout the City and the region.

TRANSPORTATION ELEMENT
The recommendation complies with the following transportation goals and policies of the Comprehensive Plan because street sections are designed to create a quality pedestrian environment to improve walkability.

GOAL 4.2  PROMOTE A VARIETY OF TRANSPORTATION OPTIONS
Policy 4.2.2  Promote a network of on-street and off-street walking and biking paths.

URBAN DESIGN ELEMENT
The recommendation complies with the following urban design goals and policies of the Comprehensive Plan because development and street standards are designed to create a quality public realm that will enhance the pedestrian experience.

GOAL 5.1  PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY
Policy 5.1.1  Promote pedestrian-friendly streetscapes.
Policy 5.1.3  Encourage complementary building height, scale, design and character.
Policy 5.1.4  Enhance visual enjoyment of public space.

GOAL 5.2  STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY
Policy 5.2.2  Promote the character of the city’s significant districts, linkages and areas.

GOAL 5.3  ESTABLISHING WALK-TO CONVENIENCE
Policy 5.3.1  Encourage a balance of land uses within walking distance of each other.

ENVIRONMENT ELEMENT
The recommendation complies with the following environmental goals and policies of the Comprehensive Plan because the zoning requires LEED Silver eligibility for new construction greater than 10,000 square feet, and provides bonuses for LEED Gold and Platinum eligibility. Redevelopment of this area will also provide a walkable live-work-play environment. The use requirements also specifically spell out and allow for integrated renewable energy sources as an accessory use on a lot to encourage the use of wind or solar power.

GOAL 6.3  IMPROVE ENERGY EFFICIENCY AND AIR QUALITY
Policy 6.3.1  Promote green building practices.
Policy 6.3.3  Limit vehicle miles traveled.

NEIGHBORHOOD ELEMENT
The recommendation complies with the following neighborhood goals and policies of the Comprehensive Plan because redevelopment of this area at the main gateway into the Trinity River Park will create a district that will serve to define Dallas’ image and promote a unique identity for the city and this area along Industrial Boulevard.

GOAL 7.1  PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS
Policy 7.1.3  Encourage a sense of community and identity.
Area Plans:

On March 9, 2005, City Council adopted the Trinity River Comprehensive Land Use Plan, which outlines desired development patterns within the Corridor and identifies 23 land use opportunity areas. These opportunity areas were subject to more detailed evaluation and policy recommendations, and represent specific development opportunities within the Corridor. The Mixmaster Riverfront land use opportunity area is indicated for mixed-use development that will connect downtown to the Trinity River Corridor.

Key urban design concerns outlined in the plan include avoiding a ‘wall of buildings’ that limits views along the river greenbelt edge; establishing riverfront development patterns that encourage new investment and redevelopment while protecting views from properties located further from the river’s edge; and establishing riverfront development patterns that enhance the view looking back at the city from the trails, lakes, and wetlands inside the river greenbelt and from bridges crossing the river. Design concepts outlined in the Plan to address this issue included placing limitations on the buildings maximum façade width above 4 stories to between 20 and 50 percent, and limiting buildings immediately adjacent and parallel to the levee to a maximum of 3 stories of habitable structures above the levee.

Land Use Compatibility:

The Trinity River Corridor Comprehensive Land Use Plan recommends mixed use for the area, and outlines a desire to bring downtown development to the river’s edge. The 229-acre study area is zoned predominantly IM Industrial Manufacturing, with areas zoned MU-2 (SAH), CS Commercial Service, and CA-2(A), and Planned Development District No. 774. The large share of commercial/industrial zoning on the property prevents the area from redeveloping into the walkable, mixed-use environment that is desired.

The proposed PD utilizes a form-based approach which is intended to emphasize the look and feel of a location to create a walkable environment. In a form-based zoning district:

- The standards and regulations should have predictable physical outcomes;
- The code should require the buildings, elements, and streetscape to define and shape the public space;
- The code should promote pedestrian-friendly blocks and an interconnected street network;
- The regulations should be specific to places shown on the regulating plan;
- The plans and graphics should be clearly labeled and accurate in what they represent; and
- The regulations should ensure high-quality public spaces defined by a variety of building types and uses.

The built environment is intended to be pedestrian-friendly and urban based on the
Trinity River Comprehensive Land Use Plan. The conditions address uses, design standards, street sections, building placement and height to create the desired pedestrian environment.

The PD conditions provide for an intensity of development that is similar to downtown/Central Area, as recommended by the Trinity River Comprehensive Land Use Plan.

**Streets.** The recommended zoning outlines a palette of street types, all of which emphasize the pedestrian experience. In addition to the travel way, the regulations outline requirements for planting and amenity zones to allow for placement of pedestrian amenities and other required furnishings, along with defining the width of the sidewalks and whether areas outside of store fronts are appropriate for use as cafes or other active uses.

**Yard, lot and space.** The yard, lot, and space regulations are different from typical PD conditions, in that there are build-to lines generally at the property lines. A minimum percentage of the lot frontage must have the building constructed at the build-to line, creating a predictable street wall. These requirements vary by street type. A height map outlines the required minimum and allowed maximum heights.

**Design Standards.** The PD conditions address fenestration in the design standards, including minimum story dimensions, street-orienting primary entrances, facade articulation, storefront treatments, and tower coverage. The tower coverage restricts coverage on the taller portions of a building to maintain view permeability along the levee. This is consistent with the principles in the Trinity River Comprehensive Land Use Plan, preventing the "wall of building" affect.

Pedestrian amenities, such as benches, street lamps, and canopies, are required to enhance the pedestrian experience and encourage street-level activity.

**Uses.** The PD conditions list main uses permitted that are similar to those in a mixed use, central area, or urban corridor district. Certain uses have additional situations when they are permitted and specify how those uses can be compatible in the intended pedestrian environment. There are also pedestrian use requirements that will ensure active street frontages on key streets as outlined on the regulating plan. A minimum density of multifamily is required to promote a dense residential component in a mixed use area.

Further, the conditions also establish regulations dealing with nonconforming uses in the corridor. The proposed conditions establish a sunset date for any nonconforming industrial uses of 5 years, and grants the Board of Adjustment the ability to grant an extension to the sunset period for uses that can establish that the time period did not allow adequate time to amortize their investment. This is similar approach that was utilized in other planned development districts where there was a desire to further facilitate the transition of uses in an area. Similarly, the proposed conditions also prohibit the Board from allowing a change for one nonconforming use to another. Additionally, a point of discussion that the committee wanted reflected in the record
dealt with abandonment of nonconforming uses in the corridor. Nonconforming use regulations in Section 51A-4.704 indicate that the right to operate a nonconforming use terminates if the use is discontinued for six months or more. An initial proposal reduced this time period to three months or more for nonconforming uses in the corridor. While there was discussion regarding the merits of such a reduction facilitating the transition of the area to a more mixed-use environment, the recommendation was amended to defer back to existing Chapter 51A requirements.

The committee also recommended that the application fee and two-year waiver requirement be waived for 18 months for uses now requiring an SUP. This would provide an incentive to current businesses owners and operators to comply with the proposed planned development district. This provision is not included in the conditions; rather it becomes part of the ordinance adopting the planned development district.
Development Standards:

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<td>CS</td>
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<td>20' adjacent to residential OTHER: No Min.</td>
<td>45'-3 stories</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Commercial &amp; business service, supporting retail &amp; personal service &amp; office</td>
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<td>IM</td>
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<td>30' adjacent to residential OTHER: No Min.</td>
<td>2.0 FAR overall 0.75 office/ retail 0.5 retail</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Industrial, wholesale distribution &amp; storage, supporting office &amp; retail</td>
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Landscaping:

Landscaping requirements were written specifically with a dense-urban environment in mind, and focus on the use of street trees, as well as other site and hardscaping requirements, such as shade coverage, paving material and roof reflectivity.

The list of allowed trees is provided to ensure the types of trees are appropriate for a dense, urban environment.

Miscellaneous:

On October 14, 1968, City Council approved a Specific Use permit for a Private Animal Pound for a permanent time period for property located on Industrial Boulevard, north of Interstate 30. Conditions of the SUP required all animal runs or pens to be completely enclosed. Allowed uses under the current proposed planned development district allow and animal shelter or clinic without outside runs by right. As a result, the existing SUP is not necessary, and staff is recommending its termination.

On December 12, 2007, City Council approved Planned Development District No. 774 for property located at Continental Avenue and Industrial Boulevard. The planned development district is consistent with the Trinity River Corridor Comprehensive Land Use Plan, and CPC and staff are recommending that zoning north of the Union Pacific Railroad line remain unchanged.
April 24, 2008

Motion: It was moved to recommend approval of a planned development district, for property south of the Union Pacific Rail Line, subject to a regulating plan and conditions, approval of the termination of Specific Use Permit No 432, and no change to zoning for property north of the Union Pacific Rail Line on property zoned an IM Industrial Manufacturing District, CS Commercial Service District, CA-2(A) Central Area District, MU-2(SAH) Mixed Use District Planned Development District No. 774, within the Downtown Special Provisions Sign District with Specific Use Permit No. 432 for a Private Animal Pound and Specific Use Permit No. 1203 for a Government Installation other than listed or property generally bounded by Continental Avenue to the north, Interstate 35 to the east and south, and the Trinity River levee to the west.

Maker: Emmons
Second: Weiss
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 78
Replies: For: 3 Against: 4

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Janis Jelnick, 14304 Coral Harbour Cr., Farmers Branch, T.
Against: None
Ad Hoc/UDAC Action

January 8, 2008

It was moved to accept the revised Green Building Requirements as written.

Motion made by:  __Odell__  Motion seconded by:  __Davis__

Item passed unanimously:  X  
Item passed on a divided vote:  
Item failed unanimously:  
Item failed on a divided vote:  

It was moved to revise the open space recommendation to require 10 percent of a lot be allocated to open space and to revise the requirements to ensure that there are no loopholes in how the open space may be provided.

Motion made by:  __Odell__  Motion seconded by:  __Tycher__

Item passed unanimously:  
Item passed on a divided vote:  X
Item failed unanimously:  
Item failed on a divided vote:  

For:  Davis, Lueder, Odell, Tycher, Emmons, Weiss, and Lozano
Against:  Blizzard, Prothro, McAlester, Bagley, Pollock, and Ekblad

Speakers:

Lauren Oznick, Jiffy Properties

January 15, 2008

It was moved to amend the recommendation to require underground utilities on private property.

Motion made by:  __Ekblad__  Motion seconded by:  __Prothro__

Item passed unanimously:  X  
Item passed on a divided vote:  
Item failed unanimously:  
Item failed on a divided vote:  

It was moved to amend the recommendation to require SUPs for the following uses: tattoo parlors, massage parlors, piercing studios, and allow the remainder of personal service uses by right.

Motion made by:  __Ekblad__  Motion seconded by:  __Prothro__

Item passed unanimously:  X  
Item passed on a divided vote:  
Item failed unanimously:  
Item failed on a divided vote:  

It was moved to forward the staff recommendation for the Mixmaster Riverfront study area to the City Plan Commission for consideration as amended by the Committee.

Motion made by:  __Odell__  Motion seconded by:  __Lozano__

Item passed unanimously:  X  
Item passed on a divided vote:  
Item failed unanimously:  
Item failed on a divided vote:  

Speakers:

Sandy Jacobs
Lauren Oznick
Linda Henry
March 25, 2008

It was moved to approve the amend the Mixmaster recommendation to incorporate three tiers of streets with respect to required street-level uses, requiring 75 percent pedestrian oriented uses on Reunion Boulevard, 50 percent pedestrian oriented uses on Industrial Boulevard, and 25 percent pedestrian oriented uses on Commerce Street.

