

**JANUARY 14, 2015 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 14, 2015. 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.



A.C. Gonzalez
City Manager



Date



Edward Scott
City Controller



Date

RECEIVED

2015 JAN -9 PM 4:41

CITY OF DALLAS
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, JANUARY 14, 2015
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

REVISED ORDER OF BUSINESS

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

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

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 -22

CONSENT ADDENDUM

Items 1 - 6

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 23 - 35
Addendum Items 7 - 8

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 26 - 35
Addendum Item 9

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 14, 2015
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session
Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Petition of the City of Dallas for review of a decision by Sabine River Authority to set water rates, Public Utility Commission Docket No. 43674.

CONSENT ADDENDUM

City Attorney's Office

1. Authorize settlement of the lawsuit styled Randolph Glenn v. Officer Bunthavuth Te, et al., Civil Action No. 3:13-cv-04446-L - Not to exceed \$200,000 - Financing: Current Funds
2. Authorize settlement of the remaining plaintiff's claim in the lawsuit styled Koby Maxwell, John C. Campbell and Carl Wayne Walton v. City of Dallas, Cause No. DC-13-04584-B - Not to exceed \$150,000 - Financing: Current Funds
3. Authorize **(1)** the application for and the acceptance of the 2014-15 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2014 through September 29, 2015; and **(2)** execution of the grant agreement - Not to exceed \$323,964 - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds
4. Authorize Supplemental Agreement No. 2 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional legal services necessary on matters relating to the gate accommodations at Dallas Love Field - Not to exceed \$80,000, from \$200,000 to \$280,000 - Financing: Aviation Current Funds
5. Authorize Supplemental Agreement No. 3 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-CV-2907-M - Not to exceed \$130,000, from \$150,000 to \$280,000 - Financing: Current Funds

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 14, 2015**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Human Resources

6. Authorize a first amendment to the City Attorney Agreement of Appointment with City Attorney Warren M. S. Ernst to increase his annual base salary from \$217,000 to \$225,000 for a total annual additional cost of \$8,000, effective October 16, 2014 - Financing: Current Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

7. A resolution designating absences by Councilmember Dwaine R. Caraway as being for "Official City Business" - Financing: No cost consideration to the City

Housing/Community Services

8. Authorize **(1)** the acceptance of \$11,000,000 of Community Development Block Grant Section 108 Guaranteed Loan Program Funds (Section 108 Loan Funds) from the U.S. Department of Housing and Urban Development (HUD) for the Plaza Hotel commercial development project (Hotel Project); **(2)** a loan agreement with Teof Hotel, LP (the Section 108 Borrower) in the amount of \$11,000,000 of Section 108 Loan Funds (the Section 108 Borrower Loan) for development of the Hotel Project to assist with rehabilitation of a vacant commercial building located at 1011 South Akard Street including economic development, loan interest reserve and financial costs for the Section 108 public offering that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD; **(3)** the City Manager to enter into all necessary agreements with HUD including a Funding Approval/Agreement, a Fiscal Agency Agreement, a Promissory Note, up to two letters of agreement, for establishment of a custodial account, documents relating to additional security if required by HUD, and a letter requesting advance funds for interim financing; **(4)** the City Manager to establish appropriations for Section 108 Loan Funds; and **(5)** the City Controller to deposit and disburse funds from an identified account with total disbursements not to exceed \$11,000,000 in Section 108 Loan Funds - Not to exceed \$11,000,000 - Financing: Community Development Block Grant Section 108 Guaranteed Loan Funds

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 14, 2015**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

9. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District, on the north corner of Opal Avenue and Volga Avenue
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z112-322(RB)

CORRECTION:

Sustainable Development and Construction

35. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a private school, St. Elizabeth Catholic School, and an open-enrollment charter school, Focus Learning Academy as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 10,000 square feet [Walgreen Co., dba Walgreens #6197] on the northwest corner of South Hampton Road and West Ledbetter Drive - AV145-001 - Financing: No cost consideration to the City

ADDENDUM DATE January 14, 2015

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			N/A	C	ATT	\$200,000.00	NA	NA	Authorize settlement of the lawsuit styled Randolph Glenn v. Officer Bunthavuth Te, et al., Civil Action No. 3:13-cv-04446-L
2			N/A	C	ATT, POL	\$150,000.00	NA	NA	Authorize settlement of the remaining plaintiff's claim in the lawsuit styled Koby Maxwell, John C. Campbell and Carl Wayne Walton v. City of Dallas, Cause No. DC-13-04584-B
3			All	C	ATT	GT	NA	NA	Authorize the application for and the acceptance of the 2014-15 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2014 through September 29, 2015; and execution of the grant agreement
4			N/A	C	ATT, AVI	\$80,000.00	0.00%	0.00%	Authorize Supplemental Agreement No. 2 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional legal services necessary on matters relating to the gate accommodations at Dallas Love Field
5			N/A	C	ATT	\$130,000.00	NA	NA	Authorize Supplemental Agreement No. 3 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-CV-2907-M
6			N/A	C	HRD	\$8,000.00	NA	NA	Authorize a first amendment to the City Attorney Agreement of Appointment with City Attorney Warren M. S. Ernst to increase his annual base salary from \$217,000 to \$225,000 for a total annual additional cost of \$8,000, effective October 16, 2014
7			N/A	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Dwaine R. Caraway as being for "Official City Business"
8			2	I	HOU	GT	NA	NA	Authorize the acceptance of \$11,000,000 of Community Development Block Grant Section 108 Guaranteed Loan Program Funds (Section 108 Loan Funds) from the U.S. Department of Housing and Urban Development (HUD) for the Plaza Hotel commercial development project (Hotel Project); a loan agreement with Teof Hotel, LP (the Section 108 Borrower) in the amount of \$11,000,000 of Section 108 Loan Funds (the Section 108 Borrower Loan) for development of the Hotel Project to assist with rehabilitation of a vacant commercial building located at 1011 South Akard Street including economic development, loan interest reserve and financial costs for the Section 108 public offering that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD; the City Manager to enter into all necessary agreements with HUD including a Funding Approval/Agreement, a Fiscal Agency Agreement, a Promissory Note, up to two letters of agreement, for establishment of a custodial account, documents relating to additional security if required by HUD, and a letter requesting advance funds for interim financing; the City Manager to establish appropriations for Section 108 Loan Funds; and the City Controller to deposit and disburse funds from an identified account with total disbursements not to exceed \$11,000,000 in Section 108 Loan Funds
9			4	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District, on the north corner of Opal Avenue and Volga Avenue
TOTAL						\$568,000.00			

KEY FOCUS AREA: E-Gov
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Attorney's Office
CMO: Warren M.S. Ernst, 670-3491
MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Randolph Glenn v. Officer Bunthavuth Te, et al., Civil Action No. 3:13-cv-04446-L - Not to exceed \$200,000 - Financing: Current Funds

BACKGROUND

Randolph Glenn sued the City of Dallas and former Dallas police officer Bunthavuth Te alleging an unlawful seizure and excessive force. Officer Te and his partner received a dispatch about an aggravated robbery and carjacking committed by an armed man described as an African-American wearing green and white clothing. The officers, responding to the dispatch, saw Mr. Glenn, who fit that general description. The officers instructed Mr. Glenn to halt and show his hands, and in response Mr. Glenn walked toward Officer Te with a hand in his pocket. Officer Te shot and wounded Mr. Glenn. Mr. Glenn was unarmed and was not involved with the armed robbery that was the subject of the dispatch. The plaintiff and the City have reached a proposed settlement, subject to city council approval, that disposes of all claims by all parties. Mr. Glenn is represented by the Law Firm of Jay J. Murray, P.C.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on January 7, 2015.

FISCAL INFORMATION

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

\$200,000 - Current Funds

January 14, 2015

WHEREAS, a lawsuit styled Randolph Glenn v. Officer Bunthavuth Te, et al., Civil Action No. 3:13-cv-04446-L, was filed by Randolph Glenn alleging excessive force and unlawful seizure; and

WHEREAS, the parties have agreed to a settlement of the case whereby the City will pay the plaintiff, through his attorney, the amount of \$200,000.00; and

WHEREAS, it is in the best interest of the City to settle this case; **Now, Therefore,**

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

Section 1. That settlement of the lawsuit styled Randolph Glenn v. Officer Bunthavuth Te, et al., Civil Action No. 3:13-cv-04446-L, in an amount not to exceed \$200,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay to the Law Office of Jay J. Murray, P.C., the amount of \$200,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

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.

ADDENDUM ITEM # 2

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Police

CMO: Warren M.S. Ernst, 670-3491
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize settlement of the remaining plaintiff's claim in the lawsuit styled Koby Maxwell, John C. Campbell and Carl Wayne Walton v. City of Dallas, Cause No. DC-13-04584-B - Not to exceed \$150,000 - Financing: Current Funds

BACKGROUND

Carl Wayne Walton filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries sustained while he was a passenger on a Dallas Area Rapid Transit bus which collided with a Dallas Police Department vehicle on January 12, 2012. The City and Mr. Walton reached a proposed settlement following court-ordered mediation. Plaintiff is represented by Jim S. Adler, P.C. & Associates. Mr. Maxwell's claim and Mr. Campbell's claim previously settled.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed in Closed Session on January 7, 2015.

FISCAL INFORMATION

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

\$150,000.00 - Current Funds

January 14, 2015

WHEREAS, a lawsuit styled Koby Maxwell, John C. Campbell and Carl Wayne Walton v. City of Dallas, Cause No. DC-13-04584-B, was filed by plaintiffs seeking compensation from the City of Dallas for alleged bodily injuries sustained while John C. Campbell was operating a Dallas Area Rapid Transit bus which collided with a Dallas Police Department vehicle on January 12, 2012; and,

WHEREAS, Carl Wayne Walton, the remaining plaintiff, has agreed to settle his claim whereby the City will pay Carl Wayne Walton and his attorney, and all other parties having an interest in the settlement proceeds the total amount of \$150,000.00; and,

WHEREAS, it is in the best interest of the City to settle the claims of Carl Wayne Walton in this case; **Now, Therefore**,

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

Section 1. That the settlement of the claim of Carl Wayne Walton in the lawsuit styled Koby Maxwell, John C. Campbell and Carl Wayne Walton v. City of Dallas, Cause No. DC-13-04584-B, in an amount not to exceed \$150,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay Carl Wayne Walton and his attorney, Jim S. Adler, P.C. and Associates, the amount of \$150,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

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: Public Safety
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: City Attorney's Office
CMO: Warren M.S. Ernst, 670-3491
MAPSCO: N/A

SUBJECT

Authorize **(1)** the application for and the acceptance of the 2014-15 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2014 through September 29, 2015; and **(2)** execution of the grant agreement - Not to exceed \$323,964 - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds

BACKGROUND

The South Dallas Treatment Drug Court (SDTDC) seeks to identify adults with mental health issues and substance abuse addictions who have been referred to the South Dallas Community Court for adjudication and processing, and to offer those individuals alcohol/drug treatment, recovery support services, screening, assessment, case management and related services in lieu of jail time. The SDTDC is located in the Martin Luther King, Jr. Community Center at 2922 Martin Luther King, Jr. Boulevard, and serves South Dallas/Fair Park, Jubilee Park, and Pleasant Grove.

The U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, has awarded the City \$323,964.00 in support of the SDTDC program. The grant will allow the SDTDC to serve approximately 60 individuals. The start date for this initiative is September 30, 2014, and ends September 29, 2015.

FISCAL INFORMATION

\$323,964.00 - U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds

January 14, 2015

WHEREAS, the City of Dallas has established an Adult Treatment Drug Court Expansion project that seeks to expand the South Dallas Community Drug Court into a Treatment Drug Court that will incorporate alcohol/drug treatment, recovery support services, screening, assessment, case management, and program coordination; and

WHEREAS, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, has made grant funds available during the 2014-15 fiscal year to offer individuals facing criminal charges for substance abuse and possession an opportunity to enter a substance abuse recovery program in lieu of jail time; and

WHEREAS, such grant funding was awarded to the City on September 30, 2014; and

WHEREAS, the grant funding would benefit the City in its endeavor to reduce crime and help affected individuals become drug free; and

WHEREAS, the City finds it in the best interest of the City's citizens that the grant funds be accepted for the 2014-15 fiscal year; and

WHEREAS, the City agrees that in the event of loss or misuse of the grant funds, the City will return the funds identified as ineligible to the U.S. Department of Health and Human Services; and

WHEREAS, the City designates the City Manager or his designee as the grantee's authorized official, who has the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City; **Now, Therefore**

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

Section 1. That the City Manager is hereby authorized to apply for, execute, and accept the 2014-15 U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant No. 1H79TI025045-01, CFDA No. 93.243, for grant moneys to be used in the Adult Treatment Drug Court Expansion project for the period September 30, 2014, through September 29, 2015, in an amount not to exceed \$323,964.00.

Section 2. That the City Manager is hereby authorized to establish appropriations in the Adult Treatment Drug Court Expansion Project fund in the amount of \$323,964.00 in Fund F447, Department ATT, Unit 1694.

January 14, 2015

Section 3. That the City Controller is authorized to deposit grant funds in an amount not to exceed \$323,964.00 into Fund F447, Department ATT, Unit 1694, Revenue Source 6506.

Section 4. That the City Controller is authorized to disburse grant funds from Fund F447, Department ATT, Unit 1694, in accordandance to the attached schedule, in an amount not to exceed \$323,964.00.

Section 5. That the City Manager is hereby authorized to reimburse the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later that 30 days after the reimbursement.

Section 6. That the City Manager shall keep the appropriate City Council Committee informed of all final U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration monitoring reports not later than 30 days after the receipt of the report.

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.

SAMHSA - Adult Drug Court**Fund F447****Unit 1694****FY 2014-2015**

ATT		BUDGET FY
Obj.		14/15
		323,964.00
1101	Salaries	111,600.00
1301	Pension	11,695.00
1303	Life Insurance	132.00
1304	Health Insurance	12,057.00
1306	FICA	1,618.00
1419	Other Civilian Leave	3,600.00
2252	Metered Postage	300.00
3070	Professional Services	153,848.00
3090	City Forces	2,260.00
3092	Security Services	13,300.00
3361	Professional Development	6,858.00
3851	Pension Bond Debt	6,696.00

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Aviation

CMO: Warren M.S. Ernst, 670-3491
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional legal services necessary on matters relating to the gate accommodations at Dallas Love Field - Not to exceed \$80,000, from \$200,000 to \$280,000 - Financing: Aviation Current Funds

BACKGROUND

Supplemental Agreement No. 2 will authorize Kaplan Kirsch & Rockwell, L.L.P. to provide additional legal services necessary on matters relating to the gate accommodations at Dallas Love Field.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on January 7, 2015.

FISCAL INFORMATION

\$80,000 - Aviation Current Funds

M/WBE INFORMATION

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Resolution No. 08-2826, as amended.

OWNER

Kaplan Kirsch & Rockwell, L.L.P.

Peter J. Kirsch, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional legal services necessary on matters relating to the gate accommodations at Dallas Love Field - Not to exceed \$80,000, from \$200,000 to \$280,000 - Financing: Aviation Current Funds

Kaplan Kirsch & Rockwell, L.L.P. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$80,000.00	100.00%
TOTAL THIS ACTION	\$80,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

January 14, 2015

WHEREAS, on October 29, 2014, pursuant to Administrative Action No. 14-6916, the City authorized a professional services contract with Kaplan Kirsch & Rockwell, L.L.P., in an amount not to exceed \$50,000.00, for legal services on matters relating to the gate accommodations at Dallas Love Field; and

WHEREAS, on November 18, 2014, pursuant to Council Resolution No. 14-2056, the City Council authorized Supplemental Agreement No. 1 with Kaplan Kirsch & Rockwell, L.L.P., in an amount not to exceed \$150,000.00, for legal services on matters relating to the gate accommodations at Dallas Love Field, increasing the original contract from \$50,000.00 to \$200,000.00; and

WHEREAS, the legal services of Kaplan Kirsch & Rockwell, L.L.P. continue to be necessary; **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 Kaplan Kirsch & Rockwell, L.L.P. for additional legal services on matters relating to the gate accommodations at Dallas Love Field, in an amount not to exceed \$80,000.00, increasing the contract amount from \$200,000.00 to \$280,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to Kaplan Kirsch & Rockwell, L.L.P., an amount not to exceed \$80,000.00 from Fund 0130, Department AVI, Unit 7729, Obj. 3070, Encumbrance No. CTAVIAVIKKR77101114, Vendor No. VC0000012035.

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: E-Gov
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Attorney's Office
CMO: Warren M.S. Ernst, 670-3491
MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-CV-2907-M - Not to exceed \$130,000, from \$150,000 to \$280,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 3 will authorize White & Wiggins, L.L.P. to provide additional legal services in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-CV-2907-M.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on January 7, 2015.

FISCAL INFORMATION

\$130,000 - Current Funds

M/WBE INFORMATION

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Resolution No. 08-2826, as amended.

OWNER

White & Wiggins, L.L.P.

Kevin B. Wiggins, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-CV-2907-M - Not to exceed \$130,000, from \$150,000 to \$280,000 - Financing: Current Funds

White & Wiggins, L.L.P. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$130,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$130,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

January 14, 2015

WHEREAS, the City of Dallas has retained White & Wiggins, L.L.P. to provide legal services necessary in the lawsuit styled Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P; and,

WHEREAS, on November 26, 2012, pursuant to Administrative Action No. 12-2874, the City authorized a professional services contract with White & Wiggins, L.L.P., in an amount not to exceed \$25,000.00; and,

WHEREAS, on December 7, 2012, pursuant to Administrative Action No. 12-3112, the City authorized Supplemental Agreement No. 1 with White & Wiggins, L.L.P., in an amount not to exceed \$25,000.00, increasing the original contract from \$25,000.00 to \$50,000.00; and,

WHEREAS, on August 14, 2013, pursuant to Council Resolution No. 13-1287, the City authorized Supplemental Agreement No. 2 with White & Wiggins, L.L.P., in an amount not to exceed \$100,000.00, increasing the contract amount from \$50,000.00 to \$150,000.00; and,

WHEREAS, the professional legal services of White & Wiggins, L.L.P. continue to be necessary for this matter; **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. 3 to the professional services contract with White & Wiggins, L.L.P. for additional legal services, in an amount not to exceed \$130,000.00, increasing the contract amount from \$150,000.00 to \$280,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to White & Wiggins, L.L.P. an amount not to exceed \$130,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389011J262, Vendor No. 344317.

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: E-Gov
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Human Resources
CMO: A. C. Gonzalez, 670-3302
MAPSCO: N/A

SUBJECT

Authorize a first amendment to the City Attorney Agreement of Appointment with City Attorney Warren M. S. Ernst to increase his annual base salary from \$217,000 to \$225,000 for a total annual additional cost of \$8,000, effective October 16, 2014 - Financing: Current Funds

BACKGROUND

On October 16, 2013, by Resolution No. 13-1805, the City Council appointed Warren M. S. Ernst as City Attorney of the City of Dallas, for a two-year term, established his annual base salary at \$217,000.00, and authorized execution of the City Attorney Contract. On January 7, 2015, the City Council completed its annual performance review of the City Attorney.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council approved the appointment of Warren M. S. Ernst as City Attorney for a two-year term, established his annual base salary, and authorized execution of the City Attorney Contract, on October 16, 2013, by Resolution No. 13-1805.

City Council conducted its annual performance review of City Attorney Warren M. S. Ernst on November 5, 2014, December 10, 2014 and January 7, 2015.

FISCAL INFORMATION

\$8,000 - Current Funds

January 14, 2015

WHEREAS, on October 16, 2013 by Resolution No. 13-1805, the City Council appointed Warren M. S. Ernst as City Attorney of the City of Dallas for a two-year term and established his annual base salary at \$217,000.00; and,

WHEREAS, on November 5, 2014, December 10, 2014, and January 7, 2015, the City Council conducted its annual performance review of the City Attorney and recommended an increase of \$8,000.00 in his annual base salary; **Now, Therefore**,

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

Section 1. That City Attorney Warren M. S. Ernst receive an increase in his annual base salary in the amount of \$8,000.00 from \$217,000.00 to \$225,000.00 effective October 16, 2014.

Section 2. That the City Manager is hereby authorized to execute the first amendment to the City Attorney Agreement of Appointment with Warren M. S. Ernst reflecting the compensation adjustment authorized by the City Council.

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: E-Gov
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: City Secretary
CMO: Rosa A. Rios, 670-5654
MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Dwaine R. Caraway as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

January 14, 2015

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Dwaine R. Caraway participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required him to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted in Exhibit A; **Now, Therefore,**

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

January 14, 2015

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in Exhibit A, by Councilmember Dwaine R. Caraway because of his participation in any event(s) and/or meeting(s) will not be counted against him in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence will not count against Councilmember Dwaine R. Caraway in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence by Councilmember Dwaine R. Caraway as described in Exhibit A, were for "official city business," and no further city council action or approval of those minutes is required.

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.

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE	MEETING(S) MISSED	ABSENCE TYPE
Dwaine R. Caraway	Meeting held with ACM Jill A. Jordan in reference to the "Bag Ordinance."	City Hall	12/8/2014	Representing District 4	Public Safety Committee	Absent

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Housing/Community Services
CMO: A. C. Gonzalez, 670-3297
MAPSCO: 45Q

SUBJECT

Authorize **(1)** the acceptance of \$11,000,000 of Community Development Block Grant Section 108 Guaranteed Loan Program Funds (Section 108 Loan Funds) from the U.S. Department of Housing and Urban Development (HUD) for the Plaza Hotel commercial development project (Hotel Project); **(2)** a loan agreement with Teof Hotel, LP (the Section 108 Borrower) in the amount of \$11,000,000 of Section 108 Loan Funds (the Section 108 Borrower Loan) for development of the Hotel Project to assist with rehabilitation of a vacant commercial building located at 1011 South Akard Street including economic development, loan interest reserve and financial costs for the Section 108 public offering that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD; **(3)** the City Manager to enter into all necessary agreements with HUD including a Funding Approval/Agreement, a Fiscal Agency Agreement, a Promissory Note, up to two letters of agreement, for establishment of a custodial account, documents relating to additional security if required by HUD, and a letter requesting advance funds for interim financing; **(4)** the City Manager to establish appropriations for Section 108 Loan Funds; and **(5)** the City Controller to deposit and disburse funds from an identified account with total disbursements not to exceed \$11,000,000 in Section 108 Loan Funds - Not to exceed \$11,000,000 - Financing: Community Development Block Grant Section 108 Guaranteed Loan Funds

BACKGROUND

In January 2009, the City Council adopted the Community Development Block Grant (CDBG) Section 108 Guarantee Loan Fund Program to provide up to a total of all Section 108 projects of \$75,000,000, primarily to increase the amount of funding available for economic development through making of loans that promote activities which contribute to the development of viable communities by providing decent housing and a suitable living environment, and by promoting local economic development to stimulate business and commercial activity in the City of Dallas leading to creation of permanent jobs and provision of goods and services to project areas. The Section 108 Program is a Community Development Program authorized under Local Government Code, Chapter 373.