Motion made by: Jones-Dodd Motion seconded by: Pollock
Item passed unanimously: X Item passed on a divided vote: ____________
Item failed unanimously: ____________ Item failed on a divided vote: ____________

It was moved to maintain the current recommendation with a maximum block perimeter of 1,600 feet.

Motion made by: Bagley Motion seconded by: Prothro
Item passed unanimously: X Item passed on a divided vote: ____________
Item failed unanimously: ____________ Item failed on a divided vote: ____________

It was moved to increase the facade design standards to include additional provisions for blocks exceeding 500 feet and prohibit sloped ramped garage floors from being visible from a street or park.

Motion made by: Bagley Motion seconded by: Odell
Item passed unanimously: X Item passed on a divided vote: ____________
Item failed unanimously: ____________ Item failed on a divided vote: ____________

It was moved to amend regulations relating to tower coverage and orientation to incorporate the matrices as briefed, to reduce allowable lot coverage as height increases and reduce restrictions on orientation for smaller footprint towers, and increase the maximum height.

Motion made by: Lueder Motion seconded by: Jones-Dodd
Item passed unanimously: X Item passed on a divided vote: ____________
Item failed unanimously: ____________ Item failed on a divided vote: ____________

It was moved to direct staff to incorporate an intent statement to clarify the interpretation of the minimum residential density requirement.

Motion made by: Odell Motion seconded by: Jones-Dodd
Item passed unanimously: X Item passed on a divided vote: ____________
Item failed unanimously: ____________ Item failed on a divided vote: ____________

It was moved to define Levee Walks as a use to be allowed by SUP.

Motion made by: Tycher Motion seconded by: Odell
Item passed unanimously: X Item passed on a divided vote: ____________
Item failed unanimously: ____________ Item failed on a divided vote: ____________
It was moved to amend the nonconforming structure requirements to follow Chapter 51A.

Motion made by: ____ Jones-Dodd
Motion seconded by: ____ Bagley
Item passed unanimously: X
Item failed unanimously: ____________
Item passed on a divided vote: ____________
Item failed on a divided vote: ____________

Speakers:
Brian Caine, CHPD Property
Don Raines, WRT Design
Jonathan Vinson, Jackson Walker
Lauren Oznick, Jiffy Properties
CPC RECOMMENDED CONDITIONS FOR THE
TRINITY RIVER CORRIDOR SPECIAL PURPOSE DISTRICT
Z067-148(DW)
## Notification List of Property Owners

**Z067-148 (DW)(KRua)**

### 78 Property Owners Notified

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<td>Bill Seaman, 16 Steel Rd, Wylie, TX 75098</td>
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<td>W Dal Chamber of Commerce</td>
<td>John</td>
<td>Ward</td>
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AGENDA ITEM # 63

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 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 amend regulations pertaining to dedication of floodway management areas and floodway easements and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval

DCA078-012
PROPOSAL: To amend Section 51A-8.611 of the Dallas Development Code, to amend the provisions for dedication of floodways.

SUMMARY: The proposed amendment would allow floodways in residential zoning districts to be dedicated as floodway easements or floodway management areas. Currently, under certain circumstances, floodways in residential areas must be dedicated as floodway management areas. Floodway management areas are fee simple dedications that become the property of the city.

STAFF RECOMMENDATION: Approval of the attached ordinance.

ZOAC RECOMMENDATION: Approval of the attached ordinance.

CPC RECOMMENDATION: Approval of the attached ordinance.
BACKGROUND

- At the time of platting, floodways must be dedicated as either easements or floodway management areas to accommodate the 100-year storm drainage flow.

- Currently the code requires that floodways management areas (FMA) be dedicated in single family, duplex, and townhouse areas. The code does provide that a floodway easement (instead of an FMA) is required if the subject property abuts a single family, duplex, or townhouse lot, any portion of which is dedicated to the City as a floodway easement.

- Floodway Management Areas are not required to be dedicated in non-residential districts. Floodway in non-residential districts is required to be dedicated as floodway easement.

- Floodway management areas are dedicated to the city in fee simple and become the property of the city. Floodway easements remain under private ownership although the city has the right to enter the easement and maintain those areas.

- Proposed changes were coordinated and reviewed with staff from Public Works and Transportation, Parks and Recreation, Street Department, and the Trinity River Corridor Project Office

PROPOSAL

Staff is proposing to amend the floodway provisions of the platting regulations to allow floodway areas to be dedicated as easements in all instances. However, fee simple dedication is encouraged in specific circumstances such as when adjacent to a public park, green belt, open space, trail system, or the Trinity River that has been recommended for expansion in a creek study, the Trinity River corridor plan, the park and recreation long range development plan, the park and recreation master plan, the trail network plan, or any other master plan adopted by the Park and Recreation Board or City Council.

ZOAC ACTION

On July 24, 2008 the Zoning Ordinance Advisory Committee voted 7 to 0 to recommend approval of the proposal.
CPC ACTION (August 14, 2008)

Motion: It was moved to recommend approval of amendments to Chapter 51A, the Dallas Development Code, to amend regulations pertaining to dedication of floodway management areas and floodway easements.

Maker: Buehler
Second: Bagley
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

Speakers: For (Did not speak): Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270
Against: None
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:


"(d) Floodways.

(1) Generally. Floodways must be provided in accordance with the recommendation of the director of public works and transportation and the requirements of the commission to accommodate the 100-year storm drainage flows [or the flow of the flood of record flow, whichever is greater]. Floodway dedications must be [clearly] identified on the plat and monumented on the ground. Floodway conditions must be satisfied before submitting a final plat for a certificate of approval. Division 51A-5.100 applies to all floodways. Regardless of whether floodways are designated as floodway management areas, flood easements, or as common areas or parks, the provisions of Division 51A-5.100 of this chapter apply.

(2) Floodway easements.

(A) Floodway easements are drainage areas dedicated to the city as an easement to prevent obstructions of floodway capacity in a flood plain. Except as provided in Paragraph (3), a floodway easement is required for any portion of a property that is within a flood plain.

(B) A 15-foot wide floodway access easement from a publicly dedicated right-of-way may be required and may extend along a creek, parallel to the top of the bank to inspect or maintain a floodway easement.

(C) The owner of a lot that includes a floodway easement is liable for floodway easement maintenance in compliance with this subsection, taxes, and all other standard property owner liabilities.

(D) Unless approved by the directors of development services and public works and transportation in an instrument filed in the county deed records or by a city council approved tree mitigation plan, structures, fencing, trees, shrubs, or any other improvement or growth may not be placed in or across any floodway easement.
(E) Common areas, such as in a CUD, may be located within floodway easements. Before the release of a final plat, access to the common area must be shown on the plat and a permanent maintenance plan must be approved as to form by the city for a common area within a floodway easement. Owners of a common area within a floodway easement are jointly and severally liable for the floodway easement common area maintenance in compliance with this subsection, taxes, and all other standard property owner liabilities.

(F) For purposes of this subsection, “maintenance” means removing any object or condition that, as determined by the director of public works and transportation, impedes the fee flow of water. Maintenance includes:

(i) keeping the floodway easement free from any structures;

(ii) removing debris;

(iii) desilting lakes, ponds, and detention areas; and

(iv) controlling the growth of vegetation.

(G) The city retains the right, but not the obligation, to enter onto the floodway easement to inspect or maintain the easement. If the floodway easement is not maintained in compliance with this subsection, the city has the right, but not the obligation, to put the floodway easement in compliance with this subsection. The owner of the floodway easement must pay the city for maintenance work performed within 180 days after the date of presentation of the bill. If a bill is not paid by the owners when due, the city shall file a lien statement that includes expenses assessed, the name of the owner, if known, and the legal description of the lot within the county clerk of the county where the lot is located.

(Floodway management areas. Floodway management areas (“FMA’s”) are drainage areas dedicated in fee simple to the city. Upon acceptance of the dedication, the city maintains floodway management areas to prevent obstruction of floodway capacity. Except as otherwise provided in this paragraph, FMA’s are required in single family, duplex, and townhouse areas. A floodway easement (instead of an FMA) is required if the subject property abuts a single family, duplex, or townhouse lot any portion of which is dedicated to the City as a floodway easement. If it is determined that access is needed, a 15-foot access easement must be provided. This easement must be paved in accordance with the requirements for alley construction contained in the Paving Design Manual and the Standard Details for Public Works Construction of the department of public works and transportation. No lot may extend into an FMA. The area for each FMA must be indicated on the plat in square feet or in acres.)

(3) Floodway management areas.
(A) Floodway management areas are drainage areas dedicated to the city in fee simple to prevent obstructions of floodway capacity in a flood plain.

(B) A floodway management area must be provided if any portion of the subject property:

   (i) is within a flood plain and

   (ii) abuts a public park, green belt, open space, trail system, or the Trinity River that has been recommended for improvements in a flood plain management plan, the Trinity River corridor plan, the park and recreation long range development plan, the park and recreation master plan, the trail network plan, any other master plan adopted by the park and recreation board or city council.

(C) The directors of public works and transportation, development services, and parks and recreation must be notified and given an opportunity to negotiate for the acquisition of the property before a final plat is approved. The property owner is encouraged, but not required, to donate the floodway management area to the city.

(D) If the applicant donates or commits to sell that portion of the property to the city, the applicant must designate that portion as a dedication or reservation on the plat. Upon acquisition of the property, the city maintains the floodway management area.

(E) The area for each floodway management area must be identified on the plat in square feet or in acres.

(F) No lot may extend into a floodway management area.

Floodway easements.

(A) Floodway easements are drainage areas dedicated to the city as easements. All floodways not dedicated as an FMA must be dedicated as a floodway easement. Lots zoned commercial, industrial, or high density residential may extend into floodway easements. Common areas in a CUD or other areas may be wholly or partly comprised of floodway easements.

(B) The owners of the common area containing a floodway easement are jointly and severally liable for maintenance, taxes, and all other standard property owner liabilities.

(C) The owner of any lot containing a floodway easement is liable for maintenance, taxes, and all other standard property owner liabilities.
(D) All floodway easements must be maintained by removing all structures, debris, and undergrowth that impede the free flow of water.

(E) Private lakes or ponds must be maintained in accordance with the requirements placed on the plat regarding debris removal, desilting, and vegetation control.

(F) Unless expressly approved by the directors of development services and public works and transportation in an instrument filed in the county deed records, no building, fence, tree, shrub, or any other improvement or growth may be placed in or across any floodway. The city maintains the right at all times to enter upon the floodway to inspect, maintain, or improve it. Access easements may be required for this purpose.]"
AGENDA ITEM # 64

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 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 Chapters 51 and 51A of the Dallas Development Code, to amend the definition of “grade” in the “Interpretations and Definitions” section of Article II and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval

DCA078-001
PROPOSAL: Amendments to Chapters 51 and 51A of the Dallas Development Code, to amend the definition of “grade” in the “Interpretations and Definitions” section of Article II.

SUMMARY: The proposed amendment would alter the definition of grade to specifically exclude landscape features, such as a berm, or other fill material added to the building site not necessary to make the site developable due to existing grade conditions. Determination of grade is important since the grade establishes the point from which building height is measured.

STAFF RECOMMENDATION: Approval subject to staff recommendation

ZOAC RECOMMENDATION: Approval

CPC RECOMMENDATION: Approval subject to CPC recommendation
BACKGROUND

- Currently the definition of grade reads: GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure.

- The definition of height reads: HEIGHT means the vertical distance measured from grade to:
  
  (A) for a structure with a gable, hip, or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure;
  
  (B) for a structure with a dome roof, the midpoint of the vertical dimension of the dome; and
  
  (C) for any other structure, the highest point of the structure.

- The City Plan Commission requested that ZOAC consider how maximum building height is determined on a building site if fill material, or landscape berms, are located on a site in a manner which results in an increase in permitted height over what otherwise would be allowed.

- Based on the technical definition, one interpretation of how grade is determined when calculating permitted height would be to include such fill material when determining maximum permitted building height. There have been some examples of development where fill was placed around, or at the corners of, a structure for no apparent reason other than to arbitrarily increase the way grade would be determined in order to increase developable height. This might be done to accommodate a parking level, increased ceiling heights, or add additional floor area. The fill is not necessary to develop the site in a typical manner.

- Such an interpretation results in an increase in building height over what would have occurred without the fill material being placed at the base of the structure. The current interpretation of this definition by the building official would not allow such features to be included in determining grade.

- When a site does have natural topography, there are many instances where fill material is necessary on a building site to make the site developable in a manner commensurate with similar and adjacent building sites in an area.

PROPOSAL

Amending the definition of grade so fill or landscape berms placed at the corner of buildings shall not be considered when determining grade.
ANALYSIS

The building official no longer recognizes these types of landscape features or fill material to be included in determining grade, however there continues to be concern by some that the current definition potentially allows for such an interpretation. Staff is concerned that any revised definition does not preclude fill material from being placed on a site when necessary to make the site developable in a manner commensurate with other building sites in area or to meet the drainage and engineering requirements of the code. Staff is recommending that when a grading plan has been approved by the building official to meet flood plain requirements, drainage and engineering requirements or to make sites with difficult topological conditions developable in a manner similar with other properties, that fill associated with such grading plans be permitted in establishing the grade that height will ultimately be calculated from. Staff is concerned that the City Plan Commission recommendation could be interpreted to exclude such fill from being placed on a site and has provided an alternative recommendation.
ZOA ACTION

On December 6, 2007 the Zoning Ordinance Advisory Committee voted 5 to 2 to recommend approval of the proposal representing ZOAC recommendation.

One person spoke in opposition to the proposal: Keller Webster

CPC ACTION (December 20, 2007)

Motion: It was moved to recommended approval of amendments to Chapters 51 and 51A of the Dallas Development Code, to amend the definition of “grade” in the “Interpretations and Definitions” section of Article II to read as follows: “Grade means the average of the finished ground surface elevation measured at the highest and lowest exterior corners of a structure. Finished ground surface elevation does not include landscape features, berms, or other fill materials.”

Maker: Wolfish
Second: Emmons
Result: Carried: 12 to 3

For: 12 - Pro thro, Strater, Gary, Davis, Rodgers, Lozano, Weiss, Lueder, Wolfish, Ekblad, Emmons, Alcantar

Against: 3 - Bagley, Jones-Dodd, Buehler
Absent: 0
Vacancy: 0

Speakers: For: Tom Bonifield, 5714 Swiss Ave., Dallas, TX, 75214
Jonathan Estees, 6140 Prospect Ave., Dallas, TX, 75214
Larry Waisanen, 5105 Swiss Ave., Dallas, TX, 75214
Jon “Tim” Howells, 6005 Swiss Ave., Dallas, TX, 75214
Tom Horosec, 6242 Prospect Ave., Dallas, TX, 75214
Steve Clicque, 6025 Reiger Ave., Dallas, TX, 75214
Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214
Martha Heimberg, 1523 Abrams Rd., Dallas, TX, 75214
Katherine Seale, 2922 Swiss Ave., Dallas, TX, 75204
Bob Gill, Address not given

Against: None
Zoning Ordinance Advisory Committee Recommendation

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

SECTION 1. That Paragraph (45) of Section 51-2.101, “Interpretations,” of Article II, “Interpretations and Definitions,” of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code, as amended, is amended to read as follows:

“(45) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure, excluding landscape features, berms, or other fill material added to the building site for the purpose of increasing the height of the structure.”

SECTION 2. That Paragraph (45) of Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding the following language:

“(45) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure, excluding landscape features, berms, or other fill material added to the building site for the purpose of increasing the height of the structure.”
Be It Ordained by the City Council of the City of Dallas:

Section 1. That Paragraph (45) of Section 51-2.101, “Interpretations,” of Article II, “Interpretations and Definitions,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code, as amended, is amended to read as follows:

“(45) Grade means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. Finished ground surface elevation does not include landscape features, berms, or other fill material.”

Section 2. That Paragraph (45) of Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding the following language:

“(45) Grade means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. Finished ground surface elevation does not include landscape features, berms, or other fill material.”
Staff Alternative Recommendation

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

SECTION 1. That Paragraph (45) of Section 51-2.101, “Interpretations,” of Article II, “Interpretations and Definitions,” of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code, as amended, is amended to read as follows:

“(45) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition FINISHED GROUND SURFACE ELEVATION means the ground surface elevation of the building site before any construction or the ground surface as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include landscape features, berms, or other fill material not necessary to make the site developable in a reasonable manner.”

SECTION 2. That Paragraph (45) of Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding the following language:

“(45) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition FINISHED GROUND SURFACE ELEVATION means the ground surface elevation of the building site before any construction or the ground surface as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include landscape features, berms, or other fill material not necessary to make the site developable in a reasonable manner.”
Examples of problem fill being placed on a site resulting in an artificial “grade.”
AGENDA ITEM # 65

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 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

Note: This item was considered by the City Council at a public hearing on September 10, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.
FILE NUMBER: DCA067-009  
DATE INITIATED: September 3, 2007

TOPIC: Variances to maximum floor area requirements (FAR)

CITY COUNCIL DISTRICTS: All  
CENSUS TRACTS: All

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.

STAFF RECOMMENDATION: Approval of the attached ordinance.

ZOAC RECOMMENDATION: Approval of the attached ordinance.

CPC 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
SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 2525 W. Mockingbird, LLC located near the intersection of Mockingbird Lane and Maple Avenue and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to 2525 W. Mockingbird, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND

The designated property is underlain by sand and silty sand associated with alluvial terrace deposits. Shallow groundwater is encountered at a depth of approximately 15 feet to 30 feet below ground surface (bgs) and is underlain by the Eagle Ford Shale, which is considered restrictive to vertical migration of groundwater. The direction of groundwater flow beneath the designated property is generally towards the west. This groundwater has been affected by volatile organic compounds (VOCs), including tetrachloroethene, trichloroethene, and cis-1, 2-dichloroethene, at concentrations above groundwater ingestion standards. The source appears to be a historical release on the northeastern portion of the designated property associated with suspected onsite former dry cleaning operations.

The property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in November 2007. The site is designated as VCP Facility ID No. 2098.
BACKGROUND (continued)

The applicant has requested that the City support its application for a municipal setting designation (MSD). A public meeting was held on August 26, 2008 to receive comments and concerns. Notices of the meeting were sent to 581 property owners within 2,500 feet of the property and 111 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property near the intersection of Mockingbird Lane and Maple Avenue including adjacent street right-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain a VCP Certificate of Completion, supported by a MSD. The current and future use will remain commercial and retail.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

OWNER

2525 W. Mockingbird, LLC

Barton Owens, Jr., Manager

MAPS

Attached
A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 6814 HH Partners, LP located near the intersection of Harry Hines Boulevard and Empire Central Drive and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to 6814 HH Partners, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND

The designated property is underlain by shallow groundwater that is encountered at depths ranging from approximately 15 to 30 feet below ground surface (bgs) and is confined above the Eagle Ford Shale formation. The direction of groundwater flow beneath the designated property is towards the southeast along the northwest side of the property and towards the southwest along the northeast side of the property. This groundwater has been affected by benzene, ethylbenzene, toluene, xylenes, MTBE, trimethylbenzenes, naphthalene, and total petroleum hydrocarbons at concentrations above groundwater ingestion standards. The off-site source appears to be a historical gasoline release from a Red Coleman’s facility adjacent to the designated property and the on-site source appears to be a historical diesel release from former operations of an underground petroleum storage and distribution system for previous truck terminal operations.

The property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in March 2008. The site is designated as VCP Facility ID No. 2145.
BACKGROUND (continued)

The applicant has requested that the City support its application for a municipal setting designation (MSD). A public meeting was held on September 8, 2008 to receive comments and concerns. Notices of the meeting were sent to 729 property owners within 2,500 feet of the property and 136 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property near the intersection of Harry Hines Boulevard and Empire Central Drive including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant’s current plan is to obtain a VCP Certificate of Completion, supported by a MSD. Currently the property is an industrial site, which is used as a truck terminal. The anticipated future use will be a mixed use commercial and residential development.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

OWNER

6814 HH Partners, LP

Stream Acquisition XLIII, L.L.C., general partner
Lee Belland, President

MAPS

Attached
KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 24, 2008
COUNCIL DISTRICT(S): 5
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 67A E

SUBJECT
A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Occidental Chemical Corporation located near the intersection of Central Expressway and River Oaks Road and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Occidental Chemical Corporation by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND
The designated property is underlain by sands with some silts and clays and shallow groundwater at a depth of approximately 8 feet to 25 feet below ground surface (bgs). At approximately 25 feet bgs, bedrock is encountered. This is the relatively impermeable Austin Chalk and Eagle Ford formations that have an estimated thickness of approximately 1000 feet. The direction of groundwater flow beneath the designated property is generally towards the east. This groundwater has been affected by arsenic at concentrations above groundwater ingestion standards. The source appears to be from three settling ponds that were used to dispose of slurries during the operation of the former onsite Occidental Chemical Corporation (OxyChem) Dallas Phosphates facility. The facility produced food grade phosphoric acid and phosphorus used in detergents between 1958 and 1991. In 1996, OxyChem installed a rectangular slurry wall beneath the ground and clay cap on top of the natural ground surface to encapsulate the source area. The property is currently vacant and not in use.

The property was entered into the Texas Commission on Environmental Quality (TCEQ) Industrial and Hazardous Waste (IHW) Corrective Action Program. The site is designated as SWR No. 30914.
BACKGROUND (continued)

The applicant has requested that the City support its application for a municipal setting designation (MSD). A public meeting was held on August 25, 2008 to receive comments and concerns. Notices of the meeting were sent to 70 property owners within 2,500 feet of the property and 46 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath properties near the intersection of Central Expressway and River Oaks Road including adjacent street right-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant’s current plan is to obtain closure through the Corrective Action Program. Currently the designated property is vacant and not in use. The future use will remain commercial/industrial.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

OWNERS

Occidental Chemical Corporation (OxyChem)

Chuck Anderson, President

MAPS

Attached
SUBJECT

Deep Ellum Public Improvement District

* A public hearing to receive comments regarding the 2008 annual assessment rate for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Deep Ellum Public Improvement District for the purpose of providing supplemental services and improvements, to be funded by assessments on real property and real property improvements in the District – Financing: No cost consideration to the City

* 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 Deep Ellum Public Improvement District (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 Plan for 2008.
BACKGROUND

On September 10, 2008, the City Council authorized the Service Plan and called for a public hearing to be held September 24, 2008, to hear citizen comments and concerns regarding the 2008 Annual Assessment rate for the Deep Ellum Public Improvement District. On September 24, 2008, that hearing was conducted and closed with due consideration.