Since January 2009, the scope of the program has been increased to include projects that sustain or increase the level of business activity in an area by expanding economic opportunities for job creation and retention, improvement or construction of housing in conjunction with mixed-use projects, the provision of jobs to low and moderate income persons in CDBG eligible areas, or providing elimination of specific conditions of blight, physical decay, or environmental contamination not located in slum or blighted areas in conjunction with other eligible special economic development activities.

The City seeks to fund projects that increase the level of business activity by expanding economic activities and increase the level of affordable housing in the project area. It is also important to the City that Section 108 loan repayments from borrowers match the City's required repayments to HUD on the Section 108 Guarantee Loan. Annual repayments of Section 108 Guarantee loans should be credit enhanced to eliminate risk of City making payments from annual CDBG allocations, to the extent reasonably possible.

In October 2012, the City received a proposal from Texas Educational Opportunity Fund (TEOF) for a loan in the amount of \$11,000,000 in CDBG Section 108 Guarantee Loan Program funds for eligible activities which would have included property acquisition, environmental remediation, elimination of adverse health and safety hazards, loan interest reserve, and financial costs for the Section 108 public offering to assist with rehabilitation of a vacant commercial building, formerly Plaza Hotel, for the Hotel Project. The project is a commercial development to renovate a vacant hotel building located at 1011 South Akard Street to reuse as a new hotel. The completed project would have created an estimated 110 permanent full-time equivalent jobs including an estimated 90 permanent full-time jobs to be held by or made available to individuals with incomes at 80% or less of Area Median Family Income as established by HUD.

BACKGROUND (continued)

The City held a neighborhood public hearing at the J. Erik Jonsson Central Library at 1515 Young Street on December 20, 2012, and received favorable comment on submission of the application to HUD for the Hotel Project. Following a City Council public hearing on January 23, 2013, Council adopted Substantial Amendment No. 17 to the 2008-2012 Consolidated Plan and the FY 2012-13 Action Plan to identify the Hotel Project and approved modification of the CDBG Section 108 Program Statement, and Council authorized the City Manager to submit the Section 108 loan application to HUD for funding. The application was submitted to HUD on February 11, 2013, requesting Section 108 Guarantee Loan Funds in the amount of \$11,000,000 for development of the Hotel Project. The City Council public hearing held on January 23, 2013, complied with HUD regulations and the City's Citizen Participation Plan of 30 days comment period from date of call of public hearing.

During HUD's review of the application the project ownership structure and name branding of the proposed hotel changed. The application requested funding for two activities including acquisition by a limited liability nonprofit subrecipient of the City, Texas Educational Opportunity Fund (TEOF), and rehabilitation of a blighted structure to carry out an economic development project. TEOF had proposed to relend the Section 108 guaranteed proceeds to its subsidiary, Teof Hotel, LP (Teof Hotel), a for-profit, single asset entity, to carry out the activities. With the change in project structure, the Section 108 proceeds will be provided directly from the City to Teof Hotel. The developer is willing to make a \$6.5 million equity investment of the value of the property to the project and has transferred ownership of the property to Teof Hotel.

The Section 108 funds were to be used for acquisition of \$6.5 million and economic development and related costs of \$4.5 million. Acquisition has been removed from the funding requested, and the City will reallocate the project costs and lend the entire \$11 million to Teof Hotel, LP for economic development and related costs for rehabilitation of a blighted former hotel into a new, 237-room hotel that will result in the creation of an estimated 220 permanent full-time equivalent jobs provided by the hotel and commercial tenants operating businesses located on the project premises.

The developer had proposed rehabilitating a vacant hotel, formerly Plaza Hotel, located at 1011 South Akard Street into a Holiday Inn & Suites hotel with 220 rooms under the governing criteria of the Holiday Inn Express brand, which would have been a two or three-star hotel. The developer's franchise license to operate a Holiday Inn has expired, and the developer has entered into a new franchise agreement with Choice Hotels International, Inc. for development of a four-star hotel with 237 rooms under its Ascend Collection of boutique hotels. With the upgrade in hotel class rating, operation of a hotel under the new franchise will provide for creation of an estimated 220 permanent full-time equivalent jobs, which is an increase from 110 jobs identified in the application.

BACKGROUND (continued)

The economic development activity will meet the CDBG National Objective of benefiting low- and moderate-income persons and the public benefit standard set forth in HUD Regulations. The CDBG National Objective requires that at least 51% of the jobs created (113 jobs) will be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD. The public benefit standard requires the activity undertaken to create at least one permanent full-time equivalent job per \$50,000 of CDBG funds used, for a total of 220 permanent full-time equivalent jobs. Based on the most recent decennial census, which has been replaced by the American Community Survey 5-year estimates for 2006-2010, the project is located in census tract 204.00 where at least 20% of the population in all of the block groups in that census tract is below the poverty level. On this basis, all of the jobs created by the project can be presumed to be low- and moderate-income jobs pursuant to HUD regulations.

Additionally, the commercial development of the project will meet the statements of community development objectives in the City's Consolidated Plan dealing with creation of employment opportunities by creating an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD.

The Section 108 Loan funds will be used to fund exterior rehabilitation and interior rehabilitation of approximately 165,006 square feet for a 12-floor, 237-room hotel and a structured parking garage, and to fund sitework, loan interest reserve, and financing costs related to the Section 108 public offering. The total project cost to develop the Hotel Project including rehabilitation of the exterior and approximately 165,006 square feet of interior space is \$32.6M with the City contributing 34%. Funding for the project will come from the proposed \$11M Section 108 Loan Funds and from a first lien note of \$12.9M, mezzanine loan of \$2.3M, owner equity of \$5.4M and TIF proceeds of \$1M. A bank loan of \$12,912,615 for construction will be in first lien position followed by the Section 108 loan of \$11,000,000 in second lien position. A mezzanine loan of \$2,324,913 will be a soft lien in third position.

The Section 108 loan application requested \$11,000,000 for the Hotel Project at an interest rate determined by the 3 month London Interbank Offered Rate (LIBOR), with interest only payments due for the first two years and principal and interest payments due for years 3 through 13. The City applied to HUD for two years of interest reserve to cover the interest payments on the Section 108 Borrower Loan during the construction and lease up period of the project. Teof Hotel will repay principal and interest on the City's Section 108 Hotel Project Loan with cash flow from the project which is estimated to be sufficient to cover the first and second lien debt and fund a debt service reserve of approximately \$152,000 per year until the City's Section 108 HUD loan is paid in full. Interest will be paid during construction with an interest reserve built into the construction loan and with \$330,000 of Section 108 funds.

BACKGROUND (continued)

The interest rate on the loan to the developer will be .50% higher than the Section 108 Loan from HUD and both loans will have matching amortization. All loan payments by borrower will provide adequate funds for City to make its payments on the Section 108 Loan from HUD. However, should the project's cash flow fall short of estimate and is not sufficient for the City to make the required annual payments to HUD, or if the project otherwise fails, any applicable loan payments will be made from the City's future CDBG allocation of entitlement funds.

This action item requests authorization for the City Manager to execute the documents necessary to enter into a \$11,000,000 Section 108 loan agreement with HUD; to appropriate the Section 108 Loan Funds to the proper account; to execute a loan agreement with Teof Hotel, LP, the Section 108 Borrower, in the amount of \$11,000,000 of Section 108 Loan Funds for development of the Hotel Project to assist with rehabilitation of a blighted, vacant commercial building located at 1011 South Akard Street including economic development, loan interest reserve and financial costs for the Section 108 public offering that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 17, 2008, the Economic Development Committee and the Housing Committees were briefed and gave favorable approval on Community Development Block Grant (CDBG) Section 108 Loan Application authorization for the use of Section 108 Guarantee Loan funds to provide project gap financing or mezzanine debt necessary to move projects forward in today's financial market, to minimize, if not eliminate, the risk to the CDBG program revenue and set guidelines by which the funds would be used.

On January 5, 2009, the Economic Development Committee and the Housing Committees were briefed and gave favorable approval on CDBG Section 108 Guarantee Loan fund application requirements and proposed Program Guidelines for City to apply for up to a total of \$75,000,000 in guarantee loans.

On January 28, 2009, the City Council adopted CDBG Section 108 Guarantee Loan Program Statement, setting out the program purpose, description, operations and project criteria by Resolution No. 09-0291.

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

On December 3, 2012, the Housing Committee was briefed on Substantial Amendment No. 17 to the 2008-09 through 2012-13 Consolidated Plan and the FY 2012-2013 Action Plan for U.S. Department of Housing and Urban Development (HUD) Funds to incorporate additional City priority needs and resources including elimination of blight on a spot basis as an enumerated CDBG Section 108 Guarantee Loan Program activity to deal with specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and to identify the Hotel Project as an eligible CDBG economic development activity providing an estimated 90 permanent full-time equivalent jobs for low- and moderate-income persons and providing elimination of specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and on submission of a proposed CDBG Section 108 Guaranteed Loan Program loan application to HUD for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, for the Hotel Project at 1011 South Akard Street and voted favorably to recommend that the City submit an application for Section 108 Guaranteed Loan funds for the project.

On December 6, 2012, the Community Development Commission was briefed on Substantial Amendment No. 17 to the 2008-09 through 2012-13 Consolidated Plan and the FY 2012-2013 Action Plan for HUD Funds to incorporate additional City priority needs and resources including elimination of blight on a spot basis as an enumerated CDBG Section 108 Guarantee Loan Program activity to deal with specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and to identify the Hotel Project as an eligible CDBG economic development activity providing an estimated 90 permanent full-time equivalent jobs for low- and moderate-income persons and providing elimination of specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and on submission of a proposed CDBG Section 108 Guaranteed Loan Program loan application to HUD for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, for the Hotel Project at 1011 South Akard Street and voted favorably to recommend that the City submit an application for Section 108 Guaranteed Loan funds for the project.

On December 12, 2012, the City Council authorized a public hearing to be held on January 23, 2013, to receive comments on adoption of Substantial Amendment No. 17 to the 2008-09 through 2012-2013 Consolidated Plan and the FY 2012-13 Action Plan for HUD Funds to identify the Hotel Project and on the proposed City of Dallas submission of an application to HUD for a Section 108 Guaranteed Loan Program loan not to exceed \$11,000,000 for the Hotel Project located at 1011 South Akard Street by Resolution No. 12-3018.

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

On January 23, 2013, the City Council held a public hearing and adopted Substantial Amendment No. 17 to the 2008-09 through 2012-2013 Consolidated Plan and the FY 2012-13 Action Plan for HUD funds, approved modification of the CDBG Section 108 Loan Program Statement, and authorized submission of a Section 108 Guaranteed Loan Program loan application to HUD for a CDBG Section 108 Program loan in the amount of \$11,000,000 to fund a loan for Texas Educational Opportunity Fund, a Texas non-profit, to assist with rehabilitation of a blighted, vacant commercial building, formerly Plaza Hotel, including property acquisition, environmental remediation, elimination of adverse health and safety hazards, loan interest reserve and financial costs for the Section 108 public offering for the Hotel Project located at 1011 South Akard Street that would create an estimated 90 permanent full-time equivalent jobs to be held by individuals with incomes at 80% or less of Area Median Family Income as established by HUD by Resolution No. 13-0237.

FISCAL INFORMATION

Community Development Block Grant Section 108 Guaranteed Loan Funds -
\$11,000,000

OWNER

Teof Hotel, LP

John P. Greenan, Chairman of the Board
Texas Educational Opportunity Fund

Lawrence E. Hamilton, Chief Executive
Officer, Hamilton Properties Corporation

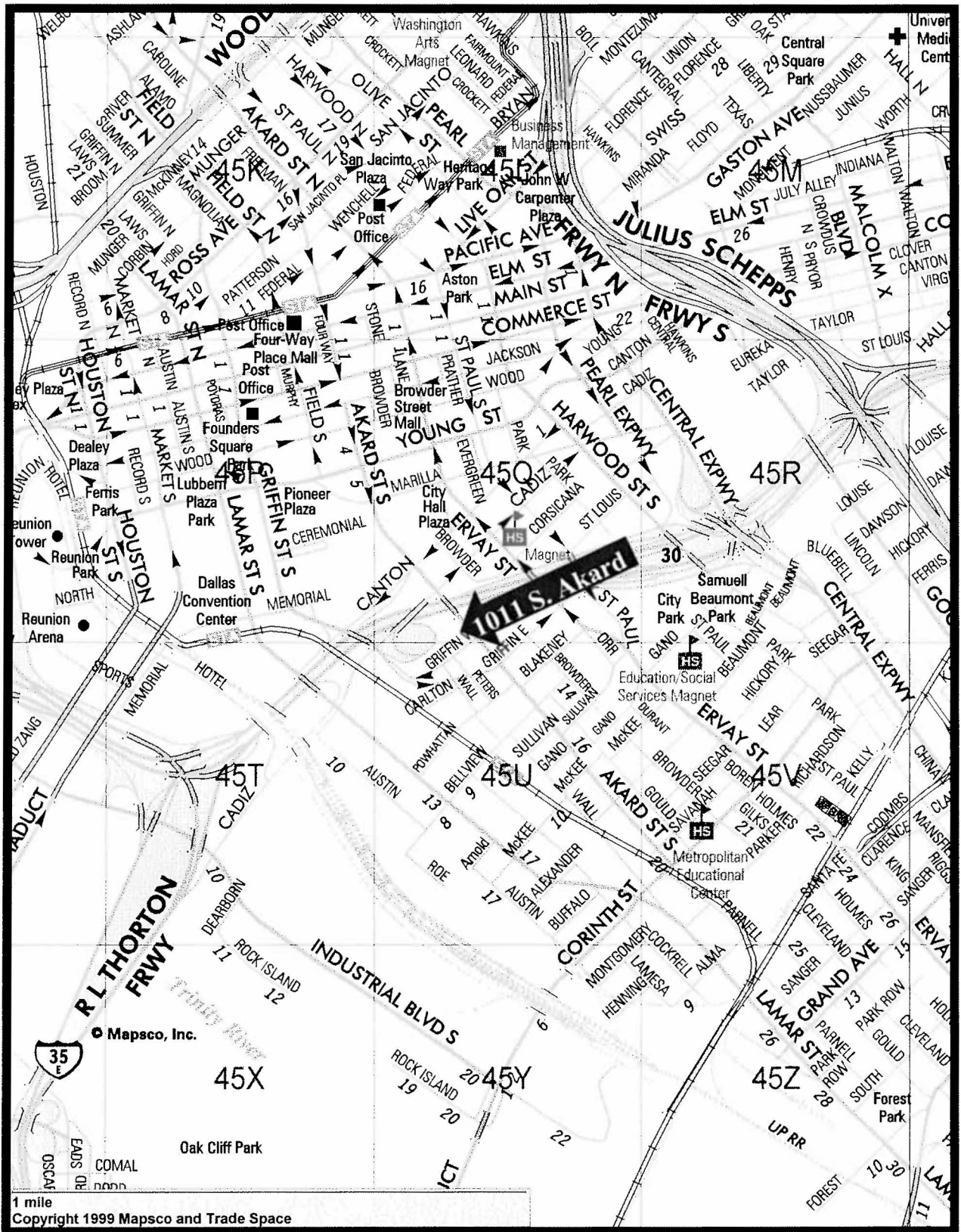
DEVELOPER

Hamilton Properties Corporation

Lawrence E. Hamilton, Chief Executive
Officer

MAP

Attached



MAPSCO 45Q

January 14, 2015

WHEREAS, the City of Dallas seeks to increase the amount of funding available for economic development through making loans that promote activities which contribute to the development of viable communities by providing decent housing and a suitable living environment, by promoting local economic development to stimulate business and commercial activity in the City of Dallas leading to creation of permanent jobs and provision of goods and services to project areas, and by providing for elimination of specific conditions of blight, physical decay, or environmental contamination to protect the health and safety of the public; and

WHEREAS, on November 17, 2008, the Economic Development Committee and the Housing Committees were briefed and gave favorable approval on Community Development Block Grant (CDBG) Section 108 Loan Application authorization for the use of Section 108 Guarantee Loan funds to provide project gap financing or mezzanine debt necessary to move projects forward in today's financial market, to minimize, if not eliminate, the risk to the CDBG program revenue and set guidelines by which the funds would be used; and

WHEREAS, on January 5, 2009, the Economic Development Committee and the Housing Committees were briefed and gave favorable approval on CDBG Section 108 Guarantee Loan fund application requirements and proposed Program Guidelines for the City to apply for up to a total of \$75,000,000 in guarantee loans; and

WHEREAS, on January 28, 2009, the City Council adopted CDBG Section 108 Guarantee Loan Program Statement, setting out the program purpose, description, operations and project criteria by Resolution No. 09-0291; and

WHEREAS, in October 2012, the developer submitted a proposal to the City for CDBG Section 108 Guaranteed Loan Program funds for eligible economic development activities related to the development of the Hotel Project; and

January 14, 2015

WHEREAS, on December 3, 2012, the Housing Committee was briefed on Substantial Amendment No. 17 to the 2008-09 through 2012-13 Consolidated Plan and the FY 2012-2013 Action Plan for U.S. Department of Housing and Urban Development Funds (HUD) to incorporate additional City priority needs and resources including elimination of blight on a spot basis as an enumerated CDBG Section 108 Guarantee Loan Program activity to deal with specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and to identify the Hotel Project as an eligible CDBG economic development activity providing an estimated 90 permanent full-time equivalent jobs for low and moderate-income persons and providing elimination of specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and on submission of a proposed CDBG Section 108 Guaranteed Loan Program loan application to HUD for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, for the Hotel Project at 1011 South Akard Street voted favorably to recommend that the City submit an application for Section 108 Guaranteed Loan funds for the project; and

WHEREAS, on December 6, 2012, the Community Development Commission was briefed on Substantial Amendment No. 17 to the 2008-09 through 2012-13 Consolidated Plan and the FY 2012-2013 Action Plan for HUD Funds to incorporate additional City priority needs and resources including elimination of blight on a spot basis as an enumerated CDBG Section 108 Guarantee Loan Program activity to deal with specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and to identify the Hotel Project as an eligible CDBG economic development activity providing an estimated 90 permanent full-time equivalent jobs for low and moderate-income persons and providing elimination of specific conditions of blight, physical decay, or environmental contamination not located in a slum or blighted area, and on submission of a proposed CDBG Section 108 Guaranteed Loan Program loan application to HUD for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, for the Hotel Project at 1011 South Akard Street; and

WHEREAS, on December 12, 2012, the City Council authorized a public hearing to be held on January 23, 2013, to receive comments on adoption of Substantial Amendment No. 17 to the 2008-09 through 2012-2013 Consolidated Plan and the FY 2012-13 Action Plan for HUD Funds to identify the Hotel Project and on the proposed City of Dallas submission of an application to HUD for a Section 108 Guaranteed Loan Program loan not to exceed \$11,000,000 for the Hotel Project located at 1011 South Akard Street by Resolution No. 12-3018; and

January 14, 2015

WHEREAS, on January 23, 2013, the City Council held a public hearing and adopted Substantial Amendment No. 17 to the 2008-09 through 2012-2013 Consolidated Plan and the FY 2012-13 Action Plan for HUD funds, approved modification of the CDBG Section 108 Loan Program Statement, and authorized submission of a Section 108 Guaranteed Loan Program loan application to HUD for a CDBG Section 108 Program loan in the amount of \$11,000,000 to fund a loan for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, including property acquisition, environmental remediation, elimination of adverse health and safety hazards, loan interest reserve, and financial costs for the Section 108 public offering for the Hotel Project located at 1011 South Akard Street that would create an estimated 90 permanent full-time equivalent jobs to be held by individuals with incomes at 80% or less of Area Median Family Income as established by HUD by Resolution 13-0237; and

WHEREAS, on February 11, 2013, the City of Dallas applied to HUD for CDBG Section 108 Guaranteed Loan funds in the amount of \$11,000,000 for a Section 108 loan for Texas Educational Opportunity Fund, a Texas non-profit, for assistance with rehabilitation of a vacant commercial building, formerly Plaza Hotel, including property acquisition, environmental remediation, elimination of adverse health and safety hazards, loan interest reserve, and financial costs for the Section 108 public offering for the Hotel Project located at 1011 South Akard Street that would create an estimated 90 permanent full-time equivalent jobs to be held by individuals with incomes at 80% or less of Area Median Family Income as established by HUD; and

WHEREAS, during HUD's review of the Hotel Project application, the project structure changed such that the Section 108 loan will be made from the City to Teof Hotel, LP, the franchise license to operate a Holiday Inn & Suites hotel under governing criteria of the Holiday Inn brand expired and the developer entered into a new franchise agreement with Choice Hotels International, Inc. to operate a four-star hotel with 237 rooms under its Ascend Collection, and the proposed number of jobs has increased to an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD; and

WHEREAS, acquisition cost has been removed from the funding requested, and the City has reallocated the project costs and will lend the entire \$11,000,000 of Section 108 Loan Funds to Teof Hotel, LP for economic development and related costs for rehabilitation of a blighted, vacant commercial building into a new 237-room hotel; and

WHEREAS, a bank loan of \$12,912,615 for construction will be in first lien position, the Section 108 loan of \$11,000,000 will be in second lien position, and a mezzanine loan of \$2,324,913 will be a soft lien in third position; and

January 14, 2015

WHEREAS, if the project's cash flow is not sufficient for the City to make required annual payments to HUD, or if the project otherwise fails, any applicable loan payments will be made from the City's future CDBG allocation of entitlement funds; and

WHEREAS, the City of Dallas desires to enter into a loan agreement with HUD to borrow \$11,000,000 under the CDBG Section 108 Guarantee Loan Program and to use the Section 108 Loan Funds to provide a development loan to Teof Hotel, LP in the amount of \$11,000,000 for assistance with rehabilitation of a blighted, vacant commercial building including economic development, loan interest reserve, and financial costs for the Section 108 public offering for the Hotel Project located at 1011 South Akard Street that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD; **NOW, THEREFORE**,

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

SECTION 1. That the City Manager, upon the U.S. Department of Housing and Urban Development's (HUD's) approval of the Hotel Project and the use of Community Development Block Grant (CDBG) Section 108 Guaranteed Loan Program Funds (Section 108 Loan Funds) for the project, and upon approval as to form by the City Attorney, is hereby authorized to accept \$11,000,000 in Section 108 Loan Funds for the Hotel Project for assistance with rehabilitation of a vacant commercial building including economic development, loan interest reserve, and financial costs for the Section 108 public offering for the Hotel Project located at 1011 South Akard Street that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD.