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 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, 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 $0.12 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. 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.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

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.

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 the Service Plan for 2009 for all seven of the City’s public improvement districts.

On September 10, 2008, the City Council authorized the Deep Ellum Service Plan for 2009 and authorized a public hearing to be held on September 24, 2008, to receive comments and concerns regarding the 2008 assessment rate by Resolution No. 08-2417.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
ORDINANCE NO.____________

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 DEEP ELLUM PUBLIC IMPROVEMENT DISTRICT (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.

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

WHEREAS, on August 25, 1999, the City Council authorized the creation of the District as a public improvement district, as shown on the attached Map of the District, under Chapter 372 of the Texas Local Government Code, by Resolution No. 99-2604; and

WHEREAS, on August 9, 2006, the City Council authorized the renewal of the Deep Ellum PID for a period of seven (7) years by Resolution No. 06-2051; and

WHEREAS, on July 17, 2008, the Deep Ellum Foundation presented City staff with the proposed District Service Plan for 2009 and the Assessment Plan for 2008 (attached hereto as Exhibits A and B), for the purpose of apportioning the cost of services and improvements to be assessed against the property in the District; and

WHEREAS, pursuant to the Act, the City Council authorized the updated District Service Plan for 2009 on September 10, 2008, and called a public hearing to be held on September 24, 2008, to receive citizen comments concerning the 2008 Assessment Plan for the District; and

WHEREAS, as further required by the Act, the City held the public hearing on September 24, 2008, and subsequently closed the public hearing after receiving property owner’s concerns and comments on the proposed assessment for the District; and

WHEREAS, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for owners of property located in the District to speak for or against the assessment against real property and real property improvements exclusive of public rights-of-way, and to continue funding for the District for the purpose of providing supplemental services and improvements; and
WHEREAS, the City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, the City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rate of $0.12 per $100.00 of appraised value, as determined by the Dallas Central Appraisal District, of the property or improvements to the property located in the District; are reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 2. That the City Council in accordance with the Assessment Plan shall apportion the costs of the services and improvements to be assessed against property in the District on the basis of special benefits accruing to the property. The proposed method of assessment, which specifies 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. Public rights-of-way and City of Dallas property are exempt from assessment. The assessment rate billed in 2008 is $0.12 per $100 of valuation.

SECTION 3. That the City Council hereby authorizes and adopts the Assessment Roll filed with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2008, of approximately $160,000. The Assessment Roll states the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 4. That notice of the City Council’s intention to consider the proposed assessments at a public hearing on September 24, 2008 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.
SECTION 5. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 6. That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 7. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 8. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this Ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 9. That the assessments levied herein shall be due and payable in full on or before January 31, 2009. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.
SECTION 10. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 11. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 12. That this ordinance takes 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 ordained.

APPROVED AS TO FORM

THOMAS P. PERKINS, JR.
City Attorney

By: [Signature]
Assistant City Attorney

Passed and correctly enrolled ________________________
### Public Improvement District
#### Budget and Service Plan, 2009 - 2014

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| Total Expenses                    | $160,000.00 | $159,500.00 | $167,500.00 | $175,500.00 | $181,500.00 | $184,500.00 | $192,500.00 |
| Reserves                          | $-         | $-         | $-         | $-         | $-         | $-         | $-         |

### Service Plan by class
1. All items required by the PID contract.
2. Mgmt. 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. Security, 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.
Dallas Downtown Improvement District

* A public hearing to receive comments regarding the annual assessment rate for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

* 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 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 - Not to exceed $300,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

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

On July 1, 2008, DOWNTOWNDALLAS (formerly know as Dallas CBD Enterprises, Inc.) provided City staff with the District Service Plan for 2009 and the proposed Assessment Plan for 2008.
BACKGROUND (continued)

The 2009 Service Plan was considered and approved by City Council on September 10, 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 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 by the Dallas Central Appraisal District. The actual assessment rate and levies are set by the Dallas City Council in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The assessment rate during the seven-year life of the District shall not exceed $0.15 per $100 of valuation.
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 more than 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 creation of the Dallas Downtown Improvement District by Resolution No. 92-2445.

On August 9, 2006, the City Council authorized the renewal of the Dallas Downtown Improvement District by Resolution No. 06-2049.

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

On September 10, 2008, the City Council authorized the service plan and authorized a public hearing to be held on September 24, 2008, to receive comments on the proposed 2008 Assessment Rate by Resolution No. 08-2418.

**FISCAL INFORMATION**

Current Funds - $300,000 (subject to appropriations)

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**MAP**

Attached.
ORDINANCE NO.____________

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 (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.

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

WHEREAS, on June 24, 1992, the City Council authorized and created the District as a public improvement district, as shown on the attached Map of the District, under Chapter 372 of the Local Government Code, by Resolution No. 92-2445; and

WHEREAS, on August 9, 2006, the City Council authorized the renewal of the Downtown Improvement District for a period of seven (7) years, by Resolution No. 06-2049.

WHEREAS, on July 1, 2008, DOWNTOWNDALLAS (formerly known as Dallas CBD Enterprises, Inc.) presented City staff with the proposed District Service Plan for 2009 and the proposed Assessment Rate for 2008 (Attached hereto as Exhibits A and B), for the purpose of apportioning the cost of services and improvements to be assessed against the property in the District; and

WHEREAS, pursuant to the Act, the City Council authorized the updated District Service Plan on September 10, 2008 and called a public hearing to be held on September 24, 2008 to receive citizen comments concerning the 2008 Assessment Plan for the District; and

WHEREAS, as further required by the Act, the City held the public hearing on September 24, 2008, and subsequently closed the public hearing after receiving property owners' concerns and comments on the proposed assessment for the District; and

WHEREAS, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for owners of property located within the District to speak for or against the assessment against real property and real property improvements exclusive of public rights-of-way, and to continue funding for the District for the purpose of providing supplemental services and improvements; and
WHEREAS, the City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, the City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rate of $0.1190 per $100.00 of appraised value, as determined by the Dallas Central Appraisal District, of the property or improvements to the property located in the District; are reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 2. That the City Council in accordance with the Assessment Plan shall apportion the costs of the services and improvements to be assessed against property in the District on the basis of special benefits accruing to the property. The proposed method of assessment, which specifies 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. Public rights-of-way and certain City of Dallas properties are exempt from assessment. The assessment rate billed in 2008 is $0.1190 per $100 of valuation.

SECTION 3. That the City Council hereby authorizes and adopts the Assessment Roll filed with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2008, of approximately $4,848,196. The Assessment Roll states the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 4. That the City Controller is hereby authorized to disburse funds in an amount not to exceed $300,000 from Fund 0001, Department BMS, Unit 1991, Object 3599 (subject to appropriations) to pay assessments on City owned benefited property owed to the District in 2008.
SECTION 5. That notice of the City Council's intention to consider the proposed assessments at a public hearing held on September 24, 2008 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and cost of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this Ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.
SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2009. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

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

APPROVED AS TO FORM

THOMAS P. PERKINS, JR.
City Attorney

By: [Signature]
Assistant City Attorney

Passed and correctly enrolled________________________
# DOWNTOWN DALLAS Improvement District

## Five Year Budget Forecast

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<thead>
<tr>
<th>REVENUES &amp; RESERVES</th>
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<th>2010 Budget</th>
<th>2011 Budget</th>
<th>2012 Budget</th>
<th>2013 Budget</th>
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<th>2013 Budget</th>
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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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| 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 $.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.
AGENDA ITEMS # 73,74

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 6

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

Lake Highlands Public Improvement District

* A public hearing to receive comments regarding the annual assessment rate for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District – Financing: No cost consideration to the City

* 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 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.
BACKGROUND (continued)

On September 10, 2008, the City Council authorized the Service Plan and called for a public hearing to be held September 24, 2008 to hear citizen’s comments and concerns regarding the 2008 annual assessment rate for the Lake Highlands Public Improvement District. On September 24, 2008, that hearing was conducted and closed with due consideration.

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, construct and maintain 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. 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. 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, AND 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 designated 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.

On September 10, 2008, the City Council authorized the Service Plan for 2008 and authorized a public hearing to be held on September 24, 2008 to receive comments and concerns regarding the annual assessment rate by Resolution No. 08-2419.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
ORDINANCE NO.____________

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 (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 LAKE HIGHLANDS PUBLIC IMPROVEMENT 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.

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 presented City staff with the proposed District Service Plan for 2009 (Attached hereto as Exhibits A and B), and the proposed Assessment Rate for 2008 for the purpose of apportioning the cost of services and improvements to be assessed against the property in the District; and

WHEREAS, pursuant to the Act, the City Council authorized the updated District Service Plan and Assessment Plan on September 10, 2008, and called a public hearing to be held on September 24, 2008 to receive comments concerning the assessments for the District; and

WHEREAS, as further required by the Act, the City held the public hearing on September 24, 2008, and subsequently closed the public hearing after receiving property owner's concerns and comments on the proposed assessment for the District; and

WHEREAS, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for owners of property located in the District to speak for or against the assessment against real property and real property improvements exclusive of public rights-of-way, and to continue funding for the District for the purpose of providing supplemental services and improvements; and
WHEREAS, the City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, the City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rate of $0.13 per $100.00 of appraised value, as determined by the Dallas Central Appraisal District, of the property or improvements to the property located in the District; are reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That the City Council in accordance with the Assessment Plan shall apportion the costs of the services and improvements to be assessed against property in the District on the basis of special benefits accruing to the property. The proposed method of assessment, which specifies 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. Public rights-of-way and City of Dallas property are exempt from assessment. The assessment rate billed in 2008 is $0.13 per $100 of valuation.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the City Council hereby authorizes and adopts the Assessment Roll filed with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2008, of approximately $302,406. The Assessment Roll states the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 4. That notice of the City Council's intention to consider the proposed assessments at a public hearing on September 24, 2008 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.
SECTION 5. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 6. That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore had with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 7. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 8. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 9. That the assessments levied herein shall be due and payable in full on or before January 31, 2009. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.
SECTION 10. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 11. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 12. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM

THOMAS P. PERKINS, JR.
City Attorney

By: [Signature]
Assistant City Attorney

Passed and correctly enrolled__________________
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Exhibit B
LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT
2008 ASSESSMENT PLAN

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.
SUBJECT

Prestonwood Public Improvement District

* A public hearing to receive comments regarding the annual assessment rate for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District – Financing: No cost consideration to the City

* 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 1, 2008 the Prestonwood Homeowners Association provided to the City staff the proposed District Service Plan for 2009.
BACKGROUND (continued)

The City staff evaluated the Service Plan for 2009 and determined the proposed service plan to be advisable and provided a recommendation to the City Council to authorize the Service Plan for 2009.

On September 10, 2008, the City Council authorized the Service Plan and called for a public hearing to be held September 24, 2008 to hear citizen's comments and concerns regarding the 2008 annual assessment rate for the Prestonwood Public Improvement District. On September 24, 2008, that hearing was conducted and closed with due consideration.

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

On May 14, 1997, the City Council authorized the establishment of the Prestonwood Public Improvement District by Resolution No. 97-1575.