SECTION 2. that the City Manager, subject to approval as to form by the City Attorney, is authorized to enter into a Fiscal Agency Agreement with the local fiscal agent selected by HUD, a Contract for Loan Guarantee Assistance with HUD, a Promissory Note for either interim or permanent financing, two letters of agreement with a custodian and establishment of custodial accounts at a financial institution, other documents relating to additional security which are required by HUD when the term of the loan is ten years or more, and if funds are needed immediately, a letter requesting advance funds for interim financing.

SECTION 3. That, in connection with this Section 108 Loan, the City Manager is further authorized to execute any other necessary documents, upon approval as to form by the City Attorney, including, but not limited to, a Funding Approval/Agreement, assignment of lien to HUD, blank endorsement of note to HUD, Co-lenders agreement, a request for project funding, and Community Development Block Grant Contract.

January 14, 2015

SECTION 4. That the City Manager is authorized to enter into a loan agreement and execute, subject to approval as to form by the City Attorney, all necessary loan documents with Teof Hotel, LP (Section 108 Borrower) as to the \$11,000,000 Section 108 Borrower Loan funded with Section 108 Loan Funds for the Hotel Project involving rehabilitation of a blighted, vacant commercial building into a new 237-room four-star hotel under Choice Hotels International, Inc., Ascend Collection.

SECTION 5. That the terms of the loan documents for the \$11,000,000 Section 108 Borrower Loan include:

- a. The Borrower must execute a Note payable to the City of Dallas for no more than \$11,000,000 for the economic development loan for the Hotel Project and will execute a Deed of Trust for the period of HUD's Section 108 loan with the City and Deed Restrictions on the property for a period of thirteen (13) years from the closing date of the loan. The interest payments for the first two years of the loan will be funded out of two years of interest reserve and cash flow from the project will be used to make City Loan payments of principal and interest due for years 3 through 13 until the City Loan is paid in full. Both the Section 108 Loan from HUD and the City Loan to the Borrower will have matching amortization and maturity dates, and the Section 108 Hotel Project Loan will have an interest rate which is .5% higher than the Section 108 Loan from HUD. Based on projections, all loan payments by borrower will provide adequate funds for the City to make its payment on the Section 108 Loan from HUD.
- b. The Section 108 Borrower must use Section 108 Borrower Loan funds to complete conversion of a blighted, vacant commercial building at 1011 South Akard Street that will create an estimated 220 permanent full-time equivalent jobs with 51% to be held by or made available to low- and moderate-income persons with incomes at 80% or less of Area Median Family Income as established by HUD and to fund economic development, loan interest reserve, and financial costs for the Section 108 public offering.
- c. Borrower will begin construction no later than twelve (12) months from contract execution and obtain Certificate of Occupancy no later than three (3) years of the closing of the Section 108 Borrower Loan and will expend all of the funds for approved construction line items, except interest reserve funds, within three (3) years of the closing of the Section 108 Borrower Loan.
- d. Borrower will report on a monthly basis the job creation by the hotel and the commercial tenants and document records as necessary to meet HUD requirements for public benefit and a National Objective of the Section 108 program.
- e. Borrower must provide source documentation for all other sources of funds necessary to complete the Hotel Project.

January 14, 2015

SECTION 6. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute loan agreements, co-funding agreements, subordination of lien, intercreditor agreements, HUD regulatory agreement and any other documents necessary to document the Section 108 Borrower Loan.

SECTION 7. That the City Manager, upon approval as to form by the City Attorney is authorized to execute releases of liens on the property and other collateral upon compliance with the terms of the loans.

SECTION 8. That the City Manager is authorized to establish appropriations in the amount of \$11,000,000 in Fund 0J55, Unit 0J5E, Obj 3075 for project costs and those necessary to make repayments to HUD.

SECTION 9. That the City Controller is authorized to accept and deposit Section 108 loan funds in the amount of \$11,000,000 in Fund 0J55, Unit 0J5E, Revenue Source 8461, for project costs and those necessary to make repayments to HUD.

SECTION 10. That the City Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the loan documents authorized in Section 5 as follows:

Teof Hotel, LP

Vendor # VS86833

Fund 0J55, Dept HOU, Unit 0J5E, Obj 3075, Program # 0J550J5E, CT HOU0J5CA726 – in an amount not to exceed \$11,000,000

SECTION 11. That the City Controller is hereby authorized to set up receivable balance sheet account (033F) and deferred revenue (088M) in Fund 0J55 for the amount of the Section 108 Borrower loan.

SECTION 12. That the City Controller is authorized to accept and deposit repayments from the Section 108 Borrower into Fund 0J55 necessary to make HUD repayments. Principal amounts to be deposited into Revenue Source 8503 and interest amounts to be deposited into Revenue Source 8556.

SECTION 13. That the City Controller is hereby authorized to reverse the receivable balance sheet account (033F) and deferred revenue (088M) in Fund 0J55 for repayments of all principal amounts of loans.

SECTION 14. That the City Controller is authorized to encumber and disburse loan payments to HUD in accordance with the terms and conditions of the loan documents authorized in Section 2 from Fund 0J55 - Vendor # 263304. Principal amounts to be disbursed from Object Code 3077 and interest amounts to be disbursed from Object Code 3076.

January 14, 2015

SECTION 15. That nothing in this resolution shall be construed as a binding contract or agreement upon the City; that it is subject to HUD approval of the Hotel Project, compliance with all HUD regulations and requirements, and available HUD funding; approval of the final loan terms and loan documents by the City Manager and City Attorney; and there will be no liability or obligation on the City until the final contract documents are approved, executed, and final closing completed.

SECTION 16. 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.

ADDENDUM ITEM # 9

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 4
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 65 C

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District, on the north corner of Opal Avenue and Volga Avenue
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z112-322(RB)

FILE NUMBER: Z112-322(RB)

DATE FILED: September 17, 2012

LOCATION: North corner of Opal Avenue and Volga Avenue

COUNCIL DISTRICT: 4

MAPSCO: 65-C

SIZE OF REQUEST: Approx. 18,000 Sq. Ft. **CENSUS TRACT:** 57.00

REPRESENTATIVE: Debra Watson

APPLICANT: Leroy Watson

OWNER: Buddie Watson

REQUEST: An application for a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant is requesting to obtain an SUP for an existing child-care facility, existing at this location for fifteen years, that was determined by the Fire Marshal to not be in compliance with this requirement.

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

GUIDING CRITERIA FOR RECOMMENATION:

Staff recommends approval of the request, subject a site plan and conditions, based upon:

1. *Compatibility with surrounding uses and community facilities* – The request will utilize existing improvements and is located on a corner-side lot, thus minimizing the impact on adjacent properties.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed child-care facility has been at this location for 15 years serving area residents and their families within the existing improvements.
3. *Not a detriment to the public health, safety, or general welfare* – The proposed use is consistent with those normally found in close proximity to residential uses.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – A certificate of occupancy will be required prior to use of the property for the intended use. State certification provides for the ability to care for 32 children.

Zoning History: There has been no recent zoning activity in the immediate area relevant to this request.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Thoroughfare

Designation; Existing & Proposed ROW

Opal Avenue

Local; 40' ROW

Volga Avenue

Local; 40' ROW

STAFF ANALYSIS:

Comprehensive Plan: The request site is located in an area considered a Residential Neighborhood. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

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 request site is developed with structures that have been utilized for a child-care facility for the past 15 years. An outside play area faces the Volga Avenue frontage. The applicant is requesting an SUP in order to continue operation of the use. The applicant is licensed for 32 children. As noted below (see Off-Street Parking), the applicant provides transportation to and from the site as part of the operation.

The site is surrounded by low-density residential uses in all directions. Additionally, a church is developed on property south of the site, across Volga Avenue. This residential area is situated one block east of the Lancaster Road corridor. Due to the existing DART Blue Line rail alignments, the closest cross-street to access Opal Avenue is Fordham Road, one block south of Volga Avenue.

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 has worked with staff to address various operational aspects of the use. Located on a corner side lot, combined with consideration of the applicant providing transporting of the attendees, staff has determined minimal impact on the residential area can be expected. As a result of this analysis, staff supports the request, subject to the attached site plan and conditions.

Parking: The child-care facility use requires one space for each 500 square feet of floor area. A recent code amendment allows for certain uses to benefit from alternative off-

street parking regulations when documentation can be presented to support such a situation. In this situation, the conditions for the use tie this alternative off-street parking requirement to the applicant requesting the alternative off-street parking requirement.

As noted above, the applicant provides transportation to and from the site for the attendees. While this reduces the number of vehicle trips through this residential area, it also places less reliance for additional non-permeable surface on the property. Staff has reviewed the applicant's statement of operation and supports a reduction in required off-street parking (requiring three spaces), as noted in the attached recommended conditions.

Z112-322(RB)

CPC Minutes - December 18, 2014

Z112-322(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** for a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District on the north corner of Opal Avenue and Volga Avenue.