On August 11, 2004, the City Council authorized the renewal of the Prestonwood Public Improvement District for a period of seven (7) years with an expiration date of December 31, 2011 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.

On September 10, 2008, the City Council authorized the Service Plan for 2008 and authorized a public hearing to be held on September 24, 2008 to receive comments and concerns regarding the annual assessment rate by Resolution No. 08-2420.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
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 (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 PRESTONWOOD PUBLIC IMPROVEMENT 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.

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

WHEREAS, on May 14, 1997, the City Council authorized and created the District as a public improvement district, as shown on the attached Map of the District, under Chapter 372 of the Texas Local Government Code, by Resolution No. 97-1575; and

WHEREAS, on August 11, 2004, the City Council authorized the renewal of the Prestonwood Public Improvement District for a period of seven (7) years, by Resolution No. 04-2328; and

WHEREAS, on July 1, 2008, the Prestonwood Homeowners Association presented City staff with the proposed District Service Plan for 2009 (Attached hereto as Exhibits A and B), and the proposed Assessment Rate for 2008 for the purpose of apportioning the cost of services and improvements to be assessed against the property in the District; and

WHEREAS, pursuant to the Act, the City Council authorized the updated District Service Plan and Assessment Plan on September 10, 2008, and called a public hearing to be held on September 24, 2008 to receive citizen comments concerning the assessments for the District; and

WHEREAS, as further required by the Act, the City held the public hearing on September 24, 2008, and subsequently closed the public hearing after receiving property owner’s concerns and comments on the proposed assessment for the District; and
WHEREAS, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for owners of property located in the District to speak for or against the assessment against real property and real property improvements exclusive of public rights-of-way, and to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, the City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, the City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rate of $0.090 per $100.00 of appraised value, as determined by the Dallas Central Appraisal District, of the property or improvements to the property located in the District; are reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That the City Council in accordance with the Assessment Plan shall apportion the costs of the services and improvements to be assessed against property in the District on the basis of special benefits accruing to the property. The proposed method of assessment, which specifies 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. Public rights-of-way and City of Dallas property are exempt from assessment. The assessment rate billed in 2008 is $0.090 per $100 of valuation.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the City Council hereby authorizes and adopts the Assessment Roll filed with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2008, of approximately $317,000. The Assessment Roll states the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 4. That notice of the City Council's intention to consider the proposed assessments at a public hearing on September 24, 2008 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing.
SECTION 4. (continued)

The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 5. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 6. That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore had with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 7. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 8. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.
SECTION 9. That the assessments levied herein shall be due and payable in full on or before January 31, 2009. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 10. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 11. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 12. That this ordinance takes 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 ordained.

APPROVED AS TO FORM

THOMAS P. PERKINS, JR.
City Attorney

Passed and correctly enrolled__________________________
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.
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

South Side Public Improvement District

* A public hearing to receive comments regarding the annual assessment rate for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District – Financing: No cost consideration to the City

* 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 (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.
BACKGROUND (continued)

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.

On July 1, 2008, the South Side Quarter Development Corporation provided City staff with the proposed South Side Public Improvement 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) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services described in this Resolution.

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure, cultural enhancements, landscaping and sanitation services, improve 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 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.

(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 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.
BACKGROUND (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 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.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2005, the City Council authorized the creation of the South Side PID for a period of seven-years with an expiration date of December 31, 2012 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.

On September 10, 2008, the City Council authorized the Service Plan for 2008 and authorized a public hearing to be held on September 24, 2008 to receive comments and concerns regarding the annual assessment rate by Resolution No. 08-08-2421.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
ORDINANCE NO.____________

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 (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.

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, authorized and created the District as a public improvement district, as shown on the attached Map of the District, under Chapter 372 of the Texas Local Government Code, by Resolution No. 05-2230; and

WHEREAS, on July 1, 2008, the South Side Quarter Development Corporation presented to the City staff the proposed District Service Plan and Assessment Plan for 2009 (Attached hereto as Exhibits A and B), and the proposed Assessment Rate for 2008 for the purpose of apportioning the cost of services and improvements to be assessed against the property in the District; and

WHEREAS, pursuant to the Act, the City Council authorized the updated District Service Plan and Assessment Plan on September 10, 2008, and called a public hearing to be held on September 24, 2008 to receive citizen comments concerning the assessments for the District; and

WHEREAS, as further required by the Act, the City held the public hearing on September 24, 2008, and subsequently closed the public hearing after receiving property owners' concerns and comments on the proposed assessment for the District; and

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

WHEREAS, the City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and
WHEREAS, the City Council finds that the Service Plan and Assessment plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rates of $0.15 per $100.00 of appraised value for the premium service area and of $0.12 per $100.00 of appraised value for the standard service area in the District, as determined by the Dallas Central Appraisal District, of the property or improvements to the property located in the District, are reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 2. That the City Council in accordance with the Assessment Plan shall apportion the costs of the services and improvements to be assessed against property in the District on the basis of special benefits accruing to the property. The proposed method of assessment, which specifies 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. Public rights-of-way and City of Dallas property are exempt from assessment. The District is divided into a premium service area ("Premium Service Area") and a standard service area ("Standard Service Area"). The property owners in the Premium Service Area will receive more improvements and services than those in the Standard Service Area and will pay a higher assessment for those improvements and services. The assessment rate billed in 2008 is $0.12 per $100.00 of valuation for the standard service area and $0.15 per $100.00 of valuation for the premium service area.

SECTION 3. That the City Council hereby authorizes and adopts the Assessment Roll filed with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2008, of approximately $87,500. The Assessment Roll states the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 4. That notice of the City Council's intention to consider the proposed assessments at a public hearing held on September 24, 2008 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.
SECTION 5. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 6. That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 7. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the assessment attached hereto and made a part hereof, and the several amounts assessed against the same, and the owners thereof.

SECTION 8. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and cost of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 9. That the assessments levied herein shall be due and payable in full on or before January 31, 2009. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.
SECTION 10. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 11. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 12. That this ordinance takes 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 ordained.

APPROVED AS TO FORM

THOMAS P. PERKINS, JR.
City Attorney

By: __________________________
   Assistant City Attorney

Passed and correctly enrolled__________________________
## South Side/Cedars Public Improvement District

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**Public Improvements**
- Distinctive lighting/signs: $82.00
- Bark Park Capital: $700.00
- Water, wastewater, drainage
- Parks: $0.00
- Fountains
- Articles of Art
- Off-street parking facilities

**Special Supplemental Services**
- Park landscaping and sanitation: $0.00
- Dog Park landscaping and sanitation: $6,000.00
- Public safety/security: $44,125.00
- Public art projects: $5,000.00
- Business recruitment/Marketing/Banners: $1,500.00
- Recreation
- Cultural enhancements: $3,152.24
- Cultural events: $2,000.00
- Administration: $8,000.00
- Audit: $5,000.00
- Insurance/Legal Fees: $1,258.92
Exhibit B

SOUTH SIDE PUBLIC IMPROVEMENT DISTRICT
2008 ASSESSMENT PLAN

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

The 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

Uptown Public Improvement District

* A public hearing to receive comments concerning the 2008 annual assessment rate for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

* 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 Uptown 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 assessment; and providing an effective date – Financing: No cost consideration to the City

BACKGROUND

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

On August 10, 2005, the City Council authorized the renewal of the Uptown PID by Resolution No. 05-2231.
BACKGROUND (continued)

On July 1, 2008, the Uptown, Inc., provided City staff with the proposed Service Plan for 2009 and the proposed Assessment Plan for 2008.

On September 10, 2008, the City Council approved the Service Plan for 2009 and authorized a public hearing to consider the 2008 assessment rate on September 24, 2008 by Resolution No. 08-2422.

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, 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 six year term of the District is approximately eight million, six hundred ninety-two thousand, three hundred twenty-eight dollars ($8,692,328). The estimated annual average cost is approximately one million, four hundred forty-eight thousand, seven hundred twenty-one dollars ($1,448,721). 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 assessment rate for 2007 is $0.045 per $100 of appraised value. 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 $0.15 per $100 value during the 7-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.
BACKGROUND (continued)

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, City Council authorized the establishment of the Uptown Public Improvement District with an expiration date of June 23, 2000 by Resolution No. 93-2501.

On August 10, 2005, the City Council authorized the renewal of the Uptown PID by Resolution No. 05-2231.

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

On September 10, 2008, the City Council authorized the Service Plan for 2009 and authorized a public hearing to be held on September 24, 2008 regarding the 2008 assessment rate for the Uptown PID by Resolution No. 08-08-2422.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
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 UPTOWN PUBLIC IMPROVEMENT DISTRICT (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.

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 authorized and created the District as a public improvement district, as shown on the attached Map of the District, under Chapter 372 of the Local Government Code, 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 by Resolution No. 05-2231; and

WHEREAS, on July 1, 2008, the Uptown, Inc., presented City staff with the proposed District Service Plan for 2009 and Assessment Plan for 2008 (Attached hereto as Exhibits A and B), for the purpose of apportioning the cost of services and improvements to be assessed against the property in the District; and

WHEREAS, pursuant to the Act, the City Council authorized the updated District 2009 Service Plan on September 10, 2008 and called a public hearing to be held September 24, 2008 to receive citizen comments concerning the 2008 assessment rate for the District; and

WHEREAS, as further required by the Act, the City held the public hearing on September 24, 2008, and subsequently closed the public hearing after receiving property owner's concerns and comments on the proposed 2008 assessment rate for the District; and

WHEREAS, the City Council desires to authorize and adopt the 2008 Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and
WHEREAS, the City Council finds that the Service Plan and Assessment plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rate of $0.045 per $100.00 of appraised value, as determined by the Dallas Central Appraisal District, of the property or improvements to the property located in the District; are reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 2. That the City Council in accordance with the Assessment Plan shall apportion the costs of the services and improvements to be assessed against property in the District on the basis of special benefits accruing to the property. The proposed method of assessment, which specifies 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. Public rights-of-way and City of Dallas property are exempt from assessment. The assessment rate billed in 2008 is $0.045 per $100 of valuation.

SECTION 3. That the City Council hereby authorizes and adopts the Assessment Roll filed with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2008, of approximately $1,316,955. The Assessment Roll states the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 4. That notice of the City Council's intention to consider the proposed assessments at a public hearing on September 24, 2008 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 5. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.
SECTION 6. That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District exclusive of public rights-of-way and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specifically benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore had with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 7. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 8. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this Ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 9. That the assessments levied herein shall be due and payable in full on or before January 31, 2009. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 10. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 11. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.
SECTION 12. That this ordinance takes 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 ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR.
City Attorney

By: [Signature]
Assistant City Attorney

Passed and correctly enrolled____________________
### 2009 SERVICE PLAN

**Uptown Public Improvement District**

#### Exhibit A

<table>
<thead>
<tr>
<th>Year</th>
<th>Income</th>
<th>Expenditures</th>
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<tr>
<td>2007</td>
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<td>2009</td>
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<tr>
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<td>Interest</td>
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<td>1,291,466</td>
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<td>2007</td>
<td>2008</td>
<td>2009</td>
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<td>Median landscaping, green space, streetscape, curb &amp; sidewalk replacement</td>
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<td>Services</td>
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<td>Off-duty police, trolley operations, marketing &amp; promotion</td>
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<td>Maintenance</td>
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<td>Landscape, tree care, street &amp; sidewalk sweeping, trash cans, graffiti removal, grates</td>
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<td>Finance &amp; Administration</td>
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<td>Staff salaries &amp; benefits, office expenses, audit, insurance</td>
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<tr>
<td>Contingency</td>
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<td>11,466</td>
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<tr>
<td><strong>Total</strong></td>
<td>1,130,212</td>
<td>1,291,466</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.
Vickery Meadow Public Improvement District

* A public hearing to receive comments concerning the 2008 annual assessment rate for the Vickery Meadow Public Improvement District (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 services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

* 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 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 1, 2008, the Vickery Meadow Management Corporation provided City staff with the proposed District Service Plan for 2009 and the proposed 2008 Assessment Plan.
BACKGROUND (continued)

On September 10, 2008, the City Council authorized the Service Plan for 2009 and called a public hearing for September 24, 2008 to consider the Assessment Rate for 2008.

The public improvement district amended 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 improvements, promotion and marketing, community services, and property standards enforcement activities that are authorized by the Act. The District is to supplement and enhance services within the District.

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

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the 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 2007 annual assessment rate for the premium service area in the District is $0.10 per $100.00 of appraised value by the Dallas Central Appraisal District. The standard service area proposed 2007 assessment rate for the District is $0.05 per $100.00 of appraised value by the Dallas Central Appraisal District.

(e) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District. 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.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

On September 10, 2003, the City Council authorized the renewal of the Vickery Meadow PID by Resolution No. 03-2475.

On September 10, 2008, the City Council authorized the Vickery Meadow Public Improvement District Service Plan for 2009 and authorized the public hearing to be held on September 24, 2008 to receive comments and concerns regarding the proposed 2008 Assessment Rate by Resolution No. 08-2423.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.
Vickery Meadow PID Boundary Map

Legend
- Vickery Meadow PID Boundary
- Standard Service Area
- DART Light Rail Stations (Red Line)
- Premium Service Area

Office of Economic Development
February 2008
ORDINANCE NO.____________

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 (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 VICKERY MEADOW PUBLIC IMPROVEMENT 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.

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 authorized the establishment of the Vickery Meadow Public Improvement District (District), as shown on the attached Map of the District, under Chapter 372 of the Local Government Code, by Resolution No. 93-2502; and

WHEREAS, on September 10, 2003, the City Council authorized, the renewal of the District in accordance with the provisions of Chapter 372 of the Texas Local Government Code by Resolution No. 03-2475; and

WHEREAS, on July 1, 2008, the Vickery Meadow Management Corporation presented to the City staff the proposed 2009 Service Plan and 2008 Assessment Plan (Attached hereto as Exhibits A and B), for the purpose of apportioning the cost of services and improvements to be assessed against the property in the District; and

WHEREAS, pursuant to the Act, the City Council authorized the District 2009 Service Plan and Assessment Plan on September 10, 2008, and called a public hearing to be held on September 24, 2008 to receive citizen comments concerning the assessments for the District; and

WHEREAS, as further required by the Act, the City held the public hearing on September 24, 2008, and subsequently closed the public hearing after receiving property owners’ concerns and comments the proposed 2008 assessment for the District; and
WHEREAS, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for any owners of property located within the District to speak for or against the assessment against real property and real property improvements exclusive of public rights-of-way, and to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, the City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, the City Council finds that the Service Plan and Assessment plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rates of $0.10 per $100.00 of appraised value for the premium service area and of $0.05 per $100.00 of appraised value for the standard service area in the District, as determined by the Dallas Central Appraisal District, of the property or improvements to the property located in the District, are reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 2. That the City Council in accordance with the Assessment Plan shall apportion the costs of the services and improvements to be assessed against property in the District on the basis of special benefits accruing to the property. The proposed method of assessment, which specifies 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. Public rights-of-way and City of Dallas property are exempt from assessment. The District is divided into a premium service area ("Premium Service Area") and a standard service area ("Standard Service Area"). The property owners in the Premium Service Area will receive more improvements and services that those in the Standard Service Area and will pay a higher assessment for those improvements and services. The assessment rate billed in 2008 is $0.10 per $100.00 of valuation for the premium service area and $0.05 per $100.00 of valuation for the standard service area.

SECTION 3. That the City Council hereby approves and adopts the Assessment Roll filed with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2008, of approximately $712,500. The Assessment Roll states the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.
SECTION 4. That notice of the City Council's intention to consider the proposed assessments at a public hearing held on September 24, 2008 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 5. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 6. That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District exclusive of public right-of-way and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore had with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 7. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to inspection and the several amounts assessed against the same, and the owners thereof.

SECTION 8. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and cost of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this Ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.
SECTION 9. That the assessments levied herein shall be due and payable in full on or before January 31, 2009. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 10. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 11. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 12. That this ordinance takes 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 ordained.

APPROVED AS TO FORM

THOMAS P. PERKINS, JR.
City Attorney

Passed and correctly enrolled____________________
# VICKERY MEADOW IMPROVEMENT DISTRICT BUDGET PROJECTIONS (2009-2015)

## REVENUES:

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### Fund Raising - Youth Development Fund
- $250,000 in each year

### Contributions
- **In Kind Office**
  - $17,100
- **In Kind Program Space**
  - $12,000
- **In Kind Storage Space**
  - $2,400
- **Other Donations**
  - $9,000
- **Interest Income**
  - $7,300
- **Community Service Grants**
  - $12,000
- **Youth Development - Presbyterian**
  - $15,132
- **Contributions - Student Support Committee**
  - $40,000

### Other Donations
- $9,000

### Interest Income
- $7,300

### Community Service Grants
- $12,000

### Youth Development - Presbyterian
- $15,132

### Contributions - Student Support Committee
- $40,000

### **TOTAL REVENUE**

## DISBURSEMENTS:

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<td>$46,000</td>
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### Promotion of the District -
- $24,000

### **TOTAL DISBURSEMENTS**
- $1,073,600 in 2009, $1,095,000 in 2010, $1,349,200 in 2011, $1,420,850 in 2012, $1,494,750 in 2013, $1,566,850 in 2014, $1,636,750 in 2015

## CURRENT YEAR NET

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<td>$3,832</td>
<td>$1,832</td>
<td>$4,032</td>
<td>$3,282</td>
<td>$1,282</td>
<td>$4,082</td>
<td>$6,082</td>
</tr>
</tbody>
</table>

### Prior Year Surplus / Deficit
- $24,083

### Surplus Deficit Carried Forward
- $27,915

### Perpetual Surplus / Deficit
- $29,747

### Community Service Grants
- $33,779

### Promotion of the District -
- $37,061

### Safety & Security
- $38,343

### Promotion of the District -
- $42,425

### Total Revenue
- $48,507

---

VMID Budget (2009-2015) Revised
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.
AGENDA ITEM # 83

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Public Works & Transportation
Water Utilities

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

MAPSCO: 36V

SUBJECT

A benefit assessment hearing to receive comments on alley paving, storm drainage and water and wastewater adjustments for the alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with MACVAL Associates, LLC, lowest responsible bidder of seven - $71,001 - Financing: 2006 Bond Funds ($69,571) Water Utilities Capital Construction Funds ($1,430)

BACKGROUND

In the 2006 Bond Program, the citizens of Dallas approved funding for the design and construction of alley paving and storm drainage improvements for the alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue. Bonds were sold in May 2007, in the total amount of $200,000. The work will consist of upgrading the unimproved gravel and dirt alley with 10-foot wide concrete pavement, storm drainage and water and wastewater adjustments.

The alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue was requested by property owner petition and accepted April 26, 2006.

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.

This action is the 3rd step in the process.

MACVAL Associates, LLC, has no completed contractual activities with the City of Dallas for the past three years.
ESTIMATED SCHEDULE OF PROJECT

Began Design  
Completed Design  
Begin Construction  
Complete Construction

February 2008  
June 2008  
November 2008  
February 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on September 26, 2007, by Resolution No. 07-2831.

Authorized alley paving improvements and a benefit assessment hearing on August 27, 2008, by Resolution No. 08-2272.

FISCAL INFORMATION

2006 Bond Funds - $69,571  
Water Utilities Capital Construction Funds - $1,430

Design  
Construction  
Paving & Drainage - (PBW)  
Water & Wastewater - (DWU)

$18,189.00  
$69,571.00  
$ 1,430.00

Total Project Cost  

$89,190.00

MWBE INFORMATION

See attached.

ETHNIC COMPOSITION

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)
**BID INFORMATION**  (Continued)

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
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<tr>
<td>*MACVAL Associates, LLC</td>
<td>$71,001.00</td>
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<tr>
<td>1412 Daywood Lane</td>
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<tr>
<td>Irving, Texas 75061</td>
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<tr>
<td>P E Contractors, Inc.</td>
<td>$78,755.00</td>
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<td>Admiral Construction Company</td>
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<td>Allied Builders Inc.</td>
<td>$97,780.00</td>
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<td>Ken-Do Contracting LP</td>
<td>$100,720.00</td>
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<td>Camino Construction LP</td>
<td>$119,017.00</td>
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<tr>
<td>Lemar Company</td>
<td>$179,772.00</td>
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Original estimate:  
PBW - $181,811.00  
DWU - $1,430.00  
Total Project $183,241.00

**OWNER**

MACVAL Associates, LLC

Al A. Attah, President

**MAP**

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: A benefit assessment hearing to receive comments on alley paving, storm drainage and water and wastewater adjustments for the alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with MACVAL Associates, LLC, lowest responsible bidder of seven - $71,001 - Financing: 2006 Bond Funds ($69,571) Water Utilities Capital Construction Funds ($1,430)

MACVAL Associates LLC, 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

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
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</thead>
<tbody>
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<td>Total local contracts</td>
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<td>100.00%</td>
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<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
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<tr>
<td><strong>TOTAL CONTRACT</strong></td>
<td><strong>$71,001.00</strong></td>
<td><strong>100.00%</strong></td>
</tr>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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<th>Amount</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
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<td>BMDB35781N1108</td>
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<tr>
<td>I &amp; H Concrete</td>
<td>BMDB35345Y1008</td>
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<tr>
<td>Contreras Trucking</td>
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<td>$10,650.15</td>
<td>15.00%</td>
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<td><strong>Total Minority - Local</strong></td>
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<td><strong>$71,001.00</strong></td>
<td><strong>100.00%</strong></td>
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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>
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</thead>
<tbody>
<tr>
<td>African American</td>
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<td>$60,350.85</td>
<td>85.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>15.00%</td>
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<td>15.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>0.00%</td>
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<td>Native American</td>
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</tr>
<tr>
<td>WBE</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>$71,001.00</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>
WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following alley between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

Alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue

and,

WHEREAS, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and,

WHEREAS, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and,

WHEREAS, the said hearing was duly held at said time and place; and,

WHEREAS, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by the Real Estate Manager, Development Services Department, representing the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made; and,

WHEREAS, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed.

Now, Therefore,

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

SECTION 1. That the said hearing held on the 24th day of September A.D. 2008 be and the same is hereby ordered closed.
SECTION 2. That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the alley hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

SECTION 3. That the proceeds from assessments be deposited in the fund established for such purpose as follows: That proceeds from 2006 Bond Program assessments be deposited in Fund No. L006, Unit No. P496, Capital Assessment Fund.