Maker: Culbreath
Second: Shellene
Result: Carried: 15 to 0

For: 15 - Anglin, Emmons, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Abtahi, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 35
Replies: For: 0 Against: 1

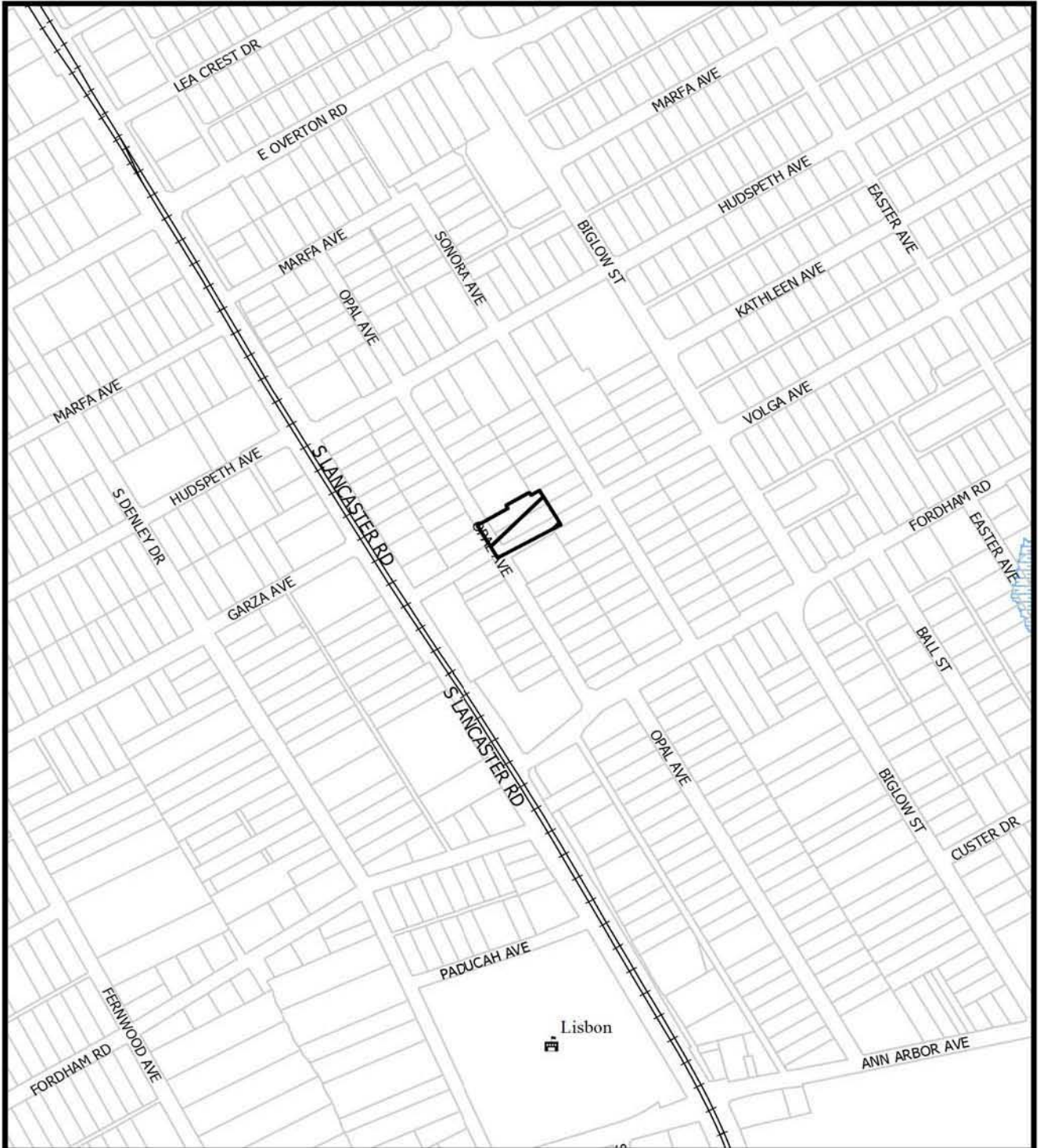
Speakers: For: None
Against: None

**CPC RECOMMENDED CONDITIONS FOR A
SPECIFIC USE PERMIT FOR A CHILD-CARE FACILITY**

1. USE: The only use authorized by this specific use permit is a child-care facility.
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 (five years from the passage of the ordinance), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. FLOOR AREA: The maximum floor area for the child-care facility is 3,000 square feet.
5. HOURS OF OPERATION:
 - a. The child-care facility may only operate between 6:00 a.m. and 1:00 a.m. (the next day), Monday through Friday.
 - b. Use of the outdoor play area is prohibited before 9:00 a.m., Monday through Friday.
6. ENROLLMENT: Enrollment for the child-care facility may not exceed 32 children.
7. OFF-STREET PARKING:
 - a. Except as provided in this section, off-street parking must be provided as required by the Dallas Development Code.
 - b. For a child-care facility, three spaces must be provided in the locations shown on the site plan.
 - c. If the operator for any child-care facility does not provide transportation to and from the facility for the attendees, parking must be provided as required by the Dallas Development Code.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance at all times.

Z112-322(RB)

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.



1:4,800

VICINITY MAP

Case no: Z112-322

Date: 11/21/2014



1:1,200

AERIAL MAP

Case no: Z112-322

Date: 11/21/2014



 1:1,200	ZONING AND LAND USE	Case no: <u> Z112-322 </u> Date: <u> 11/21/2014 </u>
--	--------------------------------	---



<u>35</u>	Property Owners Notified (40 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>12/18/2014</u>	Date

Z112-322
CPC



1:1,200

12/18/2014

Reply List of Property Owners***Z112-322******35 Property Owners Notified 0 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3836 OPAL AVE	RANDLE MARY E
	2	3844 OPAL AVE	WATSON BUDDIE GENE &
	3	3846 OPAL AVE	WATSON BUDDIE GENE &
	4	3901 OPAL AVE	PROGRESSIVE CHUCH OF GOD
	5	3907 OPAL AVE	PROGESSIVE CHURCH OF GOD
	6	3911 OPAL AVE	CAMP ADA V
	7	3919 OPAL AVE	ALBA JOSE
	8	3915 OPAL AVE	BELLO VICTORIA
	9	3910 OPAL AVE	PROGRESSIVE CH OF GOD
	10	3914 OPAL AVE	RIVERA ISIDRO
	11	3903 SONORA AVE	KUYKENDALL ERMA
	12	3907 SONORA AVE	FISHING FROM MY FRONT PORCH LLC
	13	3911 SONORA AVE	EDWARDS CHARLES & ERNESTINE
X	14	3915 SONORA AVE	RAMBO CYNTHIA ANN
	15	3902 SONORA AVE	VALADEZ MIGUEL A
	16	3906 SONORA AVE P	ONCE LUIS ANTONIO &
	17	3826 LANCASTER RD	MOODY CLINTON &
	18	3835 OPAL AVE	RICHARDSON BOBBIE J
	19	3839 OPAL AVE	SMITH THEO
	20	3845 OPAL AVE	SALAZAR FELICITAS &
	21	3822 OPAL AVE	CITY WIDE COMMUNITY DEVELOPMENT
	22	3823 SONORA AVE	BEYOND THE WALLS MINISTRY
	23	3827 SONORA AVE	LOPEZ VERONICA & ENRIQUE
	24	3831 SONORA AVE	ADAMS RACHEL
	25	3835 SONORA AVE	RPL PROPERTIES LLC
	26	3839 SONORA AVE	BERNAL GAUDENCIO S

Z112-322(RB)

12/18/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3847 SONORA AVE	DIAZ CARLOS M &
	28	3834 SONORA AVE	GOVAN ROGER D
	29	3838 SONORA AVE	ANDERSON ROBERT
	30	3842 SONORA AVE	ADAME HECTOR & ARACELY D
	31	3846 SONORA AVE	MARISCAL DAISY &
	32	3827 OPAL AVE	MATA MARTIN & TERESA
	33	3826 OPAL AVE	FARIAS ISIDRO
	34	3830 OPAL AVE	JENKINS BRENT
	35	3906 LANCASTER RD	WASHINGTON FRANCIS L &

KEY FOCUS AREA: Public Safety

AGENDA DATE: January 14, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire
Aviation

CMO: Eric Campbell, 670-3255
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize an annual payment in the amount of \$125,000 for the next five years to Dallas/Fort Worth (D/FW) International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airport - Not to exceed \$625,000 - Financing: Current Funds (to be reimbursed by Aviation, subject to annual appropriations)

BACKGROUND

This training is mandated by the Federal Aviation Administration/Texas Commission on Fire Protection as part of the required basic and annual live aircraft/fire training to maintain the certification level to work at the fire stations located at Love Field and Dallas Executive Airport.

Approximately 20 Firefighters are scheduled for the Basic Certification, 85 are scheduled for the "Hot Drill" training, and 20 are scheduled for advanced specialized fire training annually.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Hot drill training approved by City Council on September 22, 2010, by Resolution No. 10-2248.

Hot drill training approved by City Council on November 12, 2003, by Resolution No. 03-3070.

Hot drill training approved by City Council on January 24, 2001, by Resolution No. 01-0334.

Hot drill training approved by City Council on March 25, 1998, by Resolution No. 98-0923.

FISCAL INFORMATION

Current Funds - \$625,000 (\$125,000 annually) (to be reimbursed by Aviation, subject to annual appropriations)

M/WBE INFORMATION

D/FW Airport is the sole provider in this area for live fire training. All other burn pit facilities have ceased operation due to the Environmental Protection Agency's concerns.

ETHNIC COMPOSITION

Dallas/Fort Worth International Airport

Board of Directors

Hispanic Female	1	Hispanic Male	2 1
Black Female	3 2	Black Male	0 1
White Female	0 2	White Male	5 4
Other Female	0	Other Male	1

OWNER

Dallas/Fort Worth International Airport

Jeffrey P. Fegan Sean Donohue, Chief Executive Officer

January 14, 2015

WHEREAS, the Federal Aviation Administration/Texas Commission on Fire Protection mandates basic and annual fire training to maintain aircraft rescue certification for Dallas Fire-Rescue Department Aircraft Rescue Firefighters located at Dallas Love Field and Dallas Executive Airport; and

WHEREAS, the Dallas/Fort Worth International Airport is the sole provider in the Dallas/Fort Worth area for basic, live fire drills and advanced specialized aircraft fire training; and

WHEREAS, the Aviation Department reimburses the general fund for aircraft rescue services provided by the Dallas Fire-Rescue Department;

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 expend funds in an amount not to exceed \$125,000 per year for five years to the Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training for approximately 132 Dallas Love Field and Dallas Executive Airport Aircraft Rescue Firefighters subject to annual appropriations. Such funds are to be disbursed on an as needed, per class basis.

Section 2. That the City Controller be and is hereby authorized to disburse funds from the following appropriation in an amount not to exceed \$625,000 (subject to annual appropriations) as noted below:

<u>FY</u>	<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Vendor No.</u>	<u>Encumbrance No.</u>	<u>Amount</u>
2014-15	0001	DFD	HS21	3361	162760	CR DFDHS21794	\$125,000
2015-16	0001	DFD	HS21	3361	162760	CR DFDHS21795	\$125,000
2016-17	0001	DFD	HS21	3361	162760	CR DFDHS21796	\$125,000
2017-18	0001	DFD	HS21	3361	162760	CR DFDHS21797	\$125,000
2018-19	0001	DFD	HS21	3361	162760	CR DFDHS21798	\$125,000

Section 3. That the Dallas Fire-Rescue Department will be reimbursed by the Aviation Department from:

Fund 0130, DEPT AVI, UNIT 7720, OBJ 3650 to Fund 0001, DEPT DFD, UNIT HS21, OBJ 5011

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 14, 2015
COUNCIL DISTRICT(S): 3
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 63 H

SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a private school, St. Elizabeth Catholic School, and an open-enrollment charter school, Focus Learning Academy as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 10,000 square feet [Walgreen Co., dba Walgreens #6197] on the northwest corner of South Hampton Road and West Ledbetter Drive - AV145-001 - Financing: No cost consideration to the City

BACKGROUND

Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code allows Council to grant a variance from the usual spacing required between an alcohol business and a protected use. The usual spacing requirement is 300 feet in a direct line from the property line of the private school to the property line of the place of business.