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, Richard Abernethy, OCMC, Room 307
City Attorney
Office of Financial Services

III-AP-2
PAVING ASSESSMENT ENHANCEMENT STUDY – COUNTRY CLUB CIRCLE

DEFINITIONS AND LIMITING CONDITIONS

MARKET VALUE

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

The price which the property would bring when it is offered for sale by who desires, but is not obligated to sell, and is bought by one who is no necessity of buying it. State v. Carpenter (Tex Comm App 1936) S.W.2d 194, 2002.

FRONT FOOT RULE

Each front foot of an abutting owner’s property is assessed a portion of the total cost of improvements which is equal to the portion of the assessment levied against each front foot of property of other abutting owners along the improved segment of the road. Provided that the assessment must be no greater than the benefit to the particular individual abutting property and there must be an equitable adjustment for any application of the rule in an injustice or inequality, see Dufford v. City of Corpus Christi (Civ.App.1960) 332 S.W.2d 447,450 and Section 313.044, Transportation Code.

SPECIAL BENEFITS

An enhancement more localized than a general improvement in community welfare, but not necessarily unique to a given piece of property. A special benefit is going beyond the general benefits supposed to diffuse itself from the improvements through the municipality. Haynes v. City of Abilene (Tex 1983) 659 S.W.2d 638,641.

LIMITATIONS

1. Ownership information was obtained from information appearing on the Tax Rolls.

2. Information furnished by others is assumed to be correct and reliable.

3. The existence of potentially hazardous materials on or in the properties has not been considered.

4. THIS IS AN OPINION OF VALUE OR COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon our work, you should know that we have not followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.
PAVING ASSESSMENT STUDY
BASIC PROCEDURES

The City of Dallas by City Council policy and in accordance with State law assesses abutting property owners a portion of the cost for paving of streets, sidewalks and alleys. This program is administered by the Public Works and Transportation Department (Public Works) with an enhancement review and adjustments as required by the Department of Development Services Real Estate Division (Real Estate.)

The Public Works calculates proposed assessments based upon the Front Foot Rule with adjustments for factors such as irregularly shaped lots, flood plains, zoning and lot orientation. The City council has established policy guidelines to lessen the impact of the Front Foot Rule and to provide for more equitable assessments (Resolution #65-2602 and Resolution #74-1272). The proposed assessments per the construction bid, as adjusted by Public Works, are submitted to Real Estate.

Upon receipt of the preliminary assessment figures from the Public Works, Real Estate staff review each assessment to ensure that special benefits are estimated to ensure that special benefits exceed the assessment, then the assessment is adjusted downward to an amount which, in the opinion of the Real Estate staff, is clearly supported by the special benefits to the property. Real Estate goes through a review process which includes the following:

1. The tax rolls are checked to determine the size of the parcel and the land value on the tax roll;
2. Comparable land sales are checked to assist in determining land value estimates;
3. Zoning maps are checked to determine the correct zoning of each parcel to be assessed;
4. Flood plain and drainage maps are reviewed, where drainage problems appear to significantly affect parcels to be assessed;
5. All parcels are viewed by staff to identify special or unique factors which could affect the level of benefits resulting from the project for each property to be assessed;
6. Paving assessments in connection with other comparable City Projects are reviewed to ensure overall consistency and fairness.
DESCRIPTION OF PROJECT

This project is generally described as follows:

ALLEY BETWEEN COUNTRY CLUB CIRCLE AND GASTON AVENUE FROM PEARSON DRIVE TO GASTON AVENUE SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE.

While acknowledging the positive impact that the proposed improvements will have on the overall aesthetic value of the neighborhood, it is difficult to quantify this value correctly and virtually impossible to present the cost of such improvements as their value-added to property owners. A typical example is landscape or flooring installation. A property owner may spend $20,000 on such improvements, but these improvements may add not more than $5,000 to the value of the property.

For this reason, the proposal to assess the property owners for their proportionate cost by the front-foot method is not recommended. We acknowledge that the new improvements will enhance the value of the properties. In our opinion, however, the improvements will not increase values of the properties at the rate indicated.

In an effort to be equitable to the property owners, we recommend that the property owners be assessed as indicated in following tables. We feel that the values presented are a fair and reasonable value for the assessments.

It is our estimation that the subject properties will only experience a slight increase in value in lieu of the current market value and conditions.
ALLEY BETWEEN COUNTRY CLUB CIRCLE AND GASTON AVENUE FROM PEARSON DRIVE TO GASTON AVENUE SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE.

<table>
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<tr>
<th>OWNER</th>
<th>LOT</th>
<th>BLOCK</th>
<th>FRONTAGE</th>
<th>RATE</th>
<th>AMOUNT</th>
<th>TOTAL ASSESSMENT</th>
<th>ASSESSED VALUE - LAND</th>
<th>ZONING</th>
<th>RECOMMENDED ASSESSMENT</th>
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<tbody>
<tr>
<td>NORTH SIDE OF ALLEY</td>
<td>COUNTRY CLUB ESTATES</td>
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<td>DONALD L. CLARK III &amp; REBECCA CLARK</td>
<td>1</td>
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<td>6700 GASTON AVE. DALLAS, TX 75214-4028</td>
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<td>GASTON &amp; PEARSON</td>
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<td>JAMES S. &amp; LIA FRANKIEWICZ</td>
<td>2</td>
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<td>W 80 FT</td>
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<td>DAVID EDWARD PRESTON</td>
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<td>RICHARD WAYNE LUCE &amp; JAMES H. CALHOUN</td>
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<tr>
<td>Name</td>
<td>Address</td>
<td>Lot/Block</td>
<td>Frontage</td>
<td>Market Value</td>
<td>Assessor Value</td>
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<tr>
<td>ROXANNE EHRENBERG</td>
<td>250 E. 54TH STREET APT. 30D</td>
<td>6A N/2799</td>
<td>63 FT PMVT</td>
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<td>GEORGE MICHAEL LOONEY &amp; SANDRA J. LOONEY</td>
<td>6737 COUNTRY CLUB CIR. DALLAS, TX 75214-4021</td>
<td>PT LTS 7 &amp; 8</td>
<td>125 FT FRONT CC CIR TO ALLEY</td>
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<td>CHRISTOPHER M. &amp; MIRIAM GANDEL</td>
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<td>JOHN W. &amp; JOYCE L. MILLER</td>
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<td>Cost</td>
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<td>Year</td>
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<tr>
<td>JEFFREY &amp; LORI MARTIN</td>
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<tr>
<td>Theodore C. &amp; Elena R. Anderson</td>
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</tr>
</tbody>
</table>

COUNTRY CLUB ESTATES
CERTIFICATE

We certify that, except as otherwise noted in this report, that:

1. The statements of fact contained in this report are true and correct to the best of our knowledge.

2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and is our personal, unbiased and professional analyses, opinions and conclusions.

3. We have no present or prospective interest in the property which is the subject of this report and we have no personal interest or bias with respect to the parties involved.

4. Our compensation is not contingent upon an action or event resulting from the analyses, opinions or conclusions in, or the use of, our report.

5. Ownership and site data was obtained from information appearing in the Tax Rolls and for data provided to us by the Department of Public Works and Transportation.

6. The analyses, opinions and conclusions were developed and this report has been prepared in conformity with the rules of the Texas Real Estate Commission.

7. Mark Gooch has made a personal inspection of the project area, which is the subject of this report.

8. This assignment was not based on a requested minimum valuation or a specific valuation.

9. Race, color, religion, sex, national origin, handicap or familial status was not considered in estimating the values in this report.

10. THIS IS NOT AN OPINION OF VALUE; IT IS A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon this report, you should know that we have NOT followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

Lou Jones
Real Estate Manager
Real Estate Division, Development Services

Date 7-23-08
WHEREAS, on September 26, 2007, Resolution No. 07-2831 authorized a professional services contract; and,

WHEREAS, on August 27, 2008, Resolution No. 08-2272 authorized improvements and the public hearing; and,

WHEREAS, bids were received on July 31, 2008, for alley paving, storm drainage and water and wastewater adjustments for the alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue, as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>MACVAL Associates, LLC</td>
<td>$71,001.00</td>
</tr>
<tr>
<td>1412 Daywood Lane</td>
<td></td>
</tr>
<tr>
<td>Irving, Texas  75061</td>
<td></td>
</tr>
<tr>
<td>P E Contractors, Inc.</td>
<td>$78,755.00</td>
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<tr>
<td>Admiral Construction Company</td>
<td>$88,908.50</td>
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<tr>
<td>Allied Builders Inc.</td>
<td>$97,780.00</td>
</tr>
<tr>
<td>Ken-Do Contracting LP</td>
<td>$100,720.00</td>
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<tr>
<td>Camino Construction LP</td>
<td>$119,017.00</td>
</tr>
<tr>
<td>Lemar Company</td>
<td>$179,772.00</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 alley paving, storm drainage and water and wastewater adjustments for the alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue, in an amount not to exceed $71,001.00 this being the lowest responsive bid received as indicated by the tabulation of bids.

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

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

Street and Transportation Improvements Fund
Fund 6T22, Department PBW, Unit U000, Act. APET
Obj. 4510, Program #PB06U000, CT PBW06U000L1
Vendor #VS0000025999, in an amount not to exceed $69,571.00
Water Construction
Fund 0102, Department DWU, Unit CW42, Act. RELP
Obj. 3221, Program #708319X, CT PBW708319EN
Vendor #VS0000025999, in an amount not to exceed $130.00

Wastewater Construction
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 3222, Program #708320X, CT PBW708320EN
Vendor #VS0000025999, in an amount not to exceed $1,300.00

Total in an amount not to exceed $71,001.00

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, Richard Abernethy, OCMC, Room 307
City Attorney
Controller's Office, Sherrian Parham, 4BN
ORDINANCE NO.__________________________

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING ALLEY IN THE CITY OF DALLAS, TEXAS, TO WIT:

Alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID ALLEY, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

Alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue

by filling, raising, grading, and paving same; and,

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Director of Public Works and Transportation (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and,

WHEREAS, in compliance with the law the City Engineer prepared his statements or lists showing the names of property owners upon said alley the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and,

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to their property, as to any error or invalidity in said proceedings, or to any matter or thing connected with the said improvements; and,
WHEREAS, the said resolution in connection with the improvement of said alley was duly adopted in compliance with the law on the 27th day of August, 2008; and,

WHEREAS, in accordance with the terms of the law, the City Secretary of the City of Dallas gave notice to the property owners on said alley of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 24th day of September, 2008; and the City Secretary also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and,

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 24th day of September, 2008 at 1:00 o'clock P.M., at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and,

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected.

Now, Therefore,

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

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 24th day of September, 2008, in these proceedings is hereby ratified and confirmed by this ordinance.

That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the alley herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed.
SECTION 1. (continued)

The Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. That there shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:
ALLEY BETWEEN COUNTRY CLUB CIRCLE AND GASTON AVENUE FROM PEARSON DRIVE TO GASTON AVENUE SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE.

<table>
<thead>
<tr>
<th>OWNER</th>
<th>LOT</th>
<th>BLOCK</th>
<th>FRONTAGE</th>
<th>RATE</th>
<th>AMOUNT</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH SIDE OF ALLEY</td>
<td>COUNTRY CLUB ESTATES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DONALD L. CLARK III &amp; REBECCA CLARK</td>
<td>1</td>
<td>N/2799</td>
<td>100 FT PMVT</td>
<td>$15.54</td>
<td>$1,554.00</td>
<td>$155.40</td>
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<tr>
<td>6700 GASTON AVE.</td>
<td>GASTON &amp; ADJ PER ENHANCEMENT EVAL</td>
<td>NET DUE BY OWNER</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>DALLAS, TX 75214-4028</td>
<td>PEARSON</td>
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</tr>
<tr>
<td>JAMES S. &amp; LIA FRANKIEWICZ</td>
<td>2</td>
<td>N/2799</td>
<td>80 FT PMVT</td>
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<td>$124.32</td>
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<td>6706 GASTON AVE.</td>
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<td>ADJ PER ENHANCEMENT EVAL</td>
<td>NET DUE BY OWNER</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>DAVID EDWARD PRESTON</td>
<td>E 20 FT</td>
<td>N/2799</td>
<td>85 FT PMVT</td>
<td>$15.54</td>
<td>$1,320.90</td>
<td>$132.09</td>
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<tr>
<td>6714 GASTON AVE.</td>
<td>LT 2 &amp; ADJ PER ENHANCEMENT EVAL</td>
<td>NET DUE BY OWNER</td>
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<td></td>
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<td>DALLAS, TX 75214-4028</td>
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</tr>
<tr>
<td>RICHARD WAYNE LUCE &amp; JAMES H. CALHOUN</td>
<td>LT 4</td>
<td>N/2799</td>
<td>92.5 FT PMVT</td>
<td>$15.54</td>
<td>$1,437.45</td>
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<tr>
<td>6726 GASTON AVE.</td>
<td>E 10 FT 3</td>
<td>22 FT DRIVE NO COST</td>
<td>TOTAL</td>
<td></td>
<td>$1,437.45</td>
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<tr>
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<td>ADJ PER ENHANCEMENT EVAL</td>
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<td>$143.75</td>
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<tr>
<td>SOUTH SIDE OF ALLEY</td>
<td>COUNTRY CLUB ESTATES</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>MARK A. MILLS</td>
<td>5</td>
<td>N/2799</td>
<td>68 FT PMVT</td>
<td>$15.54</td>
<td>$1,056.72</td>
<td>$105.67</td>
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<tr>
<td>6761 COUNTRY CLUB CIR.</td>
<td>GASTON &amp; 28 FT DRIVE NO COST</td>
<td></td>
<td></td>
<td>$0.00</td>
<td>$1,056.72</td>
<td>$105.67</td>
</tr>
<tr>
<td>DALLAS, TX 75214-4021</td>
<td>COUNTRY CLUB TOTAL</td>
<td>ADJ PER ENHANCEMENT EVAL</td>
<td>NET DUE BY OWNER</td>
<td>$951.05</td>
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</table>
ALLEY BETWEEN COUNTRY CLUB CIRCLE AND GASTON AVENUE FROM PEARSON DRIVE TO GASTON AVENUE SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE.

<table>
<thead>
<tr>
<th>OWNER</th>
<th>LOT</th>
<th>BLOCK</th>
<th>FRONTAGE</th>
<th>RATE</th>
<th>AMOUNT</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROXANNE EHRENBERG</td>
<td>6A</td>
<td>N/2799</td>
<td>63 FT PMVT</td>
<td>$15.54</td>
<td>$979.02</td>
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<tr>
<td>250 E. 54TH STREET APT. 30D</td>
<td>6745</td>
<td>COUNTRY TOTAL</td>
<td>23 FT DRIVE NO COST</td>
<td>$0.00</td>
<td>$979.02</td>
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<td>NEW YORK, NY 10022-4816</td>
<td>TOTAL CLUB CIR</td>
<td>ADJ PER ENHANCEMENT EVAL</td>
<td>NET DUE BY OWNER</td>
<td>$881.12</td>
<td>$97.90</td>
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COUNTRY CLUB ESTATES

<table>
<thead>
<tr>
<th>OWNER</th>
<th>LOT</th>
<th>BLOCK</th>
<th>FRONTAGE</th>
<th>RATE</th>
<th>AMOUNT</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEORGE MICHAEL LOONEY &amp; SANDRA J. LOONEY</td>
<td>PT LTS N/2799</td>
<td>55 FT PMVT</td>
<td>$15.54</td>
<td>$854.70</td>
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<tr>
<td>6737 COUNTRY CLUB CIR.</td>
<td>7 &amp; 8 ADJ PER ENHANCEMENT EVAL</td>
<td>COUNTRY CIR TO ALLEY</td>
<td>NET DUE BY OWNER</td>
<td>$769.23</td>
<td>$85.47</td>
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<tr>
<td>DALLAS, TX 75214-4021</td>
<td>125 FT FRONT</td>
<td>283.5 FR</td>
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<tr>
<td></td>
<td>6729 GASTON</td>
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</table>

<table>
<thead>
<tr>
<th>OWNER</th>
<th>LOT</th>
<th>BLOCK</th>
<th>FRONTAGE</th>
<th>RATE</th>
<th>AMOUNT</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHRISTOPHER M. &amp; MIRIAM GANGEL</td>
<td>PT LTS 8 &amp; 9 N/2799</td>
<td>56 FT PMVT</td>
<td>$15.54</td>
<td>$870.24</td>
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<tr>
<td>6733 COUNTRY CLUB CIR.</td>
<td>90X180 AVG ADJ PER ENHANCEMENT EVAL</td>
<td>COUNTRY CIR</td>
<td>NET DUE BY OWNER</td>
<td>$783.22</td>
<td>$87.02</td>
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<td>DALLAS, TX 75214-4021</td>
<td>408.5 FR</td>
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<tr>
<td></td>
<td>GASTON</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>OWNER</th>
<th>LOT</th>
<th>BLOCK</th>
<th>FRONTAGE</th>
<th>RATE</th>
<th>AMOUNT</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>BRIAN W. ERIKSON</td>
<td>PT LTS 9 &amp; 10 N/2799</td>
<td>65 FT PMVT</td>
<td>$15.54</td>
<td>$1,010.10</td>
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<td></td>
</tr>
<tr>
<td>P. O. BOX 141253</td>
<td>COUNTRY CIR TO PEARSON</td>
<td>PEARSON 6792</td>
<td>NET DUE BY OWNER</td>
<td>$909.09</td>
<td>$101.01</td>
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<td>DALLAS, TX 75214-1253</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>OWNER</th>
<th>LOT</th>
<th>BLOCK</th>
<th>FRONTAGE</th>
<th>RATE</th>
<th>AMOUNT</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>JOHN W. &amp; JOYCE L. MILLER</td>
<td>LT 10 &amp; 6 1 N/2799</td>
<td>60 FT PMVT</td>
<td>$15.54</td>
<td>$932.40</td>
<td></td>
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<tr>
<td>6721 COUNTRY CLUB CIR.</td>
<td>PT LT 11 ADJ PER ENHANCEMENT EVAL</td>
<td>COUNTRY CIR</td>
<td>NET DUE BY OWNER</td>
<td>$839.16</td>
<td>$93.24</td>
<td></td>
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</tbody>
</table>
ALLEY BETWEEN COUNTRY CLUB CIRCLE AND GASTON AVENUE FROM PEARSON DRIVE TO GASTON AVENUE SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE.

<table>
<thead>
<tr>
<th>OWNER</th>
<th>LOT</th>
<th>BLOCK</th>
<th>FRONTAGE</th>
<th>RATE</th>
<th>AMOUNT</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNTRY CLUB ESTATES</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JEFFREY &amp; LORI MARTIN</td>
<td>W 80' LT 11&amp;</td>
<td>N/2799</td>
<td>85.5 FT PVMT</td>
<td>$15.54</td>
<td>$1,328.67</td>
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<tr>
<td>6711 COUNTRY CLUB CIR.</td>
<td>E 5' LT 12</td>
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<td>18 FT DRIVE</td>
<td>NO COST</td>
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<tr>
<td>DALLAS, TX 75214-4021</td>
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<td></td>
<td></td>
<td></td>
<td>TOTAL $1,328.67</td>
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<tr>
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<td>ADJ PER ENHANCEMENT EVAL $1,195.80</td>
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<td></td>
<td></td>
<td></td>
<td>NET DUE BY OWNER $132.87</td>
</tr>
<tr>
<td>THEODORE C. &amp;</td>
<td>W 85 FT</td>
<td>N/2799</td>
<td>85 FT PVMT</td>
<td>$15.54</td>
<td>$1,320.90</td>
<td></td>
</tr>
<tr>
<td>ELENA R. ANDERSON</td>
<td>LT 12</td>
<td>ADJ PER ENHANCEMENT EVAL</td>
<td></td>
<td>$1,188.81</td>
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<tr>
<td>6703 COUNTRY CLUB CIR.</td>
<td>COUNTRY CLUB CIR &amp; PEARSON</td>
<td>COUNTRY</td>
<td>NET DUE BY OWNER</td>
<td>$132.09</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Total Property Owners’ Cost - Assessments</td>
<td>$13,908.30</td>
</tr>
<tr>
<td>Adjustments Per Enhancement Evaluation</td>
<td>$12,517.47</td>
</tr>
<tr>
<td>Net Due by Owner</td>
<td>$1,390.83</td>
</tr>
<tr>
<td>Total City of Dallas’ Cost - Paving</td>
<td>$61,760.17</td>
</tr>
<tr>
<td>Total City of Dallas’ Cost - Drainage</td>
<td>$6,420.00</td>
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<tr>
<td>Total Water Utilities Department Cost</td>
<td>$1,430.00</td>
</tr>
<tr>
<td>Water and Wastewater Adjustments</td>
<td></td>
</tr>
<tr>
<td>Total City of Dallas’ Cost</td>
<td>$69,610.17</td>
</tr>
<tr>
<td>Total Cost of Improvements</td>
<td>$71,001.00</td>
</tr>
</tbody>
</table>
SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

The sums so assessed against the abutting property and the owners thereof, shall be and become due and payable as follows, to wit, in twelve (12) equal installments, the first payable on or before thirty (30) days after the acceptance of the completed improvements by the City, and one (1) each month thereafter until the total amount is paid; deferred payments shall bear interest from the date of such completion and acceptance at the rate of eight per centum (8.00%) per annum, payable monthly with each installment, so that upon the completion and acceptance of the improvements in a particular unit or district, assessments against such completed and accepted unit or district shall be and become due and payable in such installments and with interest from the date of such completion and acceptance. Provided, however, that any owner shall have the right to pay the entire assessment, or any installment thereof, before maturity, by payment of principal and accrued interest, and further provided that if default shall be made in the payment of any installment of principal or interest promptly as the same matures, then the entire amount of the assessment upon which such default is made shall, at the option of the said City of Dallas, or its assigns, be and become immediately due and payable, and shall be collectible, together with reasonable attorney's fees and costs of collection, if incurred. Any assessed property owner, however, shall have the right to execute a mechanics and materialman's lien contract and a promissory note whereby the assessments due, together with interest at the rate mentioned above, shall be payable over a period of not longer than ten years in equal monthly payments, but each monthly payment shall never be less than $5.00.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.
SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.
SECTION 6. (continued)

And that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

Full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon’s 1996), which said law has been adopted as an alternative method for the construction of alley improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTION 10. That the City Manager, or her designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.
SECTION 11. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly ordained.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Richard Abernethy, OCMC, Room 307
City Attorney
Office of Financial Services

APPROVED AS TO FORM:

Thomas P. Perkins, Jr.
City Attorney

By
Assistant City Attorney

Prepared by Richard B. Abernethy
Paving Assessment Coordinator

Approved by
Director
Public Works & Transportation

Passed and correctly enrolled ____________________________