The standard for approval of the variance is that:

A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:

- (i) a brewer's permit, Chapter 12;
- (ii) a distiller's and rectifier's permit, Chapter 14;
- (iii) a winery permit, Chapter 16;
- (iv) a wine and beer retailer's permit, Chapter 25;
- (v) a wine and beer retailer's off-premise permit, Chapter 26;
- (vi) a mixed beverage permit with a food and beverage certificate, Chapter 28;
or
- (vii) a manufacturer's license, Chapter 62.

BACKGROUND (Continued)

- B. the application is for one of the following land uses:
 - (i) general merchandise or food store use with 10,000 square feet or more of floor area
 - (ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
 - (iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
 - (iv) alcoholic beverage manufacturing.

- C. alcoholic beverages will not be sold by drive-in or drive-through service; and

- D. enforcement of the spacing requirements in this particular instance:
 - (i) is not in the best interest of the public;
 - (ii) constitutes waste or inefficient use of land or other resources;
 - (iii) creates an undue hardship on an applicant for an alcohol permit;
 - (iv) does not serve its intended purpose;
 - (v) is effective or necessary; or
 - (vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on November 11, 2014, by Walgreens #6197. St. Elizabeth Catholic School, located to the north of the request site, and Focus Learning Academy, located to the southwest of the request site, creates the need for the variance.

The applicant has submitted the attached letter providing a statement of why the variance meets the standard of approval

The ±1.6624-acre request site, which is zoned an RR-D Regional Retail District with a D Liquor Control Overlay, is developed with a general merchandise or food store. The request site is surrounded by retail uses to the east, southeast, and west, a vacant lot (previously a fueling station) is to the south. The private school and a church are located to the north of the request site. While the required spacing from a school is measured property line to property line, the distance from the schools to the ~~proposed restaurant suite~~ retail store is over 500 feet if measured from door-to-door. Due to the request site being located on two major thoroughfares, staff supports this request.

The general merchandise or food store greater than 10,000 square feet (Fiesta) to the east of the request site across South Hampton Road received a variance to the alcohol distance requirements on April 10, 2013. The private school, St. Elizabeth Catholic School was the protected use in the variance request for Fiesta.

This item requires two seconds to pass.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 9, 2009, the City Council approved an amendment to Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code to allow a process for a variance to the spacing requirements between a business selling alcohol and a public or private school.

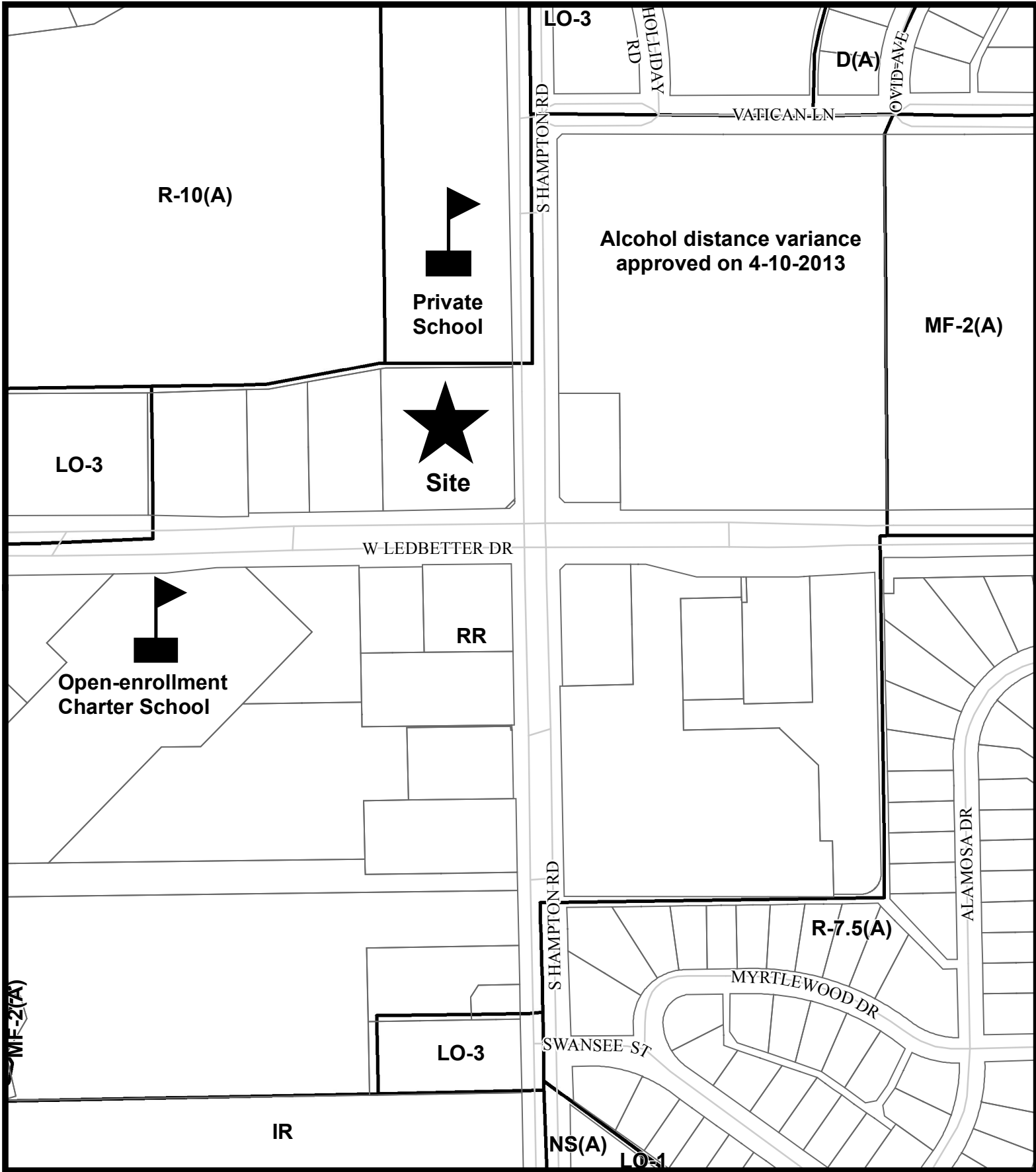
On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

FISCAL INFORMATION

No cost consideration to the City.


MAP

Attached.



 **Approximate location of business requesting alcohol variance**

 **Land use requiring spacing from business requesting alcohol sales: school**

 1:3,000



CITY OF DALLAS

APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant Walgreen Co. d/b/a Walgreens #6197

(Must match the business name on TABC application)

Contact person, title: Marcus Schwartz (Rep; Gardere atty) Property owner's name: Minnetonka Capital Investments V LP
Contact person's phone: (512) 542-7012 Address of request site: 2401 W Ledbetter Dr.
Contact person's address: 600 Congress Ave., Ste. 3000 Austin, TX 78701 Protected use's address: 4019 S Hampton Rd.

Type of protected use:

- o Church
o Public school / open-enrollment charter school
x Private school
o Public hospital
o Daycare/child-care facility

Type of business seeking to sell alcohol:

- o Alcoholic beverage manufacturing
x General merchandise or food store with 10,000 square feet or more floor area
o Microbrewery, microdistillery, or winery
o Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:

- o Brewer's permit, "B" / Manufacturer's license, "BA"
o Distiller's and rectifier's permit, "D"
o Food and beverage certificate, "FB"
o Mixed beverage permit, "MB"
x Wine and beer retailer's off-premise permit, "BQ"
o Wine and beer retailer's permit, "BG"
o Winery, "G"

The nonrefundable variance application fee is \$1,200.00 and the sign fee, which is between \$10 and \$50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application. The burden of proving that the request meets the standard is solely the responsibility of the applicant. Additional evidence supporting the request may be submitted along with this application.

Enforcement of the spacing requirements in this particular instance (1) is not in the best interest of the public; (2) constitutes waste or inefficient use of land or other resources; (3) creates an undue hardship on an applicant for an alcohol permit; (4) does not serve its intended purpose; is not effective or necessary; or (5) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

REQUIRED ATTACHMENTS:

- x Statement of request
x List of officers for alcohol business and property owner
x Sealed alcohol survey showing 300 foot radius and door to door measurements (protected use must be indicated on this survey)

AUTHORIZATION BY PROPERTY OWNER(S)

I, Officer of Minnetonka Capital Investments V LP, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

Joseph Fetter
Owner's Printed Name

Joseph Fetter
Owner's Signature

APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

MICHAEL FELISH
Applicant's Printed Name

M Felish
Applicant Signature

Sworn to and subscribed before me by on this day 5TH of NOVEMBER in the year 2014, to certify which witness my hand and seal of office.

Notary Signature

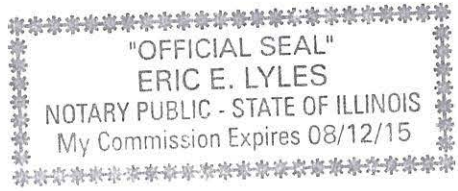
Notary Public in and for the State of Texas

Date received: 11-11-14

Receipt No.: 5039

Case number: AV145-001

AV application 3-25-14



AV145-001
NOV 11/11/14

GARDERE

attorneys and counselors ■ www.gardere.com

Marcus Schwartz
Direct Number (512) 542-7012
Facsimile (512) 542-7212
mschwartz@gardere.com

November 10, 2014

Dallas City Council

***Re: Variance Statement of Request
Walgreen Co. d/b/a Walgreens #6197, 2401 W. Ledbetter Dr. Variance
Request***

Dear Councilmembers:

My firm represents Walgreen Co., as the applicant's representative, in this its request for a variance from the City of Dallas to allow for the sale of beer & wine sales (for off-premise consumption only) at the business of Walgreens #6197, located at 2401 W. Ledbetter, Dallas, Texas 75233 (the "Store"). This letter should accompany the variance application attached hereto and is meant to act as the variance statement of request.

Should you have any questions or require further information or explanation regarding anything found herein, please do not hesitate to contact me at (512) 542-7012 or via email at mschwartz@gardere.com.

STATEMENT OF VARIANCE REQUEST

I. General

Walgreen Co. has operated this Store in Dallas for a number of years and operates numerous businesses throughout the city. It is a socially responsible corporate citizen of Dallas and all the other communities it calls home. Its stores are committed to continuing with its great efforts in community outreach. Walgreen Co.'s community relations initiatives include providing free health screenings, feeding the hungry, contributing to education-related organizations, and well as donating to local charitable organizations. Furthermore, Walgreen Co.'s commitment to responsible retailing is an important business principle of the company and part of what makes it a welcome and respected neighbor.

In seeking this variance (a zoning change will also be applied for in connection with this location assuming this variance request is granted) to allow for beer and wine

off-premise sales, Walgreen Co. is simply seeking to add an additional product to the wide variety it already offers to its customers. Every employee in the store will have alcohol training, and all employees ages 21 and over will have TABC alcohol training certifications. Only those employees with TABC certifications will be allowed to sell beer and wine to customers. If there is an employee under age 21 ringing a register and a customer would like to purchase alcohol, another employee over the age of 21 has to go to the register to make the decision to sell or not. Additionally, the technology to be used at the store's registers will not allow a sale to go through without a check of the ID of the potential buyer (done to confirm the customer's date of birth). Furthermore, as all employees allowed to sell beer and wine will be TABC certified, they will be well versed in TABC and state law requirements as to what constitutes a proper sale of beer and wine. The courses which provide this certification cover the laws applicable to the sales or service of alcoholic beverages to minors and intoxicated persons. The courses teach techniques to identify these persons and prevent sales to them, as well as teaching a variety of other laws and responsibilities that come along with the sales of alcoholic beverages. Walgreen Co. considers it a privilege to sell age-restricted products, such as beer and wine, and the company wants to ensure that they are sold in a legal and responsible manner. Furthermore, Walgreens, as a dispenser of both prescription and over-the-counter drugs, is experienced in providing appropriate control over its establishment for the benefit of all its customers. Walgreens will also take measures to ensure, like tobacco and other age restricted products it currently sells within the Store, that no alcohol will be sold to minors. Thus, great care will be extended to ensure the proper and lawful sale of beer and wine should the variance be granted.

II. Store Specifics

The Store is located at the northwest corner of W. Ledbetter Dr. and S. Hampton Rd. and is located on 1.6624 acres. To the immediate north of the property is the St. Elizabeth Catholic School (the "School"), a private school, and St. Elizabeth Catholic Church. While the front door to front door measurement from the St. Elizabeth Catholic Church to the Store is well beyond 300 feet, because the property lines between the School and Store are shared, the location is within considered to be within 300 feet of the School. As noted by the attached survey, a door to door path measurement from the Store to the School front door is 550 feet.

This variance is requested to allow beer and wine sales for off-premise consumption to Store customers. The property is in an area of Dallas that is wet for beer and wine off-premise sales. Further, across S. Hampton Rd. from both the School and the Store is a Fiesta Mart, located at 2225 W. Ledbetter Drive, that sells beer and wine for off-premise consumption under TABC permits Q844545 and BF844546. This Fiesta Mart is within 300 feet of the School as measured by the Texas Alcoholic Beverage Code criteria. Based upon information and belief, the Fiesta Mart was granted a variance from the City of Dallas to sell beer and wine within 300 feet of St. Elizabeth Catholic Church. Walgreen Co. would respectfully ask for the same consideration and that is likewise be granted such a variance.

The current use of the tract of land is a neighborhood drug store which in addition to selling over-the-counter and prescription drugs, sells general merchandise. It is designed to serve the needs of its surrounding community. The addition of beer and wine sales for off-premise consumption will not change, interfere with, or disrupt in any way the Store's current business or its surrounding neighbors, including the School. Thus, this zoning change request and accompanying SUP request is consistent with the surrounding area.

III. Should the Variance be Granted

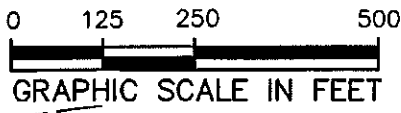
Should the variance be granted (as well as a subsequent zoning change and SUP request), the introduction of beer and wine sales for off-premise consumption will not change the actual use of the premises. No new structures parking structures, or parking lots will be installed on the property. The existing structure, will not change in height or structure, nor will it undergo any other physical change to the existing structure. The Store will still be a retail establishment that is primarily a neighborhood drug store with general merchandise stores. Alcohol sales will not substantially increase traffic congestion or create overcrowding in the establishment or in the immediately surrounding area. Walgreen Co. designs its stores to be consumer friendly. Customers would still be able to pick out their desired products, whether this includes wine and beer or not, pay for this merchandise, and exit the store quickly. As beer and wine sales are for off-premise consumption only, overcrowding should not be an issue.

Walgreen Co. is committed to providing for the safety and well-being of its customers. It is believed that since this variance is desired for off-premise consumption, the likelihood of incidents involving drunkenness, disorderly conduct and raucous behavior is greatly reduced and will likely be non-existent. Furthermore, Walgreen Co. is experienced in providing appropriate control over its establishment for the benefit of all its customers. This Store will likewise continue to run a safe, sanitary, and welcoming business for the citizens of Dallas if the requested variance is awarded. The Store will not produce excessive noise, dirt, litter and odors in the establishment and in the surrounding area. In fact, the introduction of beer and wine for off-premise consumption sales should not be expected to change much of anything in relation to how the store currently operates. As such, no disturbances to School, surrounding property owners, or the community at large should occur and compliance with all applicable city ordinances and state laws will be followed.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcus Schwartz". The signature is stylized with a large, looped "M" and a long horizontal stroke extending to the right.

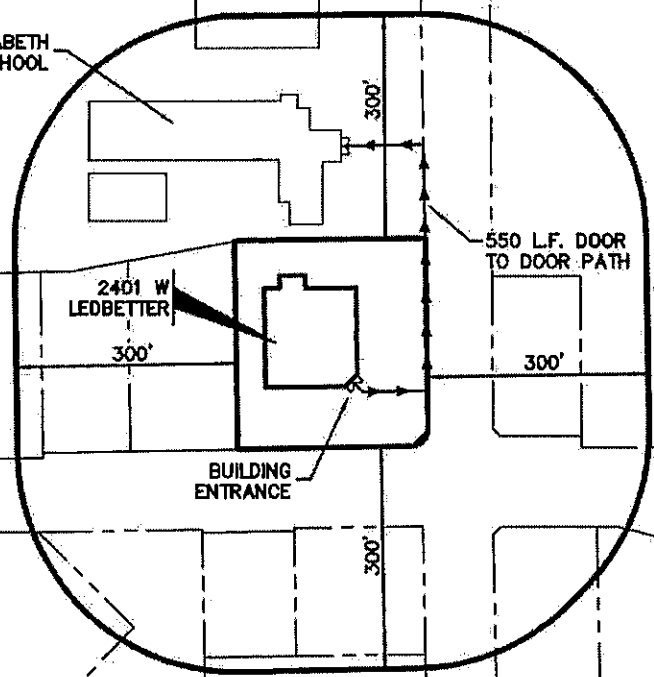
Marcus Schwartz



S HAMPTON RD

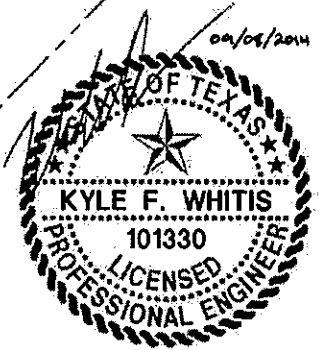
VATICAN LN

ST. ELIZABETH CATHOLIC CHURCH
ST. ELIZABETH CATHOLIC SCHOOL



W LEDBETTER DR

M:\DWG-31\3156-10.312\DWG\C3D\WALGREENS\WALGREENS - 2401 W LEDBETTER\2401 W LEDBETTER DR.DWG



NOTES:

1. I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. The survey map shows that the place of business where alcoholic beverages will be sold does not meet the location requirements in Dallas City Code Section 6-4.
2. Distances shown are based on City of Dallas GIS aerial information and are not the result of an on the ground survey.
3. Results from online resources and field observations, as shown, do indicate that a protected use is located within the required minimum distances as determined by the City of Dallas measurement methods upon date of signature.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY KYLE F. WHITIS, P.E. 101330 ON 09/08/2014. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
DALLAS ■ FORT WORTH ■ HOUSTON TX REG. ENGINEERING FIRM F-489
TX REG. SURVEYING FIRM LS-100080-00

TABC ALCOHOL PERMIT EXHIBIT
WALGREENS, 2401 W. LEDBETTER DRIVE,
DALLAS, DALLAS COUNTY, TEXAS

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JQ	KFW	1"=250'	09/08/2014	3156-10.312

12/01/2014 - 11:05AM KWHITIS

OWNER OF PROPERTY
MINNETONKA CAPITAL INVESTMENTS V LP
OFFICER LIST

General Partner: Texas General Investors (DE) LLC, a Delaware limited liability company

Officers of General Partner:

<u>Name</u>	<u>Title</u>
Joseph Fetter	Manager/Director
Neil Fetter	Manager/Director

**WALGREEN CO.
OFFICERS AND DIRECTORS**

Corporate Address:

200 Wilmot Rd.
Deerfield, IL 60015

Board of Directors

NAME	TITLE
Alan G. McNally	Director
Dr. David J. Brailer	Director
Steven A. Davis	Director
William C. Foote	Director
Mark P. Frissora	Director
Ginger L. Graham	Director
Nancy M. Schlichting	Director
David Y. Schwartz	Director
Alejandro Silva	Director
James A. Skinner	Director
Gregory D. Wasson	Director

Corporate Officers

NAME	TITLE
Alan G. McNally	Chairman
Gregory D. Wasson	President, CEO
Mark A. Wagner	President of Community Management
Kermit R. Crawford	President of Pharmacy, Health and Wellness Division
Sona Chawla	President of E-Commerce

Other Officers

NAME	TITLE
Wade D. Miquelon	Executive Vice President, Chief Financial Officer
Dana I. Green	Executive Vice President, General Counsel, Corporate Secretary
Graham Atkinson	Senior Vice President
Jeffrey Berkowitz	Senior Vice President
Donald C. Huonker	Senior Vice President
J. Randolph Lewis	Senior Vice President
Joseph Magnacca	Senior Vice President
Mia M. Scholz	Senior Vice President
Timothy J. Theriault	Senior Vice President
Kathleen Wilson-Thompson	Senior Vice President

Robert G. Zimmerman	Senior Vice President
Bruce R. Bryant	Vice President
Thomas J. Connolly	Vice President
Kimberly L. Feil	Vice President
Chuck Greener	Vice President
W. Bryan Pugh	Vice President
John W. Spina	Vice President
Colin Watts	Vice President
Denise K. Wong	Vice President
Christopher Domzalski	Vice President
Jason M. Dubinsky	Vice President, Treasurer
John A. Mann	Asst. Secretary

January 14, 2015

WHEREAS, Subsection 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Subsection 6-4(a) of the Dallas City Code; and

WHEREAS, Walgreen Co, dba Walgreens #6197 has submitted an application for a wine and beer retailer's permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store greater than 10,000 square feet, and is requesting a variance to the alcohol spacing requirements for a property on the northwest corner of South Hampton Road and West Ledbetter Drive, ~~north~~ south of St. Elizabeth Catholic School, a private school and northeast of Focus Learning Academy, an open-enrollment charter school; and

WHEREAS, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for an alcohol permit;
- (4) does not serve its intended purpose; and
- (5) is not effective or necessary; and

WHEREAS, the City Council desires to grant the alcohol spacing variance; **Now, Therefore,**

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

Section 1. That the variance to the alcohol spacing requirements for Walgreen Co, dba Walgreens #6197, for property on the northwest corner of South Hampton Road and West Ledbetter Drive, ~~north~~ south of St. Elizabeth Catholic School and northeast of Focus Learning Academy is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code.
- (2) This alcohol spacing variance is valid only for a general merchandise or food store greater than 10,000 square feet in the location shown on the attached location map.
- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.

January 14, 2015

- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

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.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney