

**MAY 27, 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 May 27, 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

5/22/15

Date



Jeanne Chipperfield
Chief Financial Officer

5/22/15

Date

RECEIVED

2015 MAY 22 PM 6:03

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, MAY 27, 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 - 58

CONSENT ADDENDUM

Items 1 - 8

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 59 - 67
Addendum Items 9 - 12

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 68 - 78

**ADDENDUM
CITY COUNCIL MEETING
MAY 27, 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.)

- Legal issues relating to Southwest Airlines, Inc. v. U.S. Dept. of Transp., Case No. 15-1036 (D.C. Cir.), pending requests for gate accommodations at Love Field, and related matters.

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize **(1)** an acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage body worn camera system for Police in the amount of \$825,034; and **(2)** a five-year service contract for maintenance and support for the body worn camera system in the amount of \$2,912,536 - Taser International, most advantageous proposer of eight - Total not to exceed \$3,737,570 - Financing: Current Funds (\$2,719,028) (subject to annual appropriations) and 2013 Urban Area Security Initiative Grant Funds (\$1,018,542)

City Attorney's Office

2. Authorize settlement of the lawsuit styled George Earl Pogue v. City of Dallas, et al., Civil Action No. 3:13-CV-4702-B - Not to exceed \$90,000 - Financing: Current Funds

Housing/Community Services

3. Authorize an amendment to Resolution No. 15-0453, previously approved on February 25, 2015, for 2015 4% Low Income Housing tax Credits (LIHTC) for Gateway on Clarendon, a 139-unit multifamily project, located at 1526 East Clarendon Drive, to change the conditional loan to a conditional grant to Matthews Affordable Income Development, LLC in the amount of \$436,895, conditioned upon 2015 4% LIHTC award - Financing: No cost consideration to the City

Park & Recreation

4. Authorize a net decrease in the contract with J.C. Commercial, Inc. for reduced scope of work to include: paving, utility work and additional work for underground electrical duct banks for the Briscoe Carpenter Livestock Center at Fair Park located at 1419 South Washington Street, for a net deductive amount of (-\$271,203), from \$2,687,777 to \$2,416,574 - Financing: 2006 Bond Funds

**ADDENDUM
CITY COUNCIL MEETING
May 27, 2015**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Public Works Department

5. Authorize an increase in the contract with Jeske Construction Company for additional work required for the installation of street lighting along West Red Bird Lane from South Hampton Road to Greenspan Avenue, and sidewalk repairs along South Polk Street from West Red Bird Lane to Medalist Drive - Not to exceed \$198,470, from \$3,745,189 to \$3,943,659 - Financing: 2003 Bond Funds
6. Authorize Supplemental Agreement No. 3 to the professional services contract with LCA Environmental, Inc. for the removal of non-aqueous phase liquid gasoline and delineation of the extent of non-aqueous phase liquid and petroleum-related chemicals in groundwater at 138 West Davis Street for the southern extension of the streetcar project - Not to exceed \$157,480, from \$163,426 to \$320,906 - Financing: General Obligation Commercial Paper Funds

Sustainable Development and Construction

7. Authorize a twenty-year lease agreement with the Texas Military Department for approximately nine acres of land and improvements located at 1775 California Crossing Road, and for the Texas Military Department to provide the City with exclusive use and occupancy of **(1)** approximately 6,694 square feet of office space; **(2)** a maintenance facility building of approximately 4,120 square feet; and **(3)** a reserved parking area to be used for the Park and Recreation District 5 Maintenance Facility office for the period June 1, 2015 through May 31, 2035 - No cost consideration to the City
8. Authorize the first amendment to the Option Contract with LCS Land Partners II, Ltd. previously approved by Resolution No. 97-3998 on December 10, 1997 for a tract of land located near the intersection of Akard and Payne Streets to **(1)** change the effective date of the Option Period to the passage of this amendment; and **(2)** change the Purchase Price to \$655,000 - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

9. An ordinance amending Ordinance No. 29744, to change certain election day polling locations for the Saturday, June 13, 2015, runoff election - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
May 27, 2015**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

City Secretary's Office (Continued)

10. A resolution designating absences by Councilmember Adam Medrano, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis as being for "Official City Business" - Financing: No cost consideration to the City

Code Compliance

11. An ordinance amending Chapter 8A, "Boarding Home Facilities," and Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code by amending definitions; licensing and inspections requirements; structure and maintenance requirements; resident health and safety requirements; requirements for owners operators, and volunteers of boarding homes; penalties; and multi-tenant registration requirements - Financing: No cost consideration to the City

Human Resources

12. Authorize a 4% increase in the annual base salary of City Auditor Craig Daniel Kinton, CPA in the amount of \$7,832 from \$195,815 to \$203,647 plus the associated pension contribution in the amount of \$1,020 and Medicare in the amount of \$114 for a total additional cost of \$8,966, effective May 28, 2015 - Financing: Current Funds

DELETION:

Aviation

2. Authorize **(1)** the rescission of Resolution No. 12-2724, previously approved on November 14, 2012, which authorized an aviation lease and a commercial aviation lease with The Braniff Centre Limited Partnership (previously known as Reed Enterprises Investment Holdings, LP); **(2)** a thirty-nine-year lease agreement with three, ten-year renewal options with The Braniff Centre for approximately 752,913 square feet of land located at 7701 Lemmon Avenue for aviation use development with a capital commitment of \$17,000,000 to be expended within 36-months from the effective date of the lease with an additional \$4,000,000 to be expended within ten-years; and **(3)** a thirty-nine year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership at Dallas Love Field, for approximately 414,600 square feet of land for commercial development with a total capital commitment of \$20,000,000 to be expended within sixty-months from the effective date of the lease - Financing: Estimated Annual Revenue - \$1,150,000

ADDENDUM DATE May 27, 2015

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
1				All	C	PBD, POL, CIS, OEM	\$2,719,028.40	0.00%	0.00%	Authorize (1) an acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage body worn camera system for Police in the amount of \$825,034; and (2) a five-year service contract for maintenance and support for the body worn camera system in the amount of \$2,912,536 - Taser International, most advantageous proposer of eight - Total not to exceed \$3,737,570 - Financing: Current Funds (\$2,719,028) (subject to annual appropriations) and 2013 Urban Area Security Initiative Grant Funds (\$1,018,542)
2				N/A	C	ATT	\$90,000.00	NA	NA	Authorize settlement of the lawsuit styled George Earl Pogue v. City of Dallas, et al., Civil Action No. 3:13-CV-4702-B - Not to exceed \$90,000 - Financing: Current Funds
3				4	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 15-0453, previously approved on February 25, 2015, for 2015 4% Low Income Housing tax Credits (LIHTC) for Gateway on Clarendon, a 139-unit multifamily project, located at 1526 East Clarendon Drive, to change the conditional loan to a conditional grant to Matthews Affordable Income Development, LLC in the amount of \$436,895, conditioned upon 2015 4% LIHTC award - Financing: No cost consideration to the City
4				7	C	PKR	(-271,203.01)	54.98%	41.96%	Authorize a net decrease in the contract with J.C. Commercial, Inc. for reduced scope of work to include: paving, utility work and additional work for underground electrical duct banks for the Briscoe Carpenter Livestock Center at Fair Park located at 1419 South Washington Street, for a net deductive amount of (-\$271,203), from \$2,687,777 to \$2,416,574 - Financing: 2006 Bond Funds
5				3	C	PBW	\$198,470.00	99.09%	25.86%	Authorize an increase in the contract with Jeske Construction Company for additional work required for the installation of street lighting along West Red Bird Lane from South Hampton Road to Greenspan Avenue, and sidewalk repairs along South Polk Street from West Red Bird Lane to Medalist Drive - Not to exceed \$198,470, from \$3,745,189 to \$3,943,659 - Financing: 2003 Bond Funds
6				1	C	PBW, HOU	\$157,480.00	70.47%	78.97%	Authorize Supplemental Agreement No. 3 to the professional services contract with LCA Environmental, Inc. for the removal of non-aqueous phase liquid gasoline and delineation of the extent of non-aqueous phase liquid and petroleum-related chemicals in groundwater at 138 West Davis Street for the southern extension of the streetcar project - Not to exceed \$157,480, from \$163,426 to \$320,906 - Financing: General Obligation Commercial Paper Funds
7				6	C	DEV, PKR	NC	NA	NA	Authorize a twenty-year lease agreement with the Texas Military Department for approximately nine acres of land and improvements located at 1775 California Crossing Road, and for the Texas Military Department to provide the City with exclusive use and occupancy of (1) approximately 6,694 square feet of office space; (2) a maintenance facility building of approximately 4,120 square feet; and (3) a reserved parking area to be used for the Park and Recreation District 5 Maintenance Facility office for the period June 1, 2015 through May 31, 2035 - Financing: No cost consideration to the City
8				2	C	DEV	NC	NA	NA	Authorize the first amendment to the Option Contract with LCS Land Partners II, Ltd. previously approved by Resolution No. 97-3998 on December 10, 1997 for a tract of land located near the intersection of Akard and Payne Streets to (1) change the effective date of the Option Period to the passage of this amendment; and (2) change the Purchase Price to \$655,000 - Financing: No cost consideration to the City
9				N/A	I	SEC	NC	NA	NA	An ordinance amending Ordinance No. 29744, to change certain election day polling locations for the Saturday, June 13, 2015, runoff election - Financing: No cost consideration to the City
10				N/A	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Adam Medrano, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis as being for "Official City Business" - Financing: No cost consideration to the City
11				All	I	CCS	NC	NA	NA	An ordinance amending Chapter 8A, "Boarding Home Facilities," and Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code by amending definitions; licensing and inspections requirements; structure and maintenance requirements; resident health and safety requirements; requirements for owners operators, and volunteers of boarding homes; penalties; and multi-tenant registration requirements - Financing: No cost consideration to the City

ADDENDUM DATE May 27, 2015

ITEM		IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
12			N/A	I	HRD	\$8,965.95	NA	NA	Authorize a 4% increase in the annual base salary of City Auditor Craig Daniel Kinton, CPA in the amount of \$7,832 from \$195,815 to \$203,647 plus the associated pension contribution in the amount of \$1,020 and Medicare in the amount of \$114 for a total additional cost of \$8,966, effective May 28, 2015 - Financing: Current Funds	

TOTAL \$3,173,944.35

KEY FOCUS AREA: E-Gov

AGENDA DATE: May 27, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Police
Communication and Information Services
Office of Emergency Management

CMO: Jeanne Chipperfield, 670-7804
Eric Campbell, 670-3255
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize **(1)** an acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage body worn camera system for Police in the amount of \$825,034; and **(2)** a five-year service contract for maintenance and support for the body worn camera system in the amount of \$2,912,536 - Taser International, most advantageous proposer of eight – Total not to exceed \$3,737,570 - Financing: Current Funds (\$2,719,028) (subject to annual appropriations) and 2013 Urban Area Security Initiative Grant Funds (\$1,018,542)

BACKGROUND

This item was placed on the addendum due to the grant funding deadline for the purchase of the body worn camera system.

This acquisition contract will provide for the purchase and implementation of software and hardware for a hosted cloud storage body worn camera system for Police. This agreement will also provide five years of maintenance and support of the new system. Maintenance includes patches, updates, technical support and compliance with state and federal requirements. The body worn cameras will be utilized by patrol officers as part of their assigned personal gear.

BACKGROUND (Continued)

This agreement will provide approximately 1000 body worn cameras over the term of the agreement and include the following:

- Battery
- Infield viewing device
- USB charger and cable
- Unlimited cloud storage
- Management tools
- All supporting equipment, software and training

This agreement includes hardware upgrades to ensure technology remains current. The system is a fully hosted solution, requiring a minimum number of City personnel for support. All storage space required for video, recovery of video, back up of video and security is handled by the vendor as a part of this turnkey solution.

Through the vendor's hosted solution, officers will be able to upload video to a cloud base solution. The system includes redaction capabilities that provides efficiency related to records request.

The utilization of body worn cameras will benefit the City by:

- Enhancing the public's confidence in the Police department by increasing transparency and displaying a willingness to record Police actions
- Safeguarding citizens and officers against false allegations.
- Improve evidence collection/preservation and aid in the prosecution of criminal cases

A seven member committee from the following departments reviewed and evaluated the proposals:

- Code Compliance Services (1)
- Police (2)
- City Marshal's Office (1)
- Communication and Information Services (1)
- Business Development & Procurement Services (2)*

*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan and cost.

BACKGROUND (Continued)

The successful proposer was selected by the committee on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 30%
- Functional match 15%
- Technical match 15%
- Field evaluation 15%
- Business Inclusion and Development Plan 15%
- Capability, credibility and expertise 10%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,198 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On May 11, 2015, the Public Safety Committee was briefed.

On May 26, 2015, the Public Safety Committee will be briefed.

FISCAL INFORMATION

\$2,719,028.40 - Current Funds (subject to annual appropriations)

\$1,018,541.60 - 2013 Urban Area Security Initiative Grant Funds

M/WBE INFORMATION

184 - Vendors contacted

183 - No response

1 - Response (Bid)

0 - Response (No bid)

0 - Successful

1,198 M/WBE and Non-M/WBE vendors were contacted

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

ETHNIC COMPOSITION

Taser International

White Female	169	White Male	112
Black Female	4	Black Male	2
Hispanic Female	33	Hispanic Male	47
Other Female	12	Other Male	11

PROPOSAL INFORMATION

The following proposals were received from solicitation number BUZ1420 and were opened on February 27, 2014. These contracts are being awarded in their entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposals</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
Taser International	17800 N. 85 th St. Scottsdale, AZ 85255	80%	\$3,737,570.00
L-3 communications Mobile-Vision, Inc.	90 Fanny Rd. Boonton, NJ 07005	69%	\$3,784,540.00

Note – the above vendor scores and pricing are based on fully negotiated systems and pricing.

Vendor scores and pricing listed below are based on initial proposals and were not negotiated.

Austin Ribbon & Computer Supplies, Inc.	9211 Waterford Centre Blvd. Suite 202 Austin, TX 78758	57%	\$2,048,417.67
Wolfcom Enterprises (Alternate proposal)	5910 W. Sunset Blvd. Los Angeles, CA 90028	51%	\$2,603,912.90
Safety Vision, LLC	6100 W. Sam Houston Pkwy. Houston, TX 77041	50%	\$5,910,732.00
Digital Ally, Inc.	9705 Loiret Blvd. Lenexa, KS 66219	50%	\$4,292,425.00

PROPOSAL INFORMATION (Continued)

<u>Proposals</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
Wolfcom Enterprises	5910 W. Sunset Blvd. Los Angeles, CA 90028	49%	\$2,748,287.65
HD Protech	6100 Corporate Dr. Suite 234 Houston, TX 77036	43%	\$3,621,897.00

OWNER

Taser International

Patrick Smith, Chief Executive Officer
Douglas Klint, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** an acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage body worn camera system for Police in the amount of \$825,034; and **(2)** a five-year service contract for maintenance and support for the body worn camera system in the amount of \$2,912,536 - Taser International, most advantageous proposer of eight – Total not to exceed \$3,737,570 - Financing: Current Funds (\$2,719,028) (subject to annual appropriations) and 2013 Urban Area Security Initiative Grant Funds (\$1,018,542)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$3,737,570.00	100.00%
TOTAL CONTRACT	\$3,737,570.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

May 27, 2015

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

Section 1. That the City Manager is authorized to execute (1) an acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage body worn camera system for Police in the amount of \$825,034.00, and (2) a five-year service contract for maintenance and support for the body worn camera system in the amount of \$2,912,536.00 with Taser International (517440) in a total amount not exceed \$3,737,570.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Taser International shall be based only on the amount of the services directed to be performed by the City and properly performed by Taser International under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$3,737,570.00 (subject to annual appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
F418	MGT	3694	4890	\$ 272,200.00	2015	CTDPDPX2181CR15I57
F418	MGT	3694	3110	\$ 337,381.60	2015	CTDPDPX2181CR15I57
F418	MGT	3694	4735	\$ 408,960.00	2015	CTDPDPX2181CR15I57
0001	DPD	2113	3110	\$ 636,378.00	2017	CTDPDPX2181CR17A10
0001	DPD	2113	4890	\$ 121,100.00	2017	CTDPDPX2181CR17A10
0001	DPD	2113	3110	\$ 782,961.20	2018	CTDPDPX2181CR18A10
0001	DPD	2113	4890	\$ 121,100.00	2018	CTDPDPX2181CR18A10
0001	DPD	2113	3110	\$ 936,389.20	2019	CTDPDPX2181CR19A10
0001	DPD	2113	4890	\$ 121,100.00	2019	CTDPDPX2181CR19A10

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 resolved.

ADDENDUM ITEM # 2

KEY FOCUS AREA: E-Gov
AGENDA DATE: May 27, 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 lawsuit styled George Earl Pogue v. City of Dallas, et al., Civil Action No. 3:13-CV-4702-B - Not to exceed \$90,000 - Financing: Current Funds

BACKGROUND

George Earl Pogue sued the City of Dallas and Dallas police officers Jason Arozamena and Louis Pacheco in federal court, alleging that the officers violated Pogue's right to be free from excessive force in the course of an arrest near the intersection of Fort Worth Avenue and North Hampton Road. The plaintiff and the defendants have reached a settlement, subject to city council approval, that resolves all claims against all parties, including any potential attorney's fees and costs of suit. Plaintiff is represented by Michael P. Kelly.

This item is on the addendum because a proposed settlement agreement was just reached. This lawsuit is set for trial on July 27, 2015. This is a time sensitive matter because the District Court desires settlement approval prior to several court-imposed pretrial deadlines to be met if the case is not resolved.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Executive Session on May 20, 2015.

FISCAL INFORMATION

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

\$90,000.00 - Current Funds

May 27, 2015

WHEREAS, a lawsuit styled George Earl Pogue v. City of Dallas, et al., Civil Action No. 3:13-CV-4702-B, was filed by the plaintiff alleging that the officers violated Pogue's right to be free from excessive force in the course of an arrest; and,

WHEREAS, the parties have agreed to a settlement of the case whereby the City will pay George Earl Pogue and his attorney, Michael P. Kelly, the amount of \$90,000.00; and,

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

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

Section 1. That the settlement in the lawsuit, styled George Earl Pogue v. City of Dallas, et al., Civil Action No. 3:13-CV-4702-B, in an amount not to exceed \$90,000.00 is hereby approved.

Section 2. That the Chief Financial Officer is authorized to pay to George Earl Pogue and his attorney, Michael P. Kelly, the amount of \$90,000.00 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: Economic Vibrancy
AGENDA DATE: May 27, 2015
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing/Community Services
CMO: A. C. Gonzalez, 670-3297
MAPSCO: 55B

SUBJECT

Authorize an amendment to Resolution No. 15-0453, previously approved on February 25, 2015, for 2015 4% Low Income Housing tax Credits (LIHTC) for Gateway on Clarendon, a 139-unit multifamily project, located at 1526 East Clarendon Drive, to change the conditional loan to a conditional grant to Matthews Affordable Income Development, LLC in the amount of \$436,895, conditioned upon 2015 4% LIHTC award – Financing: No cost consideration to the City

BACKGROUND

On October 21, 2014, the City of Dallas (the "City") issued a Notice Of Funding Availability (NOFA) for Multifamily projects utilizing the Texas Department of Housing & Community Affairs (TDHCA) Low Income Housing Tax Credit (LIHTC) Program to all known developers and posted it to the City's website. On October 28, 2014, the Bidders Conference was held for any interested parties to address questions regarding the NOFA. On December 1, 2014, the proposals were due back to the City. In January 2015, the NOFA applications were underwritten by the Loan Review Committee.

On November 26, 2014, Scott Galbraith, Project Manager of Matthews Affordable Income Development, submitted an application to the City of Dallas on behalf of 1526 East Clarendon LP (the "Applicant") for support of their application to TDHCA for the 2015 Low Income Housing Tax Credit Program. The project includes 139 multifamily units for mixed income families, 40 one-bedroom, 52 two-bedroom and 47 three-bedroom units.

The Applicant has committed to renting 125 units or 90% of the units to tenants with household incomes capped at 60% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI and 14 units or 10% the units as Market Rate Units.

BACKGROUND (continued)

This action will authorize the City to change the conditional loan terms to a conditional grant. This change is requested in order to comply with bond counsel advice regarding the Internal Revenue Code and has been placed on the addendum in order to expedite this request.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On February 10, 2010, the City Council approved a modification to the policy for the acceptance of applications seeking City of Dallas support for low income housing tax credit financing, when the State of Texas does not require direct City of Dallas approval by, Resolution No.10-0498.

On February 25, 2015, the Gateway on Clarendon Low Income Housing Tax Credit multifamily project was approved and supported by City Council by, Resolution No. 15-0453.

FISCAL INFORMATION

No cost consideration for the City

OWNER(S)

DEVELOPER

1526 East Clarendon LP

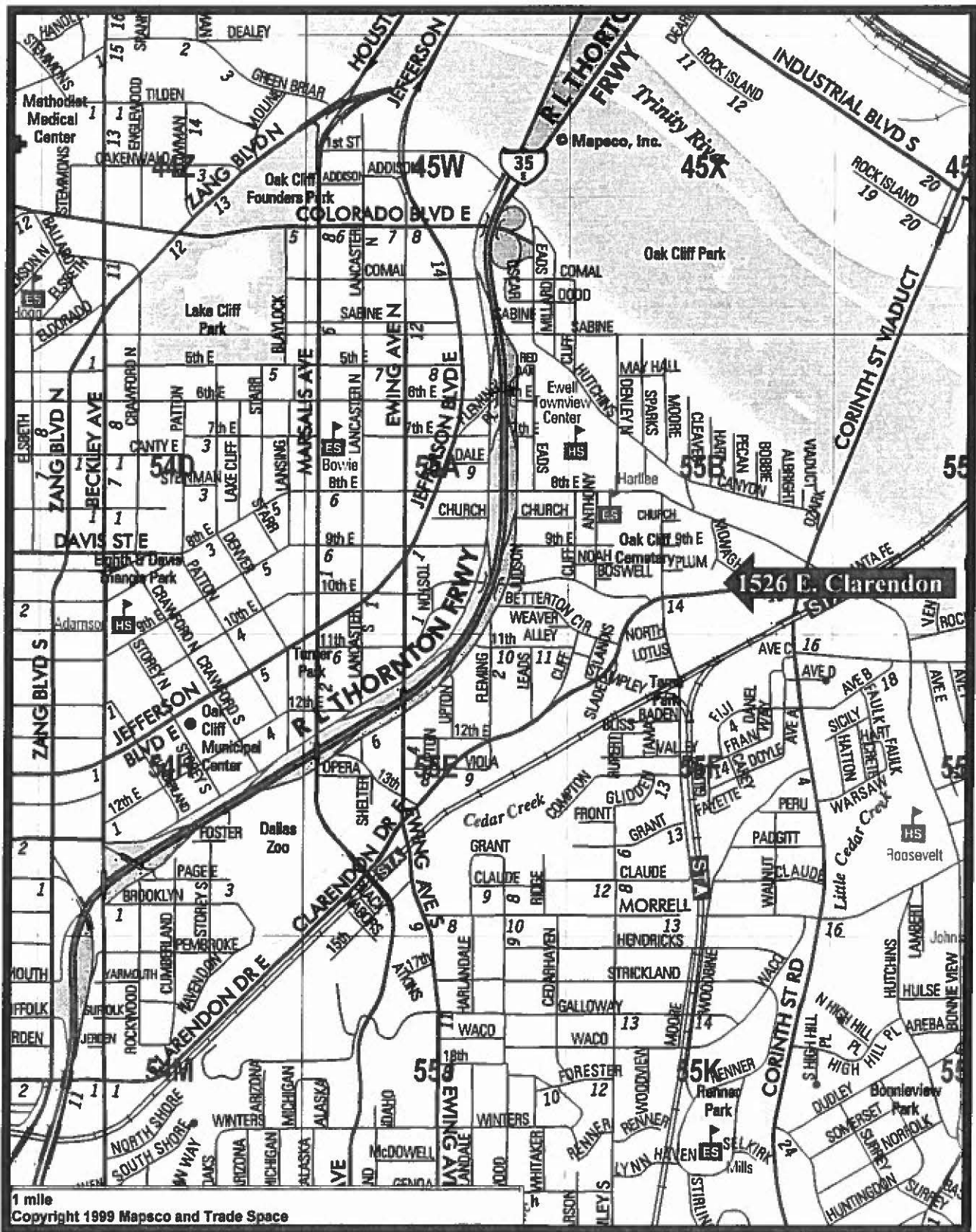
Matthews Affordable Income Dev., LLC
John H. Matthews
D. Scott Galbraith

Family Gateway, Inc. - General Partner
Cathy Packard, Executive Director

Matthews Affordable Income Development, LLC, Limited Partner
John H. Matthews
D. Scott Galbraith
Kristian Teleki

MAP

Attached



MAPSCO 55-B

May 27, 2015

WHEREAS, Scott Galbraith, Project Manager of Matthews Affordable Income Development, on behalf of 1526 East Clarendon LP (the "Applicant"), has proposed a development for affordable rental housing at 1526 E. Clarendon Drive named Gateway on Clarendon in the City of Dallas and has advised that it intends to submit an application to the Texas Department of Housing & Community Affairs (TDHCA) for 2015 4% Housing Tax Credits for Gateway on Clarendon; and

WHEREAS, on February 25, 2015, the Gateway on Clarendon Housing Tax Credit multifamily project was approved and supported by City Council by Resolution No. 15-0453; and

WHEREAS, the City of Dallas desires to support the Gateway on Clarendon project located at 1526 East Clarendon Drive; **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 authorized to execute a conditional grant to Matthews Affordable Income Development, LLC in the amount of \$436,895 conditioned upon 2015 4% LIHTC award.

- a. 1526 East Clarendon LP or its wholly owned subsidiary, must be awarded 2015 4% tax credits.
- b. 1526 East Clarendon LP must adhere to all applicable City requirements.
- c. 1526 East Clarendon LP must execute a deed of trust, and deed restriction for a 35-year affordability period.
- d. The lien may be subordinated to other project lenders.
- e. The lien will be released upon occupancy. The deed restrictions will remain in place until the 35 year affordability period ends.

SECTION 2. That in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:

1. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); and
2. The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and

May 27, 2015

3. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and
4. After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application.

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 # 4

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: May 27, 2015

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 46L Q

SUBJECT

Authorize a net decrease in the contract with J.C. Commercial, Inc. for reduced scope of work to include: paving, utility work and additional work for underground electrical duct banks for the Briscoe Carpenter Livestock Center at Fair Park located at 1419 South Washington Street, for a net deductive amount of (-\$271,203), from \$2,687,777 to \$2,416,574 - Financing: 2006 Bond Funds

BACKGROUND

This item is on the addendum because the contractor must complete the work prior to the 2015 State Fair, so this change order needs to be expedited to maintain the completion date of August 1, 2015.

On February 26, 2014, Resolution No. 14-0452 authorized the acceptance of the United States Economic Development Administration Grant in the amount of \$1,200,000 from the United States Economic Development Administration (EDA) for infrastructure and improvements to compliment the Briscoe Carpenter Livestock Center Project at Fair Park.

On April 8, 2015, Resolution No. 15-0661 awarded a contract to J.C. Commercial, Inc. for site utilities, grading and paving for the Briscoe Carpenter Livestock Center, in an amount not to exceed \$2,687,777. This project will be funded by the U.S. Department of Commerce, Economic Development Administration reimbursable grant in the amount of \$1,200,000 and 2006 Bond Funds will be used for the remaining portion of the project.

This action will authorize deductive Change Order No. 1 to the contract with J.C. Commercial, Inc. for reduced scope of work to include: paving and storm sewer work. It also includes added amounts of underground electrical duct banks, for a net deductive amount of (-\$271,203.01). The Economic Development Administration funded \$1,200,000 of the original grant, and there was a \$300,000 required City match. The deduct will be credited to the City of Dallas 2006 Bond Funds.

ESTIMATED SCHEDULE OF PROJECT

Began Construction April 2015
Complete Construction August 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized proceeding with advertisement for construction procurement on October 18, 2012.

The Park and Recreation Board authorized the acceptance of the grant on February 20, 2014.

City Council authorized the acceptance of the grant on February 26, 2014, by Resolution No. 14-0452.

The Park and Recreation Board authorized award of the sitework contract on April 2, 2015.

City Council authorized award of the sitework contract on April 8, 2015, by Resolution No. 15-0661.

The Park and Recreation Board authorized Change Order No. 1 on May 21, 2015.

FISCAL INFORMATION

2006 Bond Funds - (-\$271,203.01)

Construction Amount	\$2,687,777.00
Change Order No. 1 (this action)	<u>(-\$271,203.01)</u>
Total amount not to exceed	\$2,416,573.99

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

J.C. Commercial, Inc.

White Male	17	White Female	4
Black Male	0	Black Female	0
Hispanic Male	3	Hispanic Female	0
Other Male	0	Other Female	0

OWNER

J.C. Commercial, Inc.

Larry Wagnor, President/Treasurer
Trey Wagnor, Vice President
Shannon Capezzuto, Secretary

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a net decrease in the contract with J.C. Commercial, Inc. for reduced scope of work to include: paving, utility work and additional work for underground electrical duct banks for the Briscoe Carpenter Livestock Center at Fair Park located at 1419 South Washington Street, for a net deductive amount of (-\$271,203), from \$2,687,777 to \$2,416,574 - Financing: 2006 Bond Funds

J.C. Commercial, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	(\$149,095.00)	54.98%
Non-local contracts	(\$122,108.01)	45.02%
TOTAL THIS ACTION	(\$271,203.01)	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

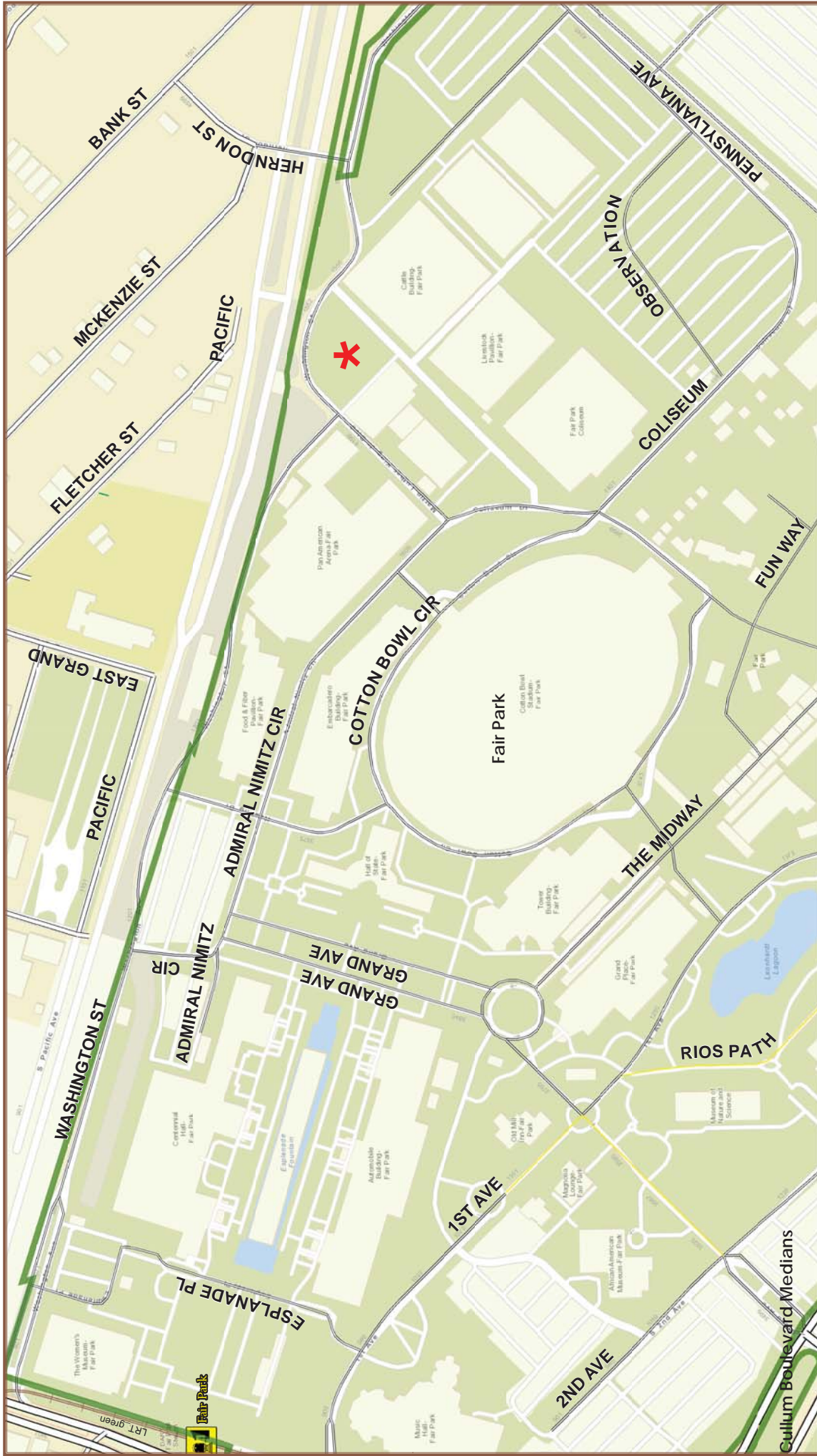
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
W.O.E. Construction	WFWBC22300515	(\$1,934.00)	1.30%
Total Minority - Local		(\$1,934.00)	1.30%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Madden Electric Services	WFWB62897N0317	\$373,236.99	-305.66%
Fire Line Services	WFWBC16510715	(\$50,125.60)	41.05%
Total Minority - Non-local		\$323,111.39	(264.61%)

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<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%	\$1,935.00	0.08%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$321,177.39	(118.43%)	\$1,012,116.99	41.88%
Total	\$321,177.39	(118.43%)	\$1,014,051.99	41.96%



District
7
May 21, 2015

Mapsco
46 LQ

Briscoe Carpenter Livestock Center (1419 South Washington Street)



May 27, 2015

WHEREAS, on February 26, 2014, Resolution No. 14-0452 authorized the acceptance of the United States Economic Development Administration Grant in the amount of \$1,200,000 from the United States Economic Development Administration (EDA) for infrastructure and improvements to compliment the Briscoe Carpenter Livestock Center Project at Fair Park; and

WHEREAS, on April 8, 2015, Resolution No. 15-0661 authorized award of a contract with J.C. Commercial, Inc. for the site package which includes utilities, grading and paving, for the Briscoe Carpenter Livestock Center at Fair Park located at 1419 South Washington Street, in an amount not to exceed \$2,687,777; and

WHEREAS, this action will authorize a net decrease in the contract with J.C. Commercial, Inc., for a net deductive amount of (-\$271,203.01), decreasing the contract amount from \$2,687,777 to \$2,416,573.99 for paving and storm sewer work to include added amounts of underground electrical duct banks for the Briscoe Carpenter Livestock Center.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Change Order No. 1 to the contract with J.C. Commercial, Inc. a net deductive amount of (-\$271,203.01), decreasing the contract amount from \$2,687,777 to \$2,416,573.99 for paving and storm sewer work to include added amounts of underground electrical duct banks for the Briscoe Carpenter Livestock Center.

SECTION 2. That the Chief Financial Officer is hereby authorized to reduce encumbrances in the amount of (-\$271,203.01) to J.C. Commercial, Inc. from (2006) Park and Recreation Facilities Improvement Fund, Fund 2T00, Department PKR, Unit T098, Object 4599, Activity FPRK, CT-PKR15019501, Program PK06T098.1, Commodity 91200, Vendor VS0000012563.

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: Economic Vibrancy
AGENDA DATE: May 27, 2015
COUNCIL DISTRICT(S): 3
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 63R 64N P Q T

SUBJECT

Authorize an increase in the contract with Jeske Construction Company for additional work required for the installation of street lighting along West Red Bird Lane from South Hampton Road to Greenspan Avenue, and sidewalk repairs along South Polk Street from West Red Bird Lane to Medalist Drive - Not to exceed \$198,470, from \$3,745,189 to \$3,943,659 - Financing: 2003 Bond Funds

BACKGROUND

This item is submitted as an addendum item because it was determined that the installation of 56 pedestrian lights along West Red Bird Lane from South Hampton Road to Greenspan Avenue, and the sidewalk repairs along South Polk Street from West Red Bird Lane to Medalist Drive are time sensitive and needed in order to improve pedestrian safety in this area.

Street Reconstruction Group 12-635 was approved in the 2012 Bond Program. On May 13, 2015, Resolution No. 15-0844 authorized a contract with Jeske Construction Company for the reconstruction of street paving, drainage, water and wastewater main improvements. This additional work will provide street lighting along West Red Bird Lane. This work also includes constructing missing sidewalk links on West Red Bird Lane between South Polk Street and Greenspan Avenue. Sidewalk repair work is also being done on South Polk Street from West Red Bird Lane to Medalist Drive. This action will authorize Change Order No. 1 to the construction contract with Jeske Construction Company for this additional work.

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2013
Completed Design	February 2014
Begin Construction	June 2015
Complete Construction	July 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Criado & Associates, Inc. for engineering design services on August 14, 2013, by Resolution No. 13-1301.

Authorized a professional services contract with AECOM Technical Services, Inc. for engineering design services on September 25, 2013, by Resolution No. 13-1731.

Authorized a construction contract with Jeske Construction Company on May 13, 2015, by Resolution No. 15-0844.

FISCAL INFORMATION

2003 Bond Funds - \$198,470

Design - PBW	\$ 417,195.90
Design - DWU	\$ 64,170.00
Construction	
Paving & Drainage - PBW	\$2,826,667.00
Water and Wastewater - DWU	\$ 918,522.00
Change Order No. 1 (this action)	<u>\$ 198,470.00</u>
 Total Project Cost	 \$4,425,024.90

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Jeske Construction Company

Hispanic Female	0	Hispanic Male	16
African-American Female	0	African-American Male	4
Other Female	0	Other Male	0
White Female	1	White Male	5

OWNER

Jeske Construction Company

Steve Jeske, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Jeske Construction Company for additional work required for the installation of street lighting along West Red Bird Lane from South Hampton Road to Greenspan Avenue, and sidewalk repairs along South Polk Street from West Red Bird Lane to Medalist Drive - Not to exceed \$198,470, from \$3,745,189 to \$3,943,659 - Financing: 2003 Bond Funds

Jeske Construction Company is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$196,665.00	99.09%
Non-local contracts	\$1,805.00	0.91%
TOTAL THIS ACTION	\$198,470.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Logan Trucking, Inc.	BMMB63584N1116	\$10,000.00	5.08%
Woe Construction	WFWB2300N0515	\$810.00	0.41%
Total Minority - Local		\$10,810.00	5.50%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Brock Environmental Services	WFWB61711Y0516	\$775.00	42.94%
MMG Building & Construction	WFWB6284N0616	\$230.00	12.74%
Total Minority - Non-local		\$1,005.00	55.68%

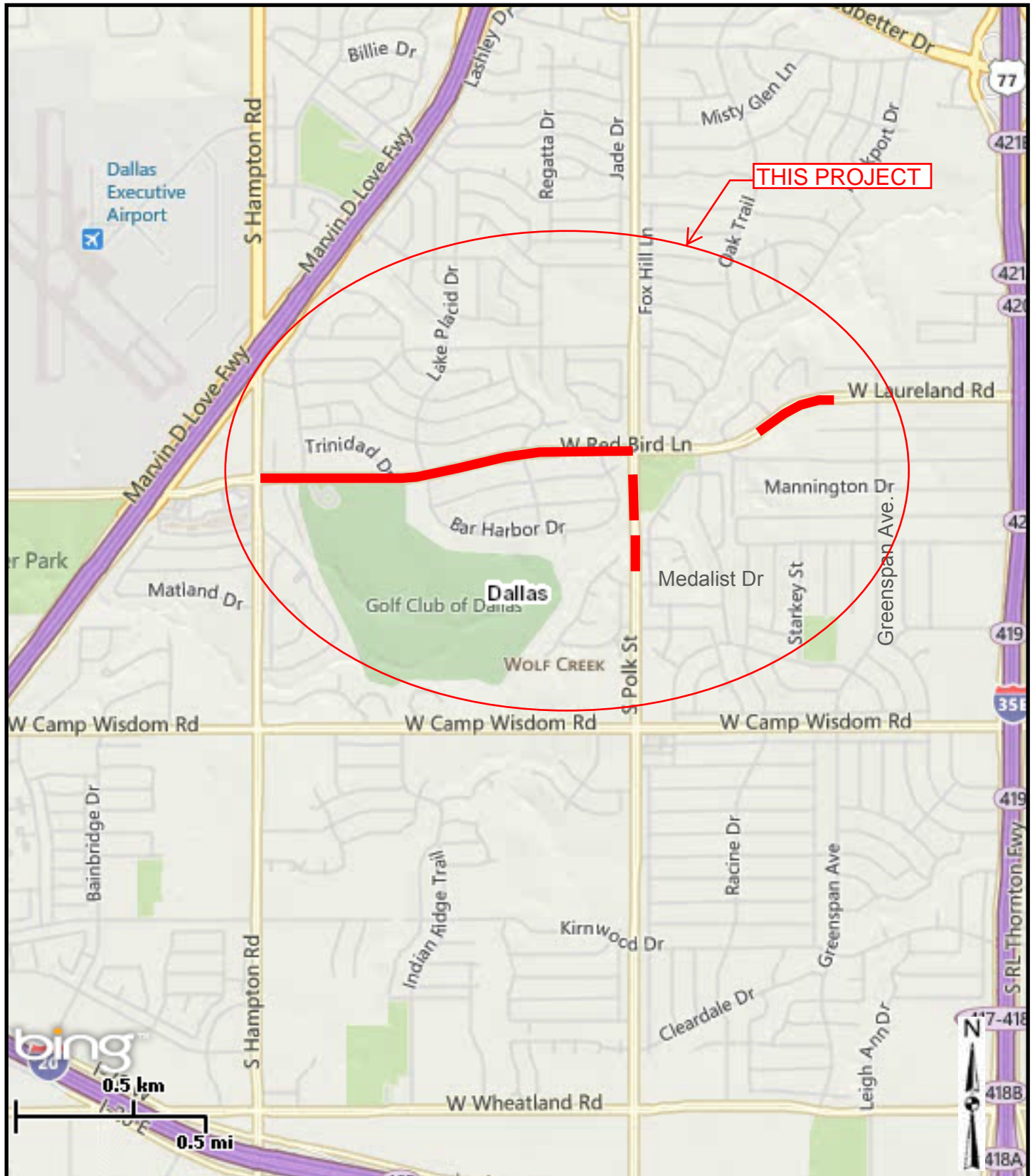
TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$10,000.00	5.04%	\$25,000.00	0.63%
Hispanic American	\$0.00	0.00%	\$980,000.00	24.85%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,815.00	0.91%	\$14,834.00	0.38%
Total	\$11,815.00	5.95%	\$1,019,834.00	25.86%

RED BIRD LANE AND POLK STREET IMPROVEMENTS

W. RED BIRD LANE FROM S. HAMPTON ROAD TO GREENSPAN AVENUE

S. POLK STREET FROM W. RED BIRD LANE TO MEDALIST DRIVE



MAPSCO 63R, 64N, P, Q, T

May 27, 2015

WHEREAS, on August 14, 2013, Resolution No. 13-1301 authorized a professional services contract with Criado & Associates, Inc. for the engineering design services for West Red Bird Lane from South Hampton Road to Greenspan Avenue and South Polk Street from West Red Bird Lane to Medalist Drive; and,

WHEREAS, on September 25, 2013, Resolution No. 13-1731 authorized a professional services contract with AECOM Technical Services, Inc. for the engineering design services for Street Reconstruction Group 12-635; and,

WHEREAS, bids were received on January 15, 2015, for the reconstruction of street paving, drainage, water and wastewater main improvements for Street Reconstruction Group 12-635; and,

WHEREAS, it is now necessary to authorize Change Order No. 1 to the construction contract with Jeske Construction Company for additional work required for the installation of street lighting along West Red Bird Lane from South Hampton Road to Greenspan Avenue and sidewalk repairs along South Polk Street from West Red Bird Lane to Medalist Drive in the amount of \$198,470, increasing the contract from \$3,745,189 to \$3,943,659.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 1 to the contract with Jeske Construction Company for additional work required for the installation of street lighting along West Red Bird Lane from South Hampton Road to Greenspan Avenue and sidewalk repairs along South Polk Street from West Red Bird Lane to Medalist Drive in the amount of \$198,470, increasing the contract from \$3,745,189 to \$3,943,659, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund
Fund 5R22, Department PBW, Unit P824, Act. PPPF
Obj. 4510, Program #PB03P824, CT PBW12S314F1
Vendor #083791, in an amount not to exceed \$ 198,470.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 27, 2015

COUNCIL DISTRICT(S): 1

DEPARTMENT: Public Works Department
Housing/Community Services

CMO: Jill A. Jordan, P.E., 670-5299
A. C. Gonzalez, 670-3297

MAPSCO: 54D

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with LCA Environmental, Inc. for the removal of non-aqueous phase liquid gasoline and delineation of the extent of non-aqueous phase liquid and petroleum-related chemicals in groundwater at 138 West Davis Street for the southern extension of the streetcar project - Not to exceed \$157,480, from \$163,426 to \$320,906 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

To ensure that ongoing environmental work at 138 West Davis Street is not delayed, it was decided to advance this item from the planned June 10, 2015, council meeting date to the May 27, 2015, addendum. On May 28, 2013, Administrative Action No. 13-5816 authorized a professional services contract with LCA Environmental, Inc. for environmental services at 138 West Davis Street for the North Zang Boulevard at West Davis Street median enhancement project. In November 2013, the City of Dallas entered the site at 138 West Davis Street into the Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program (VCP). The environmental due diligence investigation of the site indicated chemicals in the soil and groundwater exceeded the leaking petroleum storage tank (LPST) action levels. In January 2015, LCA Environmental, Inc. removed five (5) underground storage tanks and one (1) subgrade hydraulic lift from the project site. Further investigation of the site indicated the presence of soil contamination in addition to a layer of non-aqueous phase liquid (NAPL) on top of groundwater beneath a portion of the property where the dispenser island was removed. TCEQ regulations require that NAPL be removed as soon as possible and to the maximum extent practical.

BACKGROUND (Continued)

The property located at 138 West Davis Street was acquired by the City of Dallas for the North Zang Boulevard at West Davis Street Median Enhancement Project, which was subsequently canceled. However, the recent introduction of the southern extension of the Streetcar Project presented an opportunity to use this property to construct a permanent streetcar stop at this location.

This action will authorize Supplemental Agreement No. 3 to the professional services contract with LCA Environmental, Inc. for the removal of NAPL gasoline and delineation of the extent of NAPL and petroleum related chemicals in groundwater at 138 West Davis Street.

ESTIMATED SCHEDULE OF PROJECT

Begin Supplemental Agreement No. 3 Environmental	June 2015
Complete Supplemental Agreement No. 3 Environmental	June 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Supplemental Agreement No. 2 to the contract with LCA Environmental, Inc. for additional environmental services on August 27, 2014, by Resolution No. 14-1432

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - \$ 157,480

Design	\$ 6,744.25
Supplemental Agreement No. 1	\$ 24,993.00
Supplemental Agreement No. 2	\$131,688.00
Supplemental Agreement No. 3 (this action)	<u>\$157,480.00</u>
Total Project Cost	\$320,905.25

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

LCA Environmental, Inc.

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	3	White Male	9

OWNER

LCA Environmental, Inc.

Mary Ann Clark, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the professional services contract with LCA Environmental, Inc. for the removal of non-aqueous phase liquid gasoline and delineation of the extent of non-aqueous phase liquid and petroleum-related chemicals in groundwater at 138 West Davis Street - Not to exceed \$157,480, from \$163,425 to \$320,905 - Financing: General Obligation Commercial Paper Funds

LCA Environmental, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$110,980.00	70.47%
Non-local contracts	\$46,500.00	29.53%
TOTAL THIS ACTION	\$157,480.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

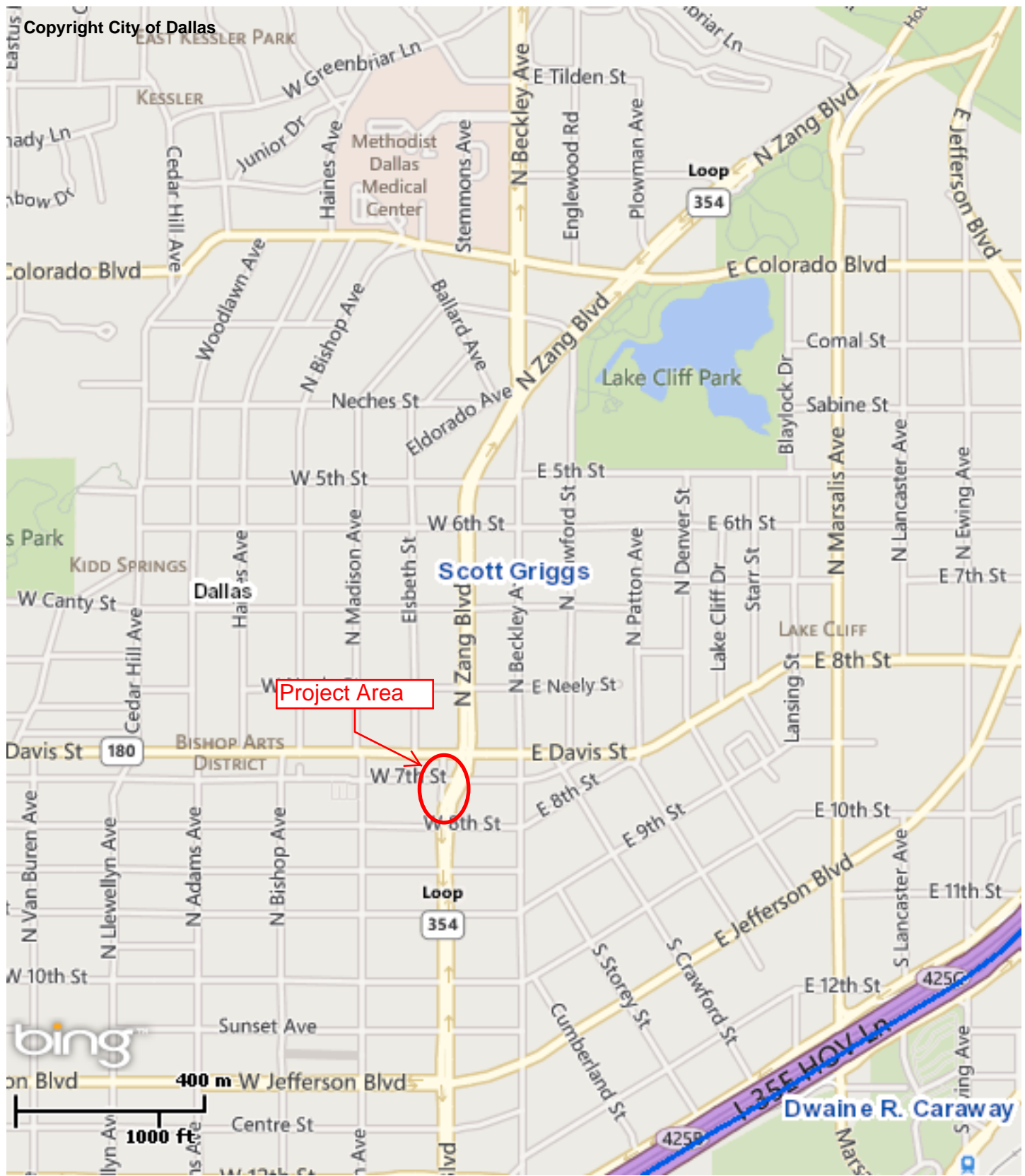
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Xenco	HMMB63633Y1116	\$12,000.00	10.81%
LCA Environmental, Inc.	WFDB32286Y0416	\$98,980.00	89.19%
Total Minority - Local		\$110,980.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Sunbelt Industrial Services	WFWB64135Y0217	\$28,500.00	61.29%
Total Minority - Non-local		\$28,500.00	61.29%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$12,000.00	7.62%	\$17,490.00	5.45%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$127,480.00	80.95%	\$235,923.65	73.52%
Total	<u>\$139,480.00</u>	<u>88.57%</u>	<u>\$253,413.65</u>	<u>78.97%</u>



PROJECT TITLE: 138 WEST DAVIS - SOUTHERN EXTENSION OF THE STREETCAR PROJECT

DISTRICT: 1
 MAPSCO: 54D

DISCLAIMER
 This data has been compiled for City of Dallas. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



May 27, 2015

WHEREAS, on May 28, 2013, Administrative Action No. 13-5816 authorized a professional services contract for environmental services for the North Zang Boulevard at West Davis Street median enhancement project, in an amount not to exceed \$6,744.25; and,

WHEREAS, on July 25, 2014, Administrative Action No. 14-6441 authorized Supplemental Agreement No. 1 to the contract with LCA Environmental, Inc. for additional environmental services to remove oily fluids from underground storage tanks in preparation of the demolition activities at the 138 West Davis Street property in an amount not to exceed \$24,993.00, from \$6,744.25 to \$31,737.25; and,

WHEREAS, on August 27, 2014, Resolution No. 14-1432 authorized Supplemental Agreement No. 2 to the contract with LCA Environmental, Inc. for additional environmental services for the removal of petroleum underground storage tanks (UST's) and remaining subsurface components of a hydraulic lift at 138 West Davis Street in an amount not to exceed \$131,688.00, from \$31,737.25 to \$163,425.25; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 3 to the contract with LCA Environmental, Inc. for the removal of non-aqueous phase liquid (NAPL) gasoline and delineation of the extent of NAPL and petroleum-related chemicals in groundwater at 138 West Davis Street for the southern extension of the streetcar project in an amount not to exceed \$157,480, from \$163,425.25 to \$320,905.25.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 3 to the contract with LCA Environmental, Inc. for the removal of non-aqueous phase liquid (NAPL) gasoline in groundwater at 138 West Davis for the southern extension of the streetcar project in an amount not to exceed \$157,480, from \$163,425.25 to \$320,905.25, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

General Obligation Paper Funds	
Fund 3U53, Dept. HOU, Unit P960, Act. HOIN	
Object Code 4599, Program #PBCD0009, CT PBWCD0009H1	
Vendor #342318, in an amount not to exceed	\$157,480

May 27, 2015

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: Economic Vibrancy

AGENDA DATE: May 27, 2015

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction
Park & Recreation

CMO: Ryan S. Evans, 671-9837
Willis Winters, 670-4071

MAPSCO: 22S

SUBJECT

Authorize a twenty-year lease agreement with the Texas Military Department for approximately nine acres of land and improvements located at 1775 California Crossing Road, and for the Texas Military Department to provide the City with exclusive use and occupancy of **(1)** approximately 6,694 square feet of office space; **(2)** a maintenance facility building of approximately 4,120 square feet; and **(3)** a reserved parking area to be used for the Park and Recreation District 5 Maintenance Facility office for the period June 1, 2015 through May 31, 2035 - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum because additional review time was required. This lease will provide for the continued use by the Texas Military Department for approximately nine acres of land and a building containing approximately 58,910 square feet located at 1775 California Crossing Road. In consideration of the lease and in lieu of cash rental payments, the Texas Military Department will provide the City with exclusive use and occupancy of (1) approximately 6,694 square feet of office space; (2) a maintenance facility building of approximately 4,120 square feet; and (3) a reserved parking area to be used by the Park and Recreation Department District 5 Maintenance Facility office. This item also provides for the Texas Military Department to make certain improvements having a cost of approximately \$548,000.

The lease will begin on June 1, 2015 and end on May 31, 2035.

The original lease item authorized a lease agreement for approximately 9 acres of land located at 1775 California Crossing Road with a provision that the Texas Military Department build a training facility. The training facility building was built in 1965 and contains approximately 58,910 square feet. The Texas Military Department desires to continue their use of the facility and has offered as consideration, the renovation of a portion of the property for Park and Recreation maintenance uses.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a lease agreement on November 29, 1989, by Resolution No. 89-3746.

The Park and Recreation Board authorized the twenty-year lease agreement on May 7, 2015.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

Texas Military Department

Major General John F. Nichols, Adjutant General - Texas

MAP

Attached



Block 8372 — 1775 California Crossing

May 27, 2015

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a lease agreement (the "Lease") between City of Dallas, a municipal corporation, or its successor and assigns, as landlord, hereinafter referred to as "City", and the Texas Military Department, a body politic and corporate of the State of Texas, hereinafter referred to as "Lessee" for approximately 9 acres of land and improvements located thereon at 1775 California Crossing Road, Dallas, Dallas County, Texas ("Premises") to be used by the Texas Military Department as a training facility.

SECTION 2. That the special terms and conditions of the lease are:

- a) The lease is for a term of twenty (20) years beginning June 1, 2015 and ending May 31, 2035.
- b) For and in consideration of the lease and in lieu of cash rental payments, Lessee shall provide City during the term of the lease with exclusive use and occupancy of (i) approximately 6,694 square feet of office space; (ii) a maintenance facility building of approximately 4,120 square feet; and (iii) a reserved parking area, (hereinafter referred to as the "City Occupied Area").
- c) The Lessee, at its sole cost and expense, shall provide certain improvements having a cost of approximately \$548,000 to the City Occupied Area as specified in the Lease.
- d) The Lessee shall pay all real estate taxes, if any, assessed on the Premises, including but not limited to the City Occupied Area, during the lease term.
- e) The Lessee shall pay all charges for water, gas and other utilities for the Premises, including but not limited to the City Occupied Area.
- f) The Lessee agrees to provide the City with a Certificate of Occupancy for any improvements constructed by it on the Premises, including but not limited to the City Occupied Area.
- g) The City shall provide adequate dumpster facilities for their trash removal requirements on the City Occupied Area and the Lessee shall provide adequate dumpster facilities for their trash removal requirements for the remainder of the Premises.

May 27, 2015

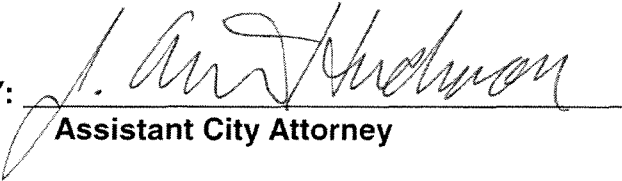
- h) The Lessee shall provide City a parking area with a minimum of forty-eight parking spaces.
- i) The City shall be responsible for the installation, maintenance and expense for telephone, communication and security services to the City Occupied Area. The Lessee shall be responsible for the installation, maintenance and expense for telephone, communication and security services for its use of the Premises.
- j) The Lessee agrees to provide the City with a Certified Asbestos Survey acceptable to City for any improvements on the Premises, including but not limited to the City Occupied Area.
- k) The Lessee shall maintain the roof, foundation, exterior walls, exterior lighting, termites and pest extermination, parking areas and all public and common areas of and/or servicing the Premises, including but not limited to the City Occupied Area, during the lease term.
- l) The Lessee shall maintain all equipment and systems, including, but not limited to, all electrical, mechanical and plumbing systems, including heating and air conditioning equipment, front and rear doors, light fixtures and bulb replacements, plumbing and floor drains, exhaust fans, windows, interior walls, ceiling and floors in or constituting part of and/or serving the Premises, including but not limited to the City Occupied Area.
- m) The Lessee shall not adversely impact the natural state of any park property adjacent to the Premises, and under no circumstances whatsoever shall Lessee cut any trees, construct any improvements or make any alterations to any park property contiguous to the Premises or upon the Premises (except for repairs, renovation or remodeling of existing structures) without the express prior written consent of the Park and Recreation Board of the City of Dallas or its authorized designee.
- n) The Lessee takes the Premises "AS IS" and waives any and all representation and warranties as to the Premises, express or implied, including but not limited to the fitness or suitability of same for any intended purpose.
- o) The Lessee will maintain all improvements on the Premises in a good, safe and useable condition and will upon termination of the lease deliver possession of same to the City in such condition.
- p) The City reserves the right to terminate the lease on the last day of any current fiscal year due to non-appropriation of funds.

May 27, 2015

SECTION 3. That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective telephone, communications, and sanitation companies upon receipt of a bill for services or other applicable charges throughout the term of the lease.

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.

APPROVED AS TO FORM
Warren M. S. Ernst, City Attorney

BY: 
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 27, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45E

SUBJECT

Authorize the first amendment to the Option Contract with LCS Land Partners II, Ltd. previously approved by Resolution No. 97-3998 on December 10, 1997 for a tract of land located near the intersection of Akard and Payne Streets to **(1)** change the effective date of the Option Period to the passage of this amendment; and **(2)** change the Purchase Price to \$655,000 – Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the first amendment to the Option Contract with LCS Land Partners II, Ltd. for a tract of land located near the intersection of Akard and Payne Streets. The City of Dallas originally entered into a Lease Agreement with Anland 10, L.P. to provide required parking for the Arena Project known as American Airlines Center. Pursuant to the terms of the Lease Agreement, the City granted Anland 10, L.P. an option to purchase the land during the Option Period, set to commence on September 18, 2030, for the Purchase Price of \$100,000.

Anland 10, L.P. assigned its right, title and interest in the Option Contract to Anland North and Anland North subsequently transferred and assigned its right, title and interest to LCS Land Partners II, Ltd. LCS Land Partners II, Ltd. is now requesting the Option Period commence on the effective date of the amendment to the Option Contract and the Purchase Price be increased to \$655,000 to facilitate a future development.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an Option Contract on December 10, 1997, by Resolution No. 97-3998.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

LCS Land Partners II, Ltd.

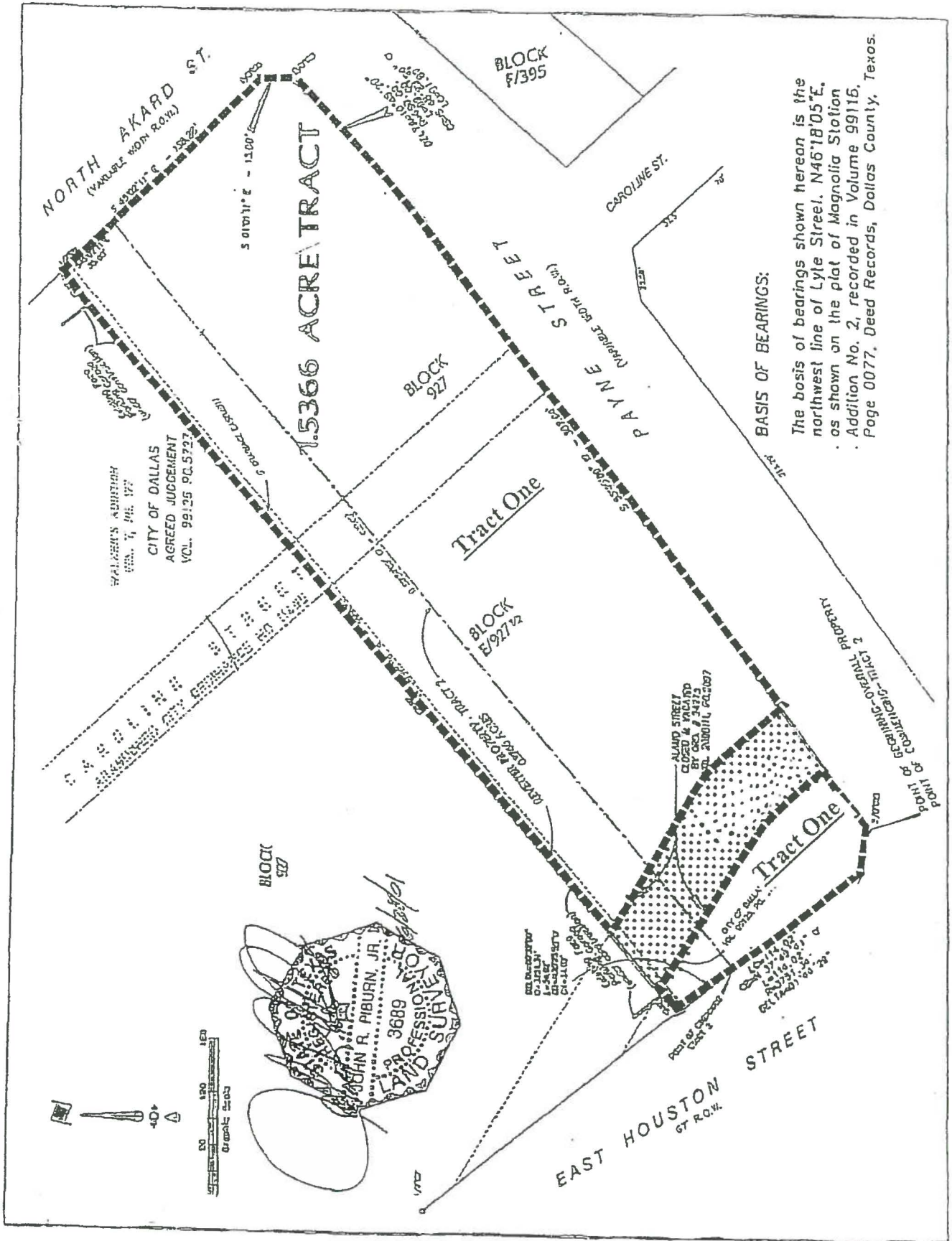
Hillwood Operating, L.P.

Hillwood Services GP, LLC

Scott Meyer, President

MAP

Attached



BASIS OF BEARINGS:

The basis of bearings shown hereon is the northwest line of Lyle Street, N46°18'05"E, as shown on the plat of Magnolia Station, Addition No. 2, recorded in Volume 99116, Page 0077, Deed Records, Dallas County, Texas.

NORTH AKARD ST.
(WARRIOR WORN R.O.W.)
S 89°27' E - 128.27'

1.5366 ACRE TRACT

BLOCK F/395

BLOCK 927

PAYNE STREET
(WARRIOR WORN R.O.W.)
S 89°27' E - 309.26'

CAROLINE ST.

WALLACE'S ADDITION
VOL. 4, PG. 177
CITY OF DALLAS
AGREED JUDGEMENT
VOL. 99125 PG. 5727

Tract One

BLOCK F/927

CAROLINE ST.
S 89°27' E - 128.27'

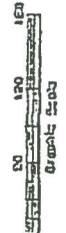
ALAMO STREET
CLOSED & FACED
BY ORDER OF THE
CITY OF DALLAS
ON 11/11/07

Tract One

POINT OF BEGINNING OF TRACT 2

JOHN R. PIBURN, JR.
3689
PROFESSIONAL SURVEYOR

EAST HOUSTON ST.
67 R.O.W.



May 27, 2015

WHEREAS, on December 10, 1997, by Resolution No. 97-3998, the Council of the City of Dallas authorized an Arena Master Agreement, Lease Agreement and Option Contract in connection with the Arena Project; and

WHEREAS, on September 28, 2001, the City of Dallas (hereinafter "Lessor") and Anland 10, L.P., as lessee (hereinafter "Anland") executed that certain Lease Agreement for the lease of certain portions of land (hereinafter "Land") acquired by the City of Dallas in Judgment cc-98-07683-b to be used in accordance with a certain Parking Rights Agreement to provide required parking for the Arena Project site known as the American Airlines Center. Pursuant to the terms of said Lease Agreement Lessor was obligated to grant Anland an option to purchase that portion of the Land known as Tract One; therefore, concurrently, the parties executed that certain Option Contract dated July 27, 2001 (the "Option Contract"); and

WHEREAS, pursuant to the terms of the Option Contract, Anland may elect to purchase Tract One for the option purchase price of \$100,000 ("Purchase Price"); provided however, the option may only be exercised by Anland during the thirtieth (30th) year following the execution of the Lease Agreement (the "Option Period"). Said Option period is not due to commence until September 18, 2030; and

WHEREAS, effective as of July 7, 2014, Anland assigned all of its right, title and interest in the Option Contract to Anland North, and Anland North subsequently transferred and assigned all of its right title and interest in the Option Contract to LCS Land Partners II, Ltd. (hereinafter "Lessee"); and

WHEREAS, Lessee has expressed its desire to Lessor to amend the Option Period and Purchase Price, so as to facilitate Lessee's purchase of Tract One at a date sooner than the thirtieth (30th) year; and

WHEREAS, Lessor has agreed to the amending terms proposed by Lessee to amend the Option Contract (as more particularly set forth in the First Amendment to Option Contract attached hereto as Exhibit A); and

WHEREAS, the Option Period is to be redefined to mean that period commencing on the effective date of the First Amendment to Option Contract and ending on September 17, 2031; and

WHEREAS, the Purchase Price is to be redefined to mean \$655,000.00; and

WHEREAS, notwithstanding that Lessee's exercise of the option to purchase Tract One prior to the expiration of the Lease and subsequent closing shall effect a merger of title in Tract One in favor of Lessee and thereby terminate the Lease as to Tract One, the parties agree that Tract One shall be conveyed subject to the Parking Rights Agreement to continue to serve the American Airlines Center parking requirements, unless at the time the option is exercised the leasehold has been released therefrom in accordance with the terms of the Parking Rights Agreement.

May 27, 2015

NOW, THEREFORE,

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, be and is hereby authorized to execute a First Amendment to the Option Contract Agreement between LCS Land Partners II, Ltd., a Texas limited partnership, and the City of Dallas.

SECTION 2. That the special terms and conditions of the First Amendment to the Option Contract are:

- a) The Option Period is to be redefined to mean that period commencing on the effective date of the First Amendment to Option Contract and ending on September 17, 2031.
- b) The Purchase Price is to be redefined to mean \$655,000.
- c) Notwithstanding the exercise of the option and subsequent closing shall effect a merger of title in Tract One in favor of Lessee and thereby terminate the Lease as to Tract One; Tract One shall be conveyed subject to the Parking Rights Agreement, unless at the time the option is exercised the leasehold has been released therefrom in accordance with the terms of the Parking Rights Agreement.
- d) All other terms of the Option Contract not expressly amended hereby shall remain in full force and effect.

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

APPROVED AS TO FORM:
WARREN M. S. ERNST, City Attorney

BY


Assistant City Attorney

EXHIBIT A

FIRST AMENDMENT TO OPTION CONTRACT

THIS FIRST AMENDMENT TO OPTION CONTRACT ("First Amendment") is entered into effective as of _____, by the CITY OF DALLAS, a duly incorporated home rule city of the State of Texas located principally in Dallas County, Texas (the "City"), and LCS LAND PARTNERS II, LTD., a Texas limited partnership ("LCS Land") as the assignee of ANLAND NORTH L.P., a Texas limited partnership ("Anland North"), as the assignee of ANLAND 10, L.P., a Texas limited partnership ("Anland").

WITNESSETH:

WHEREAS, Anland and the City entered into that certain Option Contract, dated as of the 27th day of July, 2001 (the "Option Contract"), in connection with a Lease Agreement (the "Lease") of even date covering certain Leased Premises (as defined in the Lease and comprised of Tract One and Tract Two); and

WHEREAS, except as specified to the contrary in this First Amendment, all capitalized terms not otherwise defined herein shall have the meaning given such terms in the Option Contract or in the Lease, as may be applicable therein; and

WHEREAS, under the terms of the Option Contract, the City granted Anland, or its assignee, the exclusive and irrevocable option to purchase Tract One of the Leased Premises at any time during the "Option Period" which was therein defined as the thirtieth year following the Operational Date under the Lease; and

WHEREAS, the Operational Date under the Lease was determined to mean September 18, 2001, and the Option Period therefore encompassed the time period from September 18, 2030 through September 17, 2031; and

WHEREAS, effective as of July 7, 2014, Anland assigned all of its right, title and interest in the Option Contract to Anland North, and Anland North subsequently transferred and assigned all of its right, title and interest in the Option Contract to LCS Land; and

WHEREAS, LCS Land and the City desire to amend the Option Contract in order to allow LCS Land, or its assignee to accelerate the Option Period such that the Option may be exercised at any time during the period commencing on the effective date of this First Amendment and ending on September 17, 2031; subject to the terms of this First Amendment;

NOW, THEREFORE, for good and valuable consideration, which consideration is hereby acknowledged by the City and LCS Land to be of good, sufficient and valid consideration, and for the mutual covenants herein contained, City and LCS Land do hereby covenant, agree and amend the Option Contract, executed in duplicate originals, as follows:

EXHIBIT A

1. **OPTION PERIOD AND PURCHASE PRICE.** Effective as of the date of this First Amendment, Article II and Article III of the Option Contract are deleted from the Option Contract in their entirety, and the following Article II and Article III shall be substituted in lieu thereof as follows:

ARTICLE II

Purchase Price; Option Period

Section 2.01 Purchase Price. If the Option is exercised, the purchase price for the Property shall be \$655,000.00 (the "Purchase Price"), payable as set forth in Section 3.01 below, and the consideration set forth in Exhibit "C" (the Deed) is amended to reflect this Purchase Price.

Section 2.02. Option Period. The Option is in full force and effect as of the date of this Contract and may be exercised, at LCS Land's option and election, at any time prior to September 17, 2031 (the "Option Period"). During the Option Period, LCS Land shall have the right to exercise the Option by delivering written notice of such election (the "Option Exercise Notice") to the City (the date such Option Exercise Notice is given is referred to herein as the "Exercise Date").

ARTICLE III

Payment of Purchase Price

Section 3.01. Purchase Price. The Purchase Price shall be paid to the City by LCS Land in cash or other immediately available funds at the Closing (hereinafter defined), without any offset or deduction whatsoever notwithstanding that at the time of the Closing, the Lease will terminate as to Tract One.

2. **CLOSING DATE.** Effective as of the date of this First Amendment, Section 6.01 of the Option Contract is deleted from the Option Contract in its entirety, and the following "Section 6.01. Closing Date." shall be substituted in lieu thereof as follows:

Section 6.01. Closing Date. The Closing (the "Closing") of the sale of the Property by the City to LCS Land shall be held at a place in Dallas, Texas designated by LCS Land on a date not earlier than 5 days or later than 90 days after the Exercise Date, or if the City has not performed all of its obligations contained herein, on such date as may be directed by LCS Land no later than 10 days after the City has performed all of its obligations contained herein (the "Closing Date"). LCS Land shall not be obligated to close this transaction unless the City timely performs each and all of its obligations hereunder, provided LCS Land may at any time waive, by written document signed by LCS Land, performance of any one or more of the City's obligations and close the transaction.

EXHIBIT A

3. **THE CITY'S OBLIGATIONS AT CLOSING.** Section 6.03(c) of the Option Contract is hereby deleted from the Option Contract in its entirety.

4. **MERGER OF TITLE.** Under operation of law pursuant to the doctrine of merger of title, LCS Land's exercise of the option and subsequent closing shall effect a merger of title in Tract One in favor of LCS Land and thereby terminate the Lease as to Tract One. Notwithstanding the foregoing, unless LCS Land's leasehold title is no longer subject to the Parking Agreement and the COC Parking Agreement as of the date the Option is exercised, LCS Land agrees that Tract One will be conveyed by the City subject to the Parking Agreement and the COC Parking Agreement, and will remain subject thereto until such time as Tract One is released from such agreements pursuant to the applicable terms of each of the Parking Agreement and the COC Parking Agreement. If necessary, City shall cooperate to provide LCS Land with any recordable documents to evidence release of Tract One from the Lease.

5. **NOTICES.** Effective as of the date of this First Amendment, Article X of the Option Contract is deleted in its entirety, and the following Article X shall be substituted in lieu thereof as follows:

ARTICLE X

Notices

10.01 Any notice to be given or to be served in connection with the Option must be in writing, and may be given by: (a) actual delivery; (b) overnight courier; or (c) electronic delivery (e-mail) and shall be deemed to have been given and received upon actual delivery, addressed as follows:

If to LCS Land:

LCS Land Partners II, Ltd.
3090 Olive Street, Suite 300
Dallas, Texas 75201
Attention: Ken Reese
E-mail: ken.reese@hillwood.com

With a copy to:

Hillwood Development Corporation
3090 Olive Street, Suite 300
Dallas, Texas 75201
Attention: Kathy Cannon
E-mail: kathy.cannon@hillwood.com

EXHIBIT A

If to City:

City Hall
1500 Marilla Street
Dallas, Texas 75201
Attention: City Manager

With a copy to:
City of Dallas
1500 Marilla Street
Dallas, Texas 75201
Attention: City Attorney

City of Dallas
320 E. Jefferson, Room 101
Dallas, Texas 75203
Attention: Director of Public Works and Transportation

City of Dallas
320 E. Jefferson, Room 203
Dallas, Texas 75203
Attention: Director of Real Estate and Sustainable Development

6. **NO ADDITIONAL CHANGES.** The modifications described above are the only changes in the Option Contract intended to be made by this First Amendment.

7. **COUNTERPARTS.** This First Amendment may be executed in counterparts and when so executed by the parties, each such counterpart will be deemed an original and all of which together shall constitute one and the same document. Counterpart signatures that are transmitted electronically shall be deemed effective for all purposes.

8. **RATIFICATION.** The Option Contract remains in full force and effect as expressly modified by this First Amendment and is ratified and confirmed. If there is a conflict between the terms of the Option Contract and this First Amendment, the terms of this First Amendment control.

EXECUTED effective as of the date specified above.

[Signatures on Following Page]

EXHIBIT A

THE CITY OF DALLAS, TEXAS

APPROVED AS TO FORM:

Warren M. S. Ernst,
City Attorney

CITY OF DALLAS

A. C. Gonzalez
City Manager

By: _____
Consuelo Tankersley
Assistant City Attorney

By: _____
Ryan S. Evans
Assistant City Manager

LCS LAND:

LCS LAND PARTNERS II, LTD.
a Texas limited partnership

By: Hillwood Operating, L.P.
a Texas limited partnership
its general partner

By: Hillwood Services GP, LLC
a Texas limited liability company
its general partner

By: _____
Printed Name: _____
Title: _____

KEY FOCUS AREA: E-Gov
AGENDA DATE: May 27, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Secretary
CMO: Rosa Rios, 670-3738
MAPSCO: N/A

SUBJECT

An ordinance amending Ordinance No. 29744, to change certain election day polling locations for the Saturday, June 13, 2015, runoff election - Financing: No cost consideration to the City

BACKGROUND

Certain election day polling locations, listed in Exhibit A, are currently under construction and will not be available for the Saturday, June 13, 2015 Runoff Election. Replacements have been identified by the Dallas County Elections Department. They will be as follows:

(Precincts 4065, 4066 and 4076) - Anson Jones Elementary School located at 3901 Meredith Ave., Dallas, Texas 75211 is being replaced with George Peabody Elementary School located at 3101 Raydell Pl., Dallas, Texas 75211

(Precinct 1084) - Edna Rowe Elementary School located at 4918 Hovenkamp Dr., Dallas, Texas 75227 is being replaced with Skyline High School located at 7777 Forney Rd., Dallas, Texas 75227

(Precinct 3065) - Umphrey Lee Elementary School located at 7808 Racine Dr., Dallas, Texas 75232 is being replaced with Martin Weiss Elementary School located at 8601 Willoughby Blvd., Dallas, Texas 75232

Changes to Election Judges resulting from the above noted change will be instituted by the City Secretary authorized by Resolution No. 15-0908 on May 20, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Resolution No. 15-0906, passed by the City Council on May 20, 2015, approved Ordinance No. 29744, which ordered the runoff election to be held in the City of Dallas, on Saturday, June 13, 2015, for the purpose of electing members of the City Council to represent Places 3, 7, 8 and 10, in which no candidate received a majority of the votes in the general election held Saturday, May 9, 2015.

FISCAL INFORMATION

No cost consideration to the City.

5/21/15

ORDINANCE NO. _____

An ordinance amending Ordinance No. 29744, passed by the city council on May 20, 2015; revising election day polling places and early voting locations and times for the June 13, 2015 runoff election; providing a saving clause; and providing an effective date.

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

SECTION 1. That Exhibit A of Ordinance No. 29744, passed by the city council on May 20, 2015, is repealed and replaced with the Exhibit A attached to and made a part of this ordinance by reference, which exhibit designates the election day polling places for the June 13, 2015 runoff election.

SECTION 2. That Exhibit B of Ordinance No. 29744, passed by the city council on May 20, 2015, is repealed and replaced with the Exhibit B attached to and made a part of this ordinance by reference, which exhibit designates the early voting locations and times for the June 13, 2015 runoff election.

SECTION 3. That Ordinance No. 29744 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

EXHIBIT A

**ELECTION DAY
POLLING LOCATIONS**

DALLAS COUNTY

DISTRICT 3

District	Precinct	Location	Address	City	Zip
3	3001	T.W. Browne Middle School	3333 Sprague Dr.	Dallas	75233
3	3002	T.W. Browne Middle School	3333 Sprague Dr.	Dallas	75233
3	3003	T.W. Browne Middle School	3333 Sprague Dr.	Dallas	75233
3	3004	Daniel Webster Elem. School	3815 S. Franklin St.	Dallas	75233
3	3050	H.I. Holland Elem. School at Lisbon	4203 S. Lancaster Rd.	Dallas	75216
3	3051	Fountain of Living Word Church	2543 E. Ledbetter Dr.	Dallas	75216
3	3053	Thurgood Marshall Recreation Center	5150 Mark Trail Way	Dallas	75232
3	3054	William M. Hawley Atwell Academy	1303 Reynoldston Ln.	Dallas	75232
3	3055	Adelle Turner Elem. School	5505 S. Polk St.	Dallas	75232
3	3057	T.G. Terry Elem. School	6661 Greenspan Ave.	Dallas	75232
3	3058	T.L. Marsalis Elem. School	5640 Marsalis Ave.	Dallas	75241
3	3059	St. Luke Presbyterian Church	5915 Singing Hills Dr.	Dallas	75241
3	3060	R.L. Thornton Elem. School	6011 Old Ox Rd.	Dallas	75241
3	3063	Ronald E. McNair Elem. School	3150 Bainbridge Ave.	Dallas	75237
3	3077	Park in the Woods Recreation Center	6801 Mountain Creek Pkwy.	Dallas	75249
3	3078	Park in the Woods Recreation Center	6801 Mountain Creek Pkwy.	Dallas	75249
3	3088	Daniel Webster Elem. School	3815 S. Franklin St.	Dallas	75233
3	3092	Thurgood Marshall Recreation Center	5150 Mark Trail Way	Dallas	75232
3	3098	H.I. Holland Elem. School at Lisbon	4203 S. Lancaster Rd.	Dallas	75216
3	4050	Mountain Creek Library	6102 Mountain Creek Pkwy.	Dallas	75249
3	4052	Bilhartz Elem. School Gym - DUISD	6700 Wandt Dr.	Dallas	75236
3	4053	Mountain Creek Library	6102 Mountain Creek Pkwy.	Dallas	75249
3	4054	Leslie Stemmons Elem. School	2727 Knoxville St.	Dallas	75211
3	4055	Leslie Stemmons Elem. School	2727 Knoxville St.	Dallas	75211
3	4056	Palabra De Vida	2550 W. Illinois Ave.	Dallas	75233
3	4059	Mountain Creek Library	6102 Mountain Creek Pkwy.	Dallas	75249
3	4060	Nancy Jane Cochran Elem. School	6000 Keeneland Pkwy.	Dallas	75211
3	4065	George Peabody Elem. School	3101 Raydell Pl.	Dallas	75211
3	4066	George Peabody Elem. School	3101 Raydell Pl.	Dallas	75211
3	4076	George Peabody Elem. School	3101 Raydell Pl.	Dallas	75211
3	4090	Leslie Stemmons Elem. School	2727 Knoxville St.	Dallas	75211
3	4093	Leslie Stemmons Elem. School	2727 Knoxville St.	Dallas	75211
3	4111	Leslie Stemmons Elem. School	2727 Knoxville St.	Dallas	75211
3	4112	Leslie Stemmons Elem. School	2727 Knoxville St.	Dallas	75211
3	4113	Mountain View Church of Christ	4111 W. Illinois Ave.	Dallas	75211

DALLAS COUNTY

DISTRICT 7

District	Precinct	Location	Address	City	Zip
7	1063	George W. Truett Elem. School	1811 Gross Rd.	Dallas	75228
7	1064	George W. Truett Elem. School	1811 Gross Rd.	Dallas	75228
7	1065	George W. Truett Elem. School	1811 Gross Rd.	Dallas	75228
7	1067	George W. Truett Elem. School	1811 Gross Rd.	Dallas	75228
7	1078	Bayles Elem. School	2444 Telegraph Ave.	Dallas	75228
7	1079	S.S. Conner Elem. School	3037 Greenmeadow	Dallas	75228
7	1080	S.S. Conner Elem. School	3037 Greenmeadow	Dallas	75228
7	1081	Owenwood United Methodist Church	1451 John West Rd.	Dallas	75228
7	1082	Colonial Baptist Church	6459 Scyene Rd.	Dallas	75227
7	1083	Colonial Baptist Church	6459 Scyene Rd.	Dallas	75227
7	1084	Skyline High School	7777 Forney Rd.	Dallas	75227
7	1085	Colonial Baptist Church	6459 Scyene Rd.	Dallas	75227
7	1086	Owenwood United Methodist Church	1451 John West Rd.	Dallas	75228
7	1087	Skyline High School	7777 Forney Rd.	Dallas	75227
7	1088	Forester Field House	8233 Military Pkwy.	Dallas	75227
7	1089	Forester Field House	8233 Military Pkwy.	Dallas	75227
7	1091	Edward Titche Elem. School	9560 Highfield Dr.	Dallas	75227
7	1092	Edward Titche Elem. School	9560 Highfield Dr.	Dallas	75227
7	1093	Nueva Vida Life Assembly	10747 Bruton Rd.	Dallas	75217
7	1100	E.B. Comstock Middle School	7044 Hodde St.	Dallas	75217
7	1114	Owenwood United Methodist Church	1451 John West Rd.	Dallas	75228
7	1119	St. Luke Comm. United Methodist Church	5710 E. R.L. Thornton Fwy.	Dallas	75223
7	1134	Forester Field House	8233 Military Pkwy.	Dallas	75227
7	1303	George W. Truett Elem. School	1811 Gross Rd.	Dallas	75228
7	3012	Evangelist Temple Church	2627 Dorris St.	Dallas	75215
7	3016	Martin Luther King Jr. Learning Center	1817 Warren Ave.	Dallas	75215
7	3017	Martin Luther King Jr. Learning Center	1817 Warren Ave.	Dallas	75215
7	3018	Park South YMCA	2500 Romine Ave.	Dallas	75215
7	3019	James Madison High School	3000 MLK Blvd.	Dallas	75215
7	3020	Irma Rangel-Young Women's Leadership School	1718 Robert B. Cullum Blvd.	Dallas	75210
7	3021	Irma Rangel-Young Women's Leadership School	1718 Robert B. Cullum Blvd.	Dallas	75210
7	3022	Irma Rangel-Young Women's Leadership School	1718 Robert B. Cullum Blvd.	Dallas	75210
7	3023	James Madison High School	3000 MLK Blvd.	Dallas	75215
7	3024	Mt. Horeb Baptist Church	3306 Carpenter Ave.	Dallas	75215
7	3025	Mt. Horeb Baptist Church	3306 Carpenter Ave.	Dallas	75215
7	3026	St. Paul Baptist Church	1600 Pear St.	Dallas	75215
7	3027	Lincoln High School - CHM	2826 Elsie Faye Heggins St.	Dallas	75215
7	3028	Evangelist Temple Church	2627 Dorris St.	Dallas	75215
7	3029	Evangelist Temple Church	2627 Dorris St.	Dallas	75215
7	3045	Gethsemane Baptist Church	4600 Solar Ln.	Dallas	75216
7	3090	Martin Luther King Jr. Learning Center	1817 Warren Ave.	Dallas	75215

DALLAS COUNTY

DISTRICT 8

District	Precinct	Location	Address	City	Zip
8	1100	E.B. Comstock Middle School	7044 Hodde St.	Dallas	75217
8	1108	Fireside Dr. Baptist Church	8805 Fireside Dr.	Dallas	75217
8	1109	Fireside Dr. Baptist Church	8805 Fireside Dr.	Dallas	75217
8	1111	Fireside Dr. Baptist Church	8805 Fireside Dr.	Dallas	75217
8	1124	Fireside Dr. Baptist Church	8805 Fireside Dr.	Dallas	75217
8	1136	Fireside Dr. Baptist Church	8805 Fireside Dr.	Dallas	75217
8	3013	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
8	3014	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
8	3015	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
8	3031	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
8	3053	Thurgood Marshall Recreation Center	5150 Mark Trail Way	Dallas	75232
8	3061	New Tech High School @ A. Maceo Smith	3030 Stag Rd.	Dallas	75241
8	3062	J. N. Ervin Elem. School	3722 Black Oak Dr.	Dallas	75241
8	3063	Ronald E. McNair Elem. School	3150 Bainbridge Ave.	Dallas	75237
8	3064	David W. Carter High School	1819 W. Wheatland Rd.	Dallas	75232
8	3065	Martin Weiss Elem. School	8601 Willoughby Blvd.	Dallas	75232
8	3066	Martin Weiss Elem. School	8601 Willoughby Blvd.	Dallas	75232
8	3067	David W. Carter High School	1819 W. Wheatland Rd.	Dallas	75232
8	3068	Singing Hills Recreation Center	1909 Crouch Rd.	Dallas	75241
8	3069	Cornerstone Temple Baptist Church	2817 Cherry Valley Blvd.	Dallas	75241
8	3070	Tommie Allen Recreation Center	7071 Bonnie View Rd.	Dallas	75241
8	3071	Highland Hills United Methodist Church	3800 Simpson Stuart Rd.	Dallas	75241
8	3072	Tommie Allen Recreation Center	7071 Bonnie View Rd.	Dallas	75241
8	3073	Tommie Allen Recreation Center	7071 Bonnie View Rd.	Dallas	75241
8	3074	David W. Carter High School	1819 W. Wheatland Rd.	Dallas	75232
8	3075	Cornerstone Temple Baptist Church	2817 Cherry Valley	Dallas	75241
8	3079	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
8	3080	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
8	3082	W.A. Blair Elem. School	7720 Gayglen Dr.	Dallas	75217
8	3083	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
8	3093	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
8	3099	Cornerstone Temple Baptist Church	2817 Cherry Valley Blvd.	Dallas	75241

DALLAS COUNTY

DISTRICT 10

District	Precinct	Location	Address	City	Zip
10	1003	Hamilton Park Pacesetter	8301 Towns St.	Dallas	75243
10	1004	Forest Meadow Jr. High	9373 Whitehurst Dr.	Dallas	75243
10	1005	New Mount Zion Baptist Church	9530 Shepherd Rd.	Dallas	75243
10	1006	Moss Haven Elem. School	9202 Moss Farms Ln.	Dallas	75243
10	1007	Moss Haven Elem. School	9202 Moss Farms Ln.	Dallas	75243
10	1026	Richland College	12800 Abrams Rd.	Dallas	75243
10	1027	Audelia Creek Elem. School	12600 Audelia Rd.	Dallas	75243
10	1028	Audelia Creek Elem. School	12600 Audelia Rd.	Dallas	75243
10	1029	Richland College	12800 Abrams Rd.	Dallas	75243
10	1030	A.M. Aikin Elem. School	12300 Pleasant Valley Dr.	Dallas	75243
10	1038	A.M. Aikin Elem. School	12300 Pleasant Valley Dr.	Dallas	75243
10	1039	Dallas Fire Station #57	10801 Audelia Rd.	Dallas	75238
10	1040	Dallas Fire Station #57	10801 Audelia Rd.	Dallas	75238
10	1041	Dallas Fire Station #57	10801 Audelia Rd.	Dallas	75238
10	1042	A.M. Aikin Elem. School	12300 Pleasant Valley Dr.	Dallas	75243
10	1043	Skyview Elem. School	9229 Meadowknoll Dr.	Dallas	75243
10	1044	Lake Highlands High School	9449 Church Rd.	Dallas	75238
10	1045	Highland Meadows Elem. School	8939 Whitewing Ln.	Dallas	75238
10	1046	Highland Meadows Elem. School	8939 Whitewing Ln.	Dallas	75238
10	1049	Merriman Park Elem. School	7101 Winedale Dr.	Dallas	75231
10	1128	Lake Highlands High School	9449 Church Rd.	Dallas	75238
10	1129	Highland Meadows Elem. School	8939 Whitewing Ln.	Dallas	75238
10	1707	Dallas Fire Station #57	10801 Audelia Rd.	Dallas	75238
10	2059	Lake Highlands High School	9449 Church Rd.	Dallas	75238
10	2060	Northlake Elem. School - RISD	10059 Ravensway Dr.	Dallas	75238
10	2061	Lake Highlands Elem. School	9501 Ferndale Rd.	Dallas	75238
10	2062	Lake Highlands Jr. High School	10301 Walnut Hill Ln.	Dallas	75238
10	2063	Wallace Elem. School - RISD	9921 Kirkhaven Dr.	Dallas	75238
10	2064	Emeritus At Lake Highlands	9715 Plano Rd.	Dallas	75238
10	2066	White Rock Elem. School	9229 Chiswell Rd.	Dallas	75238

EXHIBIT B

EARLY VOTING LOCATIONS, DATES, AND TIMES

**JUNE 13, 2015 RUNOFF ELECTION
LOCATION/DATES/TIMES OF EARLY VOTING**

DALLAS COUNTY			
Voting Location	Address	City	Zip
BALCH SPRINGS NEW CITY HALL	13503 ALEXANDER RD.	BALCH SPRINGS	75181
BETHANY LUTHERAN CHURCH	10101 WALNUT HILL LN.	DALLAS	75238
EASTFIELD COLLEGE-PLEASANT GROVE CAMPUS (Replaces Dallas West Library)	802 S. BUCKNER	DALLAS	75217
HIGHLAND HILLS LIBRARY	6200 BONNIE VIEW RD.	DALLAS	75241
IRVING CITY HALL	825 W. IRVING BLVD.	IRVING	75060
J. ERIK JONSSON CENTRAL LIBRARY	1515 YOUNG ST.	DALLAS	75201
LOCHWOOD LIBRARY	11221 LOCHWOOD BLVD.	DALLAS	75218
MARTIN LUTHER KING CORE BLDG.	2922 MLK BLVD.	DALLAS	75215
MOUNTAIN CREEK LIBRARY	6102 MOUNTAIN CREEK PKWY.	DALLAS	75249
OAK CLIFF SUB COURTHOUSE	410 BECKLEY	DALLAS	75203
OUR REDEEMER LUTHERAN CHURCH	7611 PARK LN.	DALLAS	75225
SAMUELL GRAND RECREATION CENTER	6200 E. GRAND AVE.	DALLAS	75223

**DATES AND TIMES OF EARLY VOTING
FECHAS Y HORARIOS DE VOTACIÓN ADELANTADA**

June 01 - June 05 (Monday through Friday) 1 de junio - 5 de junio (lunes a viernes)	8 AM - 5 PM
June 06 (Saturday) 6 de junio (sábado)	8 AM - 5 PM
June 07 (Sunday) 7 de junio (domingo)	1 PM - 6 PM
June 08 - June 09 (Monday and Tuesday) 8 de junio - 9 de junio (lunes y martes)	7 AM - 7 PM

KEY FOCUS AREA: E-Gov
AGENDA DATE: May 27, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Secretary
CMO: Rosa Rios, 670-3738
MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Adam Medrano, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis 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.

May 27, 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 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) referenced 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 Adam Medrano, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted;

Now, Therefore,

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

May 27, 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 Adam Medrano, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their 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 Adam Medrano, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis in determining their 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 Adam Medrano, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis as described in Exhibit A, was 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 provisions of 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	PURPOSE/TRIP/EVENT	LOCATION	DATE	MEETING(S) MISSED	ABSENCE TYPE
Adam Medrano	Attended the Street Car ribbon cutting.	Dallas, TX	4/13/2015	Quality of Life and Environment Committee	Absent more than 50%
Dwaine Caraway	Worked on official city business in his office.	Dallas, TX	4/27/2015	Public Safety Committee	Absent more than 50%
Carolyn Davis	Met with the Black Contractors Association	Dallas, TX	5/11/2015	Quality of Life and Environment Committee	Absent more than 50%

KEY FOCUS AREA: Clean, Healthy Environment
AGENDA DATE: May 27, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Code Compliance
CMO: Joey Zapata, 670-3009
MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 8A, "Boarding Home Facilities," and Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code by amending definitions; licensing and inspections requirements; structure and maintenance requirements; resident health and safety requirements; requirements for owners operators, and volunteers of boarding homes; penalties; and multi-tenant registration requirements - Financing: No cost consideration to the City

BACKGROUND

On June 27, 2012, the Council approved an ordinance to establish regulations that apply to all boarding home facilities. That ordinance went into effect on October 1, 2012. Since then, City staff and other stake holders have been working together to craft new amendments that will improve the ordinance. This item was placed on the addendum because the Council was briefed on the proposed amendments on May 20, 2015.

PRIOR ACTIONS / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2012 Chapter 8A of the Dallas City Code was adopted by the Dallas City Council and the ordinance took effect on October 1, 2012.

On January 6, 2014, the Housing Committee was briefed on recommended amendments to Chapter 8A.

On January 20, 2015 the Housing Committee was briefed on additional recommended amendments to Chapter 8A and voted to forward the recommended changes to the Council for consideration.

On May 20, 2015, the Council was briefed on proposed amendments to Chapter 8A, including some additional amendments not briefed to the Housing Committee.

FISCAL INFORMATION

No cost consideration to the City

ORDINANCE NO. _____

An ordinance amending Chapter 8A, "Boarding Home Facilities," and Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code by amending Sections 8A-2, 8A-4, 8A-5, 8A-6, 8A-7, 8A-8, 8A-9, 8A-10, 8A-11, 8A-12, 8A-13, 8A-15, 8A-16, 8A-19, 8A-22, 8A-23, 8A-24, 8A-33, 8A-34, 8A-35, 8A-36, 8A-37, 8A-38, 8A-39, 8A-40 and 27-31; providing amended definitions, amended licensing and inspection requirements, amended structure and maintenance requirements, amended resident health and safety requirements, amended penalties, amended multi-tenant registration requirements, and amended requirements for owners, operators, volunteers, and residents; creating a new Section 8A-21.1; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council believes it is in the interest of the public health, safety, and welfare to prohibit persons convicted of certain crimes from owning, operating, being employed by, or volunteering at a boarding home facility in the city of Dallas; and

WHEREAS, the city council, in accordance with Chapter 53 of the Texas Occupations Code, has considered the following criteria:

- (1) the nature and seriousness of the crimes;
- (2) the relationship of the crimes to the purposes for requiring a license to operate a boarding home facility;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously has been involved; and

(4) the relationship of the crimes to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of operating a boarding home facility; and has determined that the crimes listed in Section 8A-37 of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code, as set forth in this ordinance, are serious crimes that are directly related to the duties and responsibilities of the owners, operators, employees, and volunteers of a boarding home facility, whose job is to provide lodging and certain services for three or more people who are not related to the owner of the boarding home facility; and

WHEREAS, the city council has determined that the very nature of owning, operating, being employed by, or volunteering at a boarding home facility brings such a person into constant contact with the public, which gives the person repeated opportunities to participate in crimes of violence or dishonesty, or crimes against the public health, safety, or morals, should the person be so inclined, and, thus, it is the finding of the city council that the crimes listed in Section 8A-37 of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code, as set forth in this ordinance, render a person unable, incompetent, and unfit to perform the duties and responsibilities of the owner, operator, employee, or volunteer of a boarding home facility in a manner that would promote the public safety and trust; and

WHEREAS, the city council has determined that no person who has been convicted of a crime listed in Section 8A-37 of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code, as set forth in this ordinance, is presently fit to engage in the ownership or operation of a boarding home facility, or be employed by or volunteer at a boarding home facility, in the city until the respective time periods designated in that section have expired, and, thus, should be disqualified from being issued a license to own or operate a boarding home facility until the expiration of those time periods; Now, Therefore,

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

SECTION 1. That Paragraph (4) of Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(4) BOARDING HOME FACILITY means an establishment that:

(A) furnishes, in one or more buildings, lodging to three or more persons who are unrelated to the owner of the establishment by blood or marriage; and

(B) provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services to those persons[; ~~and~~

(C) ~~is not listed in Section 8A-5 of this chapter]."~~

SECTION 2. That Paragraph (6) of Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(6) CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. "Conviction" includes disposition of charges against a person by probation or deferred adjudication."

SECTION 3. That Paragraph (8) of Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(8) DIRECT THREAT means a significant risk to the health or safety of one or more individuals [~~others~~] that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or service."

SECTION 4. That Paragraph (12) of Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

“(12) EMPLOYEE means any individual [~~a person~~] who performs caretaking duties or regularly works in a boarding home facility for any form of compensation or consideration.”

SECTION 5. That Paragraph (13) of Section 8A-2, “Definitions,” of Article I, “General Provisions,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(13) EXPLOITATION means the illegal or improper act or process of an owner, operator, employee, caretaker, family member, or other individual who has an on-going relationship with the resident using the resources of a resident for monetary or personal benefit, profit, or gain without the informed voluntary consent of the resident.”

SECTION 6. That Paragraph (15) of Section 8A-2, “Definitions,” of Article I, “General Provisions,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(15) INJURY, INCIDENT, OR UNUSUAL ACCIDENT means an event that occurred in the boarding home facility, on the grounds of the boarding home facility, or under the licensee’s supervision and resulted in a change in a resident’s physical or mental status that requires intervention by a private or public entity responsible for medical or mental health services or an event that requires the facility to take safety and protection measures for the resident or others. This term includes, but is not limited to, the following:

- (A) An allegation of abuse, neglect, or exploitation.
- (B) Death.
- (C) A resident’s unexplained absence from the boarding home facility.
- (D) Fire.
- (E) Criminal acts.
- (F) Fights between residents.”

SECTION 7. That Paragraph (16) of Section 8A-2, “Definitions,” of Article I, “General Provisions,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(16) LICENSEE means:

(A) a person in whose name a boarding home facility license has been issued;

(B) each individual listed as an owner or operator of the boarding home facility on a pending or approved ~~the~~ application for a boarding home facility license;

(C) each individual who has a 20 percent or greater ~~an~~ ownership interest in the corporation or other legal entity owning or operating the boarding home facility, regardless of whether the individual's name or signature appears on the pending or approved boarding home facility license application; ~~and~~

(D) each officer, director, and board member of the corporation or other legal entity owning or operating a boarding home facility, regardless of whether the individual's name or signature appears on the pending or approved boarding home facility license application; and

(E) each individual that exercises substantial de facto control over a boarding home facility regardless of whether the individual's name or signature appears on the pending or approved boarding home facility license application.”

SECTION 8. That Section 8A-2, “Definitions,” of Article I, “General Provisions,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended by adding a new Paragraph (17.1) to read as follows:

“(17.1) OPERATE means to manage, run, or be in control of a boarding home facility.”

SECTION 9. That Paragraph (18) of Section 8A-2, “Definitions,” of Article I, “General Provisions,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(18) OPERATOR means any ~~the~~ person exerting ~~in~~ control over ~~of~~ a boarding home facility, including, but not limited to, any sole proprietor, his or her agent, and any officer, director, board member, staff member, or agent of a corporation or other legal entity who has managerial control of the on-site, day-to-day operations of a boarding home facility, regardless of whether that person is listed as an operator on the boarding home facility license application.”

SECTION 10. That Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to add a new Paragraph (18.1) to read as follows:

"(18.1) OWN means a right by law to possess, manage, sell, or donate property."

SECTION 11. That Paragraph (19) of Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is to read as follows:

"(19) OWNER means an individual who owns a boarding home facility as a sole proprietorship, an individual who has 20 percent or greater [an] ownership interest in a corporation or other legal entity that owns or operates [operating] a boarding home facility, a non-profit entity that owns or operates a boarding home facility, or the owner of the real property where a boarding home facility is located."

SECTION 12. Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended by adding a new Paragraph (22) to read as follows:

"(22) VOLUNTEER means a person who is not an employee and works at or for a boarding home facility without any expectation of or entitlement to any form of compensation."

SECTION 13. That Subsection (b) of Section 8A-4, "License Required," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(b) It is a defense to prosecution under this section [~~chapter~~] if a person operates a boarding home facility while an application under Section 8A-6 is pending."

SECTION 14. That Section 8A-5, "Exemptions," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-5. EXEMPTIONS.

(a) This chapter does not apply to the following:

(1) Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code, as amended.

(2) Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code, as amended.

(3) Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code, as amended.

(4) Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code, as amended.

(5) Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code, as amended.

(6) A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by a state agency with jurisdiction over mental health and mental disability and monitored by that state agency or its designated local authority in accordance with standards set by that agency.

(7) An establishment conducted by or for persons who have a sincere religious belief in providing facilities to care and treat the sick by depending exclusively on prayer or spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules including Sections 8A-22, 8A-23, 8A-24, 8A-27(h), 8A-29, 8A-30, 8A-31, 8A-32, 8A-33, and 8A-34 of this chapter.

(8) A hotel as defined by Section 156.001 of the Texas Tax Code, as amended.

(9) A retirement community as defined by Section 11.18 of the Texas Tax Code, as amended.

(10) A monastery or convent as defined by Section 51A-4.204 of the Dallas Development Code, as amended.

(11) A child-care facility as defined by Section 42.002 of the Texas Human Resources Code, as amended.

(12) A family violence shelter center as defined by Section 51.002 of the Texas Human Resources Code, as amended.

(13) A college dormitory, fraternity, or sorority house as defined by Section 51A-4.209 of the Dallas Development Code, as amended.

(14) A facility listed in this section with a pending application for a state license falling within one of the above-listed exemption categories.

(b) The director may inspect an establishment described in Subsection (a)(7) for the purpose of ascertaining whether any violations of any safety, sanitary, and quarantine laws and rules including Sections 8A-22, 8A-23, 8A-24, 8A-27(h), 8A-29, 8A-30, 8A-31, 8A-32, 8A-33, and 8A-34 of this chapter exist. If the director identifies any violation or if the owner, occupant, or person in control of the establishment denies permission to search any part of the interior or exterior of the structure or the surrounding premises, the establishment is not exempt from the application of Sections 8A-4(a), 8A-40, or any other provisions of this chapter.”

SECTION 15. That Section 8A-6, “License Application,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-6. LICENSE APPLICATION.

(a) To obtain a license to operate a boarding home facility, a person must submit an application to the director on a form provided for that purpose. The applicant must be the owner or operator of the boarding home facility. If the owner or operator is not an individual, an authorized officer or agent of the owner or operator must file the form. The application must contain the following information and be accompanied by the fee, if any, required under Section 8A-8 of this chapter before it is considered to be complete:

(1) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of the applicant. The street address may not be the address of the boarding home facility unless the applicant actually resides full-time at the boarding home facility.

(2) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant is not an individual. The street address may not be the address of the boarding home facility unless the authorized officer or agent actually resides full-time at the boarding home facility.

(3) The form of business of the applicant; the name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of a high managerial agent of the business; and, if the business is a legal entity, such as a corporation or association, a copy of the documents establishing the business.

(4) The street address and telephone number of the boarding home facility.

(5) The name, street address, mailing address, e-mail address, and telephone number of a person or persons to contact in an emergency as required by Section 8A-17 of this chapter.

(6) Documentary evidence of payment of ad valorem taxes, fees, fines, and penalties owed to the city in connection with the boarding home facility.

(7) The names, street addresses, mailing addresses, e-mail addresses, telephone numbers, legible copies of the drivers' licenses or other official state or federal identification cards, and dates of birth of any owners, operators, ~~[or]~~ employees, and volunteers of the boarding home facility other than the applicant. The street address may not be the address of the boarding home facility, unless the owner, operator, or employee actually resides full-time at the boarding home facility.

(8) If the owner or operator of the boarding home facility is not also the owner of the property on which the boarding home facility is located, a letter signed by the owner of the property stating that the applicant has permission to operate a boarding home facility on the property and acknowledging the requirements for the property to be used as a boarding home facility as set forth in this chapter. If the owner of the property is an entity, the letter must be on official letterhead and signed by an officer of the entity or other person with the authority to make binding representations on the entity's behalf regarding the use of the property.

(9) ~~[Completed state or federal request and release forms authorizing the city to obtain a]~~ C[riminal] history reports for ~~[or]~~ each owner, ~~[and]~~ operator, employee, and volunteer of the boarding home facility showing that they are not disqualified to own, operate, or work at a boarding home facility under Section 8A-37 of this chapter. Such reports must include a current official Texas criminal history report with a fingerprint card (issued within the preceding 12 months) for each owner, operator, employee, and volunteer of the boarding home facility as well as an official criminal history report issued within the preceding 12 months from all other states in which an owner, operator, employee, or volunteer has resided within the past 10 years.

(10~~[9]~~) The maximum number of residents that will reside at the boarding home facility.

(11~~[40]~~) The services to be offered or provided to the residents of the boarding home facility.

(12~~[41]~~) Proof ~~[A zoning verification letter stating]~~ that the proposed use of the property complies with the Dallas Development Code.

(13[12]) If the boarding home facility has one or more residents with a disability, a list of the categories of disabilities of the residents (vision impairment, hearing impairment, mobility impairment, dementia, and other).

(14[13]) A sworn certification from the applicant, owner, or operator that [If] the boarding home facility does not have, and will not have, any residents with [has one or more residents who are recovering from] an addiction to alcohol or a controlled substance, or alternatively [but are not currently using alcohol or the controlled substance], a document that describes the applicant's, owner's, or operator's plan for ensuring that the residents who are addicted to alcohol or a controlled substance, or who are recovering from such an addiction, [continue to] refrain from using alcohol or the controlled substance, including all rules by which residents must abide, as required by Section 8A-34 of this chapter.

(15[14]) A statement that, by filing the application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this section.

(16[15]) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested license should be granted.

(b) If the applicant failed to provide all of the information required by Subsection (a) or to pay the fee required by Section 8A-8 of this chapter, the director shall give the applicant notice in writing by certified mail, return receipt requested, of the application's deficiencies.

(c) The application will automatically expire if either the fee or the information requested in Subsection (b) is not provided to the director within 30 days of the date written notice was sent to applicant by the director.

(d) The director, at his sole discretion, may extend the 30-day deadline to provide the fee or information requested in Subsection (b)."

SECTION 16. That Section 8A-7, "Notification of Change of Information," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-7. NOTIFICATION OF CHANGE OF INFORMATION.

The licensee shall notify the director within 10 days after any material change in the information contained in the application for a license to operate a boarding home facility, including any change in ownership or operation of the property, ~~and~~ any new criminal convictions or charges brought against a boarding home facility's owners, operators, employees, or volunteers and any new categories of disabilities served by the boarding home facility."

SECTION 17. That Section 8A-8, "Fees," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-8. FEES.

- (a) The fee for a license to operate a boarding home facility is \$500.
- (b) No refund of a license fee will be made.
- (c) An applicant for a license may file an application with the director seeking a waiver or reduction of the annual license fee if the boarding home facility serves one or more persons with a disability and payment of the fee would result in substantial financial hardship to the applicant. The application must include the following information before it will be considered complete:
 - (1) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of the applicant.
 - (2) The number of residents of the boarding home facility with a disability.
 - (3) A list of the categories of disabilities of the residents (vision impairment, hearing impairment, mobility impairment, dementia, and other) and the number of residents with each type of disability.
 - (4) The services provided by the boarding home facility to the residents.
 - (5) An explanation of the nature and severity of the financial hardship to the applicant if the fee were to be paid.
 - (6) A copy of the balance sheets and income statements for the boarding home facility, or equivalent documents, establishing the applicant's financial condition for the last three years in accordance with generally accepted accounting principles, unless the boarding home facility has been open for less than three years, in which case it must provide a copy of those documents during the time the facility has been in operation.
 - (7) A statement that, by filing the application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this chapter.
 - (8) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested waiver or reduction should be granted.

(d) The director may waive or reduce the annual license fee if the director, after reviewing the complete application, finds that the applicant provides services to one or more persons with a disability and payment of the fee would result in substantial financial hardship to the applicant.

(e) If the director determines that an applicant should be denied a fee waiver or reduction, the director shall notify the applicant in writing by certified mail, return receipt requested, that the fee waiver or reduction is denied and include in the notice the reason for denial and a statement informing the applicant of the right to appeal.

(f) An applicant may appeal a decision of the director under this section to the permit and license appeal board in accordance with Section 2-96 as if it were a permit. The permit and license appeal board shall consider the facts as they existed at the time of the director's decision. The applicant has the burden of proof to establish the necessary facts to warrant favorable action [by filing a written notice with the director within 10 days after the date of the decision of the director. The permit and license appeal board shall hear and decide the appeal at its next available meeting. The permit and license appeal board shall use the same standard required for the director. The permit and license appeal board may affirm, reverse, or modify the decision of the director. Appeal to the permit and license appeal board constitutes the final administrative remedy]."

SECTION 18. That Section 8A-9, "Issuance and Denial of License," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-9. ISSUANCE AND DENIAL OF LICENSE.

(a) Upon ~~payment of all required fees and~~ the submission of a complete application, the director shall issue a license to operate a boarding home facility to the applicant if the director determines:

(1) the applicant has complied with all requirements for issuance of the license;

(2) the applicant, owners, operators, ~~and~~ employees, and volunteers of the boarding home facility meet the criminal history qualifications of Section 8A-37 of this chapter;

(3) the applicant, owners, operators, or employees of the boarding home facility do not own or operate another licensed boarding home facility in the city for which the license is currently suspended or has been revoked within the past 12 months;

(4) the applicant has not made a false statement as to a material matter in the application for a license;

(5) the condition and use of the boarding home facility comply with the zoning regulations in the Dallas Development Code, the minimum housing standards in Chapter 27, and the standards in this chapter applicable to the property; ~~and~~

(6) the applicant, owners, and operators are ~~are~~ not delinquent in ~~owe the city~~ any ad valorem taxes, fees, fines, or penalties owed to the city in relation to the property where the boarding home facility is located; and

(7) the applicant, owners, and operators of the boarding home facility have not had a license for that boarding home facility revoked within the past 12 months.

(b) If the director determines that the requirements of Subsection (a) have not been met, the director shall deny the license.

(c) If the director determines that an applicant should be denied a license, the director shall notify the applicant in writing by certified mail, return receipt requested, that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right to appeal.”

SECTION 19. That Subsection (a) of Section 8A-10, “Prohibition of New Residents; Suspension of License,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(a) The director may suspend a boarding home facility license for a period not to exceed 90 days if the director finds that ~~the licensee or an employee of the boarding home facility has~~:

(1) the licensee or employee of the boarding home facility failed to comply with any provision of this chapter, any other ordinance, or any state or federal law applicable to the operation of a boarding home facility; ~~or~~

(2) the licensee or employee of the boarding home facility intentionally or knowingly impeded or refused to allow an inspection by the director authorized under this chapter; or

(3) the possession, use, or sale of a controlled substance occurs at a boarding home facility.”

SECTION 20. That Subsection (b) of Section 8A-10, “Prohibition of New Residents; Suspension of License,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) A boarding home facility for which the license has been suspended must provide a list of current residents to the director on the first day of the suspension and may not admit new residents during the time the license is suspended.”

SECTION 21. That Subsection (c) of Section 8A-10, “Prohibition of New Residents; Suspension of License,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(c) [~~In lieu of suspending a license for a boarding home facility,~~] T[~~t~~]he director, at his sole discretion, may enter into a good neighbor agreement with a licensee if the director determines that the good neighbor agreement would eliminate the noncompliance that would otherwise justify a suspension, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to a standard above the requirements of this chapter.”

SECTION 22. That Section 8A-11, “Revocation of License,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-11. REVOCATION OF LICENSE.

(a) Except as provided in Subsection (b), the director shall revoke any license issued to operate a boarding home facility if the director determines that:

(1) the licensee fails to meet the criminal history qualifications of Section 8A-37 of this chapter or allows an employee or volunteer to work [~~employs a person~~] at the facility who fails to meet the criminal history qualifications.

(2) the licensee intentionally made a false statement as to a material matter in the application or in a hearing concerning the license;

(3) the licensee failed to pay a fee required by this chapter at the time it was due; or

(4) a cause for suspension under Section 8A-10 has occurred and the license has already been suspended at least once within the preceding 12 months.

(b) [~~In lieu of revoking a license for a boarding home facility,~~] T[~~t~~]he director, at his sole discretion, may enter into a good neighbor agreement with a licensee if the director determines that the good neighbor agreement would eliminate the noncompliance that would otherwise justify a revocation, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to a standard above the requirements of this chapter.

(c) Before revoking a license under Subsection (a), the director shall notify the licensee in writing by certified mail, return receipt requested, that the license is being considered for revocation. The notice must include the reason for the proposed revocation, action the licensee must take, if any, to prevent the revocation, and a statement that the licensee has 10 days to comply with the notice.

(d) If, after 10 days from the date of the notice required in Subsection (c) was sent or delivered, the licensee has not complied with required actions listed in the notice, the director shall revoke the license and notify the licensee in writing of the revocation by certified mail, return receipt requested. The notice must include the reason for the revocation, and a statement informing the licensee of the right of appeal.

(e) If a boarding home facility license has been revoked, the licensee may not apply for a new license for 12 months from the date of revocation.

(f) If a boarding home facility license has been revoked, the licensee has 10 days to relocate residents of the facility and cease operations. [An appeal of the revocation does not suspend or toll the deadline].

(g) If a licensee does not relocate residents of the facility within 10 days of revocation of a boarding home facility license, the director may relocate residents and seek to recover relocation costs from the licensee.

SECTION 23. That Section 8A-12, "Appeals," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is retitled as Section 8A-12, "Appeals of Denials, Suspensions, and Revocations," and amended to read as follows:

"SEC. 8A-12. APPEALS OF DENIALS, SUSPENSIONS, AND REVOCATIONS.

(a) If the director denies issuance or renewal of a license or suspends or revokes a license issued under this chapter, the action is final unless the licensee files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code.

(b) The filing of an appeal stays the action of the director in suspending or revoking a license, or in denying renewal of a license that was valid on the date the application for renewal was submitted, until the permit and license appeal board makes a final decision.

(c) A good neighbor agreement may not be appealed.

(d) The permit and license appeal board may not impose a good neighbor agreement in connection with an appeal of a suspension or revocation.

(e) The permit and license appeal board shall consider the facts as they existed at the time of the license denial, suspension, or revocation in making its decision.

(f) The applicant or licensee has the burden of proof on appeal.”

SECTION 24. That Section 8A-13, “Expiration and Renewal of License,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-13. EXPIRATION AND RENEWAL OF LICENSE.

(a) A license to operate a boarding home facility expires one year after the date of issuance. A pending application for renewal does not extend the expiration date of a previously issued license.

(b) A licensee shall apply for renewal at least 30 days before the expiration of the license on a form provided by the director. The licensee shall submit the fee, if any, prescribed by Section 8A-8 of this chapter, supply updated criminal background checks for all owners, operators, employees, and volunteers in accordance with Sections 8A-6(a)(9) and 8A-37 of this chapter, and [The licensee shall] update information contained in the original license application required under Section 8A-6 of this chapter, or any subsequent renewals under this section, if any of the information has changed. The licensee shall also sign a statement under penalty of perjury affirming that there is either no change in the information contained on the original license application and any subsequent renewal applications, or that the information that has been updated is accurate and complete.

(c) The director shall follow the procedures set forth in Section 8A-9 when determining whether to renew a license.”

SECTION 25. That Subsection (b) of Section 8A-15, “Records,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) Records that must be maintained by the licensee include, but are not limited to:

(1) current records of ownership of the property where the boarding home facility is located;

(2) a copy of any current good neighbor agreement as described in Sections 8A-10 and 8A-11;

(3) a copy of the boarding home facility's privacy policy, as required by ~~[records documenting any reasonable accommodation granted under]~~ Section 8-34 ~~[8A-19]~~;

(4) records demonstrating compliance with applicable laws and regulations, as required by Section 8A-20;

(5) records documenting that each resident has received training on the emergency evacuation plan of the boarding home facility at least two times per calendar year, as required by Section 8A-29;

(6) records documenting that each resident was shown how to use all emergency exits from the facility within 24 hours of arrival at the facility, as required by Section 8A-30;

(7) records documenting the results of water sample testing if the boarding home facility obtains drinking water from a water well, as required by Section 8A-30;

(8) records documenting the initial screening of potential residents and the ~~quarterly~~ individualized assessments of residents, as required by Section 8A-34;

(9) records documenting whether residents have taken, or been reminded to take, their medication, as required by Section 8A-34;

(10) records documenting injuries, incidents, and unusual accidents that involve residents, as required by Section 8A-34;

(11) records documenting any allegations of abuse, neglect, or exploitation of a resident, as required by Section 8A-34;

(12) financial records for each resident for which the licensee is the representative payee or assists the resident with general money management, as required by Section 8A-34;

(13) a copy of the service agreement signed by each current resident, as required by Section 8A-34;

(14) records documenting required in-service education of boarding home facility staff;

(15) records documenting annual assessment and periodic monitoring of current residents to determine if residents are capable of self-administering medication and completing basic elements of personal care, as required by Section 8A-39;

(16) a roll of current residents, including their date of arrival, assigned room, and the name, address, and telephone number of the person or entity that referred them to the facility;

(17) a roll of former residents, including their date of departure, and the name, address, and telephone number of the person or entity in control of the residence to which they moved (if known); ~~and~~

(18) records documenting any work-related compensation received by each resident, as required by Section 8A-34 of this chapter; and

(19) any other records deemed necessary by the director for the administration and enforcement of this chapter.”

SECTION 26. That Section 8A-16, “Posting Requirements,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-16. POSTING REQUIREMENTS.

The licensee shall prominently and conspicuously post for display in a public area inside the boarding home facility that is readily available to residents, the operator, employees, and visitors the following:

(1) The license issued under this chapter to operate the boarding home facility. The license must be presented upon request to the director or to a peace officer for examination.

(2) A sign prescribed by the director specifying how complaints may be registered with the city.

(3) A notice in a form prescribed by the director stating that inspection ~~and related~~ reports are available at the facility for public inspection and providing a telephone number that may be used to obtain information concerning the facility. The licensee shall redact inspection reports where necessary to protect residents’ privacy.

(4) A copy of the most recent inspection report relating to the facility by the city or a concise and accurate summary of that inspection report. The licensee shall redact inspection reports where necessary to protect residents’ privacy.

(5) A notice in a form prescribed by the director that lists the name, location, and contact information for:

(A) the North Texas Behavioral Health Authority and the closest local public health services agency in the proximity of the facility; and

(B) a local organization or entity that represents, advocates, or serves elderly persons or persons with disabilities, including any related toll-free contact information for reporting emergencies to the organization or entity.”

SECTION 27. That Paragraph (3) of Subsection (b), “Method of Submitting A Request For A Reasonable Accommodation; Fees; Confidentiality,” of Section 8A-19, “Reasonable Accommodations,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(3) A request for a reasonable accommodation should ~~[must]~~ be submitted in writing to the director on a form provided by the department, or in the form of a letter.”

SECTION 28. That Subsection (c), “Application,” of Section 8A-19, “Reasonable Accommodations,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(c) Application. An applicant shall submit the following information before an application for a reasonable accommodation is considered to be complete:

(1) The applicant's name, mailing address, street address, telephone number, and e-mail address.

(2) The applicant's relation to the individual or individuals with a disability, if applicable.

(3) The address of the property to which the requested reasonable accommodation would apply.

(4) If the disability is not obvious, i[F]nformation substantiating that the individual who would obtain the benefit of the reasonable accommodation is disabled.

(5) The section or sections of this chapter from which a reasonable accommodation is being requested.

(6) If the need for the accommodation is not readily apparent, a[A] brief explanation of why the requested accommodation is necessary for the individual or individuals with disabilities to have equal access to housing.”

SECTION 29. That Paragraph (2) of Subsection (d), "Review of Application by the Director; Required Findings; Appeals," of Section 8A-19, "Reasonable Accommodations," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(2) Before making a decision, the director may request an inspection of the boarding home facility, its records, and the land on which it is located. If the director makes such a request{:

~~(A) the director has no obligation to make a decision until 10 days after the date the inspection occurs; and~~

~~(B)] the applicant must make the property, the facility, and its records available for the inspection within 20 days after the date of the request or the application [request] is automatically denied. If the director deems it necessary to request additional information from the applicant consistent with federal and state law, the director shall contact the applicant in writing and specify the additional information that is required. If the director makes such a request, the applicant shall provide the additional information to the director within 20 days after the date of the request or the application is automatically denied."~~

SECTION 30. That Paragraph (6) of Subsection (d), "Review of Application by the Director; Required Findings; Appeals," of Section 8A-19, "Reasonable Accommodations," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(6) The director shall issue a written decision within 30 [20-business] days of the later of receipt of a completed application, provided that the director is able to issue a decision based on the information provided in the original request; the completed inspection of the property, facility, and its records, as requested by the director; or the director's receipt of all additional information requested. [~~If the director deems it necessary to request additional information from the applicant consistent with federal law, the director shall contact the applicant in writing and specify the additional information that is required. In the event that a request for additional information made, the 20-day period to issue a decision is stayed until the applicant responds to the request.]~~"

SECTION 31. That Paragraph (7) of Subsection (d), “Review of Application by the Director; Required Findings; Appeals,” of Section 8A-19, “Reasonable Accommodations,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(7) All written decisions must be sent by certified mail, return receipt requested, and explain in detail the basis of the decision and notify the applicant of the right to appeal the director’s decision to the permit and license appeal board.”

SECTION 32. That Paragraph (8) of Subsection (d), “Review of Application by the Director; Required Findings; Appeals,” of Section 8A-19, “Reasonable Accommodations,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(8) If the director denies an application for a reasonable accommodation, the action is final unless the applicant files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code as if it were a permit. The permit and license appeal board shall consider the facts as they existed at the time of the director’s decision. The applicant or licensee has the burden of proof on appeal.”

SECTION 33. That Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended by adding a new Section 8A-21.1, “When Written Notice is Deemed Delivered,” to read as follows:

“SEC. 8A-21.1. WHEN WRITTEN NOTICE IS DEEMED DELIVERED.

(a) For purposes of this chapter, written notice is deemed to be delivered:

(1) on the date the notice is hand delivered to the applicant or licensee; or

(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the applicant or licensee at the address provided for the applicant or licensee in the most recent license application.

(b) The fact that the notice is returned undelivered or that the return receipt is not signed by the addressee shall not affect the validity of the notice.”

SECTION 34. That Subsection (b), “Applicable Regulations,” of Section 8A-22, “Construction, Remodeling, and Maintenance,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) Applicable regulations. Each boarding home facility must comply with the following codes and regulations:

(1) The Dallas Development Code. [NOTE: A boarding home facility is not a zoning use and is separate from and unrelated to the lodging or boarding house use defined in Chapter 51A.]

(2) The Dallas Building Code, the Dallas One- and Two-Family Dwelling Code, or the Dallas Existing Building Code, as applicable.

(3) The Dallas Fire Code and any other applicable federal, state, or local fire codes and standards, as amended.

(4) Articles III and IV of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code.

(5) Federal, state, and local health and safety codes.

~~(6)~~ Federal and state accessibility regulations.”

SECTION 35. That Subsection (e), “Windows and Exterior Doors,” of Section 8A-22, “Construction, Remodeling, and Maintenance,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended by adding a new Paragraph (5) to read as follows:

“(5) A door, window, or emergency escape and rescue opening may be maintained that does not meet the requirements of this subsection upon the written approval of the fire code official.”

SECTION 36. That Subsection (b), “Bed Spacing,” of Section 8A-23, “Sleeping Rooms,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) Bed spacing. If a boarding home facility has a resident with an ambulatory [~~a mobility~~] impairment, beds must be spaced at least three feet apart when placed side-by-side or end-to-end.”

SECTION 37. That Paragraph (1) of Subsection (e), “Beds,” of Section 8A-23, “Sleeping Rooms,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(1) The licensee shall provide one bed for every resident. It is presumed that the boarding home facility has one resident for every bed present in the facility, but an inspector may consider other factors and circumstances in determining the number of residents.”

SECTION 38. That Paragraph (4) of Subsection (e), “Beds,” of Section 8A-23, “Sleeping Rooms,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(4) The licensee shall equip all beds provided for non-ambulatory residents or residents with an ambulatory [~~a mobility~~] impairment or reduced bladder or bowel function with mattress covers that prevent bodily fluids from soiling the mattress.”

SECTION 39. That Subsection (a) of Section 8A-24, “Bathroom Facilities,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(a) If a boarding home facility has a resident who is non-ambulatory or has an ambulatory [~~a mobility~~] impairment:

(1) the licensee shall provide a toilet, lavatory, and bathtub or shower on each floor when not provided in an individual room; and

(2) a bathroom door must have a minimum opening of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop.”

SECTION 40. That Subsection (a), “General,” of Section 8A-33, “Food and Drink; Meals,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(a) General. If a boarding home facility serves meals to one or more residents, the licensee shall ensure the following:

(1) All food and drink is clean and free from spoilage, pathogenic organisms, toxic chemicals, and other harmful substances.

(2) All food and drink is prepared, stored, handled, and served so as to be safe for human consumption.

(3) All food or drink subject to spoilage is maintained at a temperature of 41 degrees Fahrenheit or below.

(4) Hot foods that are ready to be served are maintained at 135 degrees Fahrenheit or above at all times.

(5) All food or drink stored in the freezer is maintained at a temperature of no higher than 0 degrees Fahrenheit.

(6) Alternative food selections are provided for residents who choose to disclose their [ØÆ] medically prescribed diets to the licensee.

(7) A time schedule for meals is posted daily.

(8) Meals are:

(A) nutritionally balanced and provide the U.S. Department of Agriculture recommended daily allowance of vitamins, minerals, and calories;

(B) of sufficient quantity and quality to meet the nutritional needs of residents; and

(C) served with not more than 14 hours between the beginning of the evening meal and the beginning of the morning meal.

(9) A valid food handler's certificate issued under Section 17-2.2 of this code has been issued in the name of the licensee.

(10) After each usage, all eating and drinking utensils are thoroughly washed and sanitized in hot water containing a suitable soap or synthetic detergent and rinsed in clean hot water. If a mechanical dishwasher is used, dish detergent is required.”

SECTION 41. That Paragraph (1) of Subsection (c), “Food Handling,” of Section 8A-33, “Food and Drink; Meals,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(1) An owner, operator, employee, or resident engaged in food handling shall:

(A) observe sanitary methods, including hand washing; and

(B) not be assigned to preparing foods for others at the facility if carrying a disease that can be transmitted to others in the normal course of food preparation.”

SECTION 42. That Subsection (b), “Individualized Assessment,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) Individualized assessment.

(1) Before allowing an individual to reside at a boarding home facility, the licensee shall conduct an individualized assessment of that individual to determine if the individual would constitute a direct threat. The assessment must consider:

(A) any prior criminal or violent acts of the person;

(B) the amount of time that has elapsed since the commission of any such acts; and

(C) any actions taken [~~treatment or medication received~~] by the person or other circumstances that may have eliminated the direct threat.

(2) In the case of any male resident or potential male resident who has been convicted of an offense requiring registration with any sex offender registry, the individualized assessment must include an assessment [~~a psycho-sexual evaluation~~] of risk [~~such person~~] performed by a [~~duly~~] L[~~1~~]icensed Sex Offender Treatment Provider (“LSOTP”) licensed under the Texas Occupations Code Title 3.110, Subchapters A and G, as amended. The assessment of risk must be obtained from the resident’s or potential resident’s current or former LSOTP. If there is no current LSOTP, or if the former LSOTP’s assessment of risk is more than three years old, a new psycho-sexual evaluation and assessment of risk must be obtained to evaluate the resident’s or potential resident’s risk in the boarding home facility setting. A letter from the LSOTP summarizing his or her assessment of risk is sufficient documentation for the purposes of verifying compliance with the requirements of this paragraph [~~psychiatrist or an individual having a Ph.D. in psychology~~].

(3) The licensee shall ensure that [~~be responsible for determining whether~~] any resident that [~~or potential resident~~] has been convicted of an offense requiring registration with any sex offender registry is registered with the proper authorities.

(4[3]) Prior to the occupancy of any boarding home facility and at least quarterly thereafter, the licensee shall certify in a sworn affidavit to the director that, based on the individualized assessment performed for each resident, no person will or does reside in the boarding home facility whose tenancy would likely constitute a direct threat to the health or safety of that person or other individuals or whose tenancy would result in substantial physical damage to the property of others.”

SECTION 43. That Subsection (c), “Persons Who May Not Reside In A Boarding Home Facility,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(c) Persons who may not reside in a boarding home facility. The licensee shall not allow the following individuals to reside at a boarding home facility:

(1) An individual convicted within the last 10 years of the illegal manufacture or distribution of a controlled substance.

(2) An individual who, based upon an individualized assessment, is likely to constitute a direct threat to the health or safety of the individual or other individuals or whose tenancy would likely result in substantial damage to the property of others.

(3) An individual who requires the provision of personal care services unless the personal care services are provided by outside professionals [~~or other services that state law requires a license to provide~~].”

SECTION 44. That Subsection (d), “Illegal Drug Use,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(d) Illegal drug use.

(1) All residents in a boarding home facility shall completely abstain from using controlled substances. The licensee shall [~~immediately~~] expel as promptly as possible under state law any resident who uses a controlled substance, whether on or off the premises, and shall not readmit the resident to any boarding home facility under the control of the licensee for a period of at least 60 days following the violation. However, nothing contained in this subsection may be construed to prohibit a resident from taking a prescription drug for which that resident has a valid and current prescription.

(2) If the boarding home facility has one or more residents who are recovering from an addiction to alcohol or a controlled substance, the licensee must develop a written plan for ensuring that the residents continue to refrain from using alcohol or controlled substances, including any and all rules by which residents must abide, and must provide such plan to the director at his request.”

SECTION 45. That Subsection (f), “Log,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(f) Log. If a resident with dementia is currently taking a prescription medication, or if a resident is taking a controlled substance or a psychotropic medication pursuant to a current and valid prescription, the licensee shall note in a written log whether the resident has taken, or been reminded to take, his or her medication. The log must provide the resident’s name, the name of the medication, and the date and time that the resident took the medication or was reminded by the licensee to take the medication. Unless prohibited by law, the licensee shall make copies of the log available to the director for inspection upon request.”

SECTION 46. That Paragraph (2) of Subsection (g), “Injuries, Incidents, and Unusual Accidents,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(2) The licensee shall investigate and document on a form provided by the director any injuries, incidents, or unusual accidents to a resident by providing the following information:

- (A) The resident's name.
- (B) The date and time the injury, incident, or unusual accident occurred.
- (C) Description of the injury, incident, or unusual accident.
- (D) Description of any medical or mental health treatment the licensee sought for the resident [~~received~~].
- (E) Steps taken by the owner or operator to prevent future injuries, incidents, or unusual accidents if a problem at the boarding home facility resulted in the injury, incident, or unusual accident.

(F) When the resident's legal guardian, resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative was notified about the injury, incident, or unusual accident."

SECTION 47. That Subsection (i), "Abuse, Neglect, and Exploitation," of Section 8A-34, "Policies and Procedures to Ensure Resident Health and Safety," of Article IV, "Resident Health and Safety," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(i) Abuse, neglect, and exploitation.

(1) A licensee shall report and document any allegations of abuse, neglect, or exploitation of a minor, an adult age 65 or older, or an adult with a disability to the Texas Department of Family and Protective Services. Failure to report suspected abuse, neglect, or exploitation of a minor, an elderly adult, or an adult with a disability is a Class A misdemeanor under Texas law.

(2) A licensee shall ensure that no resident is harassed, threatened, or intimidated at any time for making a report of abuse, neglect, or exploitation.

(3) A licensee shall provide each resident with a copy of the definitions of abuse, neglect, or exploitation as outlined in Chapter 48 of the Texas Human Resources Code, as amended.

(4) A licensee shall allow law enforcement, emergency medical, and fire personnel access to the boarding home facility when these professionals are responding to a call at the boarding home facility.

(5) An owner, operator, or employee may not refer a person to the boarding home facility with which he is associated or to any other facility if he knows or reasonably should know that the facility or its services are not appropriate for the condition of the person being referred.

(6) If the licensee or an employee has any medical or mental health professional examine, diagnose, treat, or provide any other medical or mental health services to a resident, the licensee or employee must provide the resident with:

(A) the name, business address, and telephone number of the person who examined, diagnosed, treated, or provided any other service to the resident;

(B) a written explanation of the nature and results of the examination, diagnosis, treatment, or other service if provided to the licensee or employee by the medical or mental health professional; and

(C) a copy of any prescription for any medicine if provided to the licensee or employee by the medical or mental health professional.

(7) No licensee or employee may:

(A) use corporal punishment on a resident; ~~[or]~~

(B) involuntarily seclude a resident from other residents;

(C) abuse, neglect, or exploit a resident;

(D) receive any referral fees, kickbacks, or other compensation in connection with the placement of residents; or

(E) engage in any coercive practices involving residents' food stamps or disability checks.

(8) Physical and chemical restraints.

(A) No licensee or employee may use a physical restraint or chemical restraint on a resident.

(B) For purposes of Subsection (i)(8)(A), a physical restraint includes a vest, a hand mitt, and a seatbelt, and a chemical restraint includes an anti-psychotic drug and a sedative.

(C) It is a defense to prosecution under Subsection (i)(8)(A) that:

(i) the restraint was authorized by a physician, in writing, for a specified and limited period of time; or

(ii) the licensee or employee is the spouse, legal guardian, or next of kin of the resident or former resident.

(9) Access.

(A) A licensee shall allow a resident's personal physician, nurse, or other health care provider to have immediate access to the resident.

(B) A licensee shall allow the relatives, the guardian, and the legally authorized representative of a resident to have immediate access to the resident during the boarding home facility's visiting hours unless the resident objects."

SECTION 48. That Subsection (j), “Conflicts of Interests,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(j) Conflicts of interests. The purposes of this subsection are to ensure both that residents have the right to manage their own affairs or to choose someone they trust to manage their affairs for them and that licensees and employees do not abuse their positions of power and trust for their own private gain.

- (1) A licensee or employee of a boarding home facility shall not:
 - (A) borrow money from or loan money to residents;
 - (B) be a beneficiary of a current or former resident’s will or life insurance;
 - (C) co-mingle a resident’s funds with the funds of the licensee, employee, or another resident;
 - (D) employ a resident;
 - (E) require a resident to perform any kind of work for any person or entity;
 - (F) go into business with a resident;
 - (G[F]) serve as an employee or independent contractor of a resident;
 - (H[G]) have sexual relations with a resident; or
 - (I[H]) have a power of attorney for a resident’s affairs for any purpose.
- (2) It is a defense to prosecution:
 - (A) under Paragraph (1) that the licensee or employee is the spouse, legal guardian, or next of kin of the resident or former resident;
 - (B) under Paragraph (1)(D) that the licensee or employee pays the resident, either as a monetary payment or as an in-kind contribution towards lodging, food, or services provided by the boarding home facility, at least the federal minimum wage for each hour of work performed [~~employed the resident on the property where the boarding home facility is located~~]; [~~and~~]

(C) under Paragraph (1)(E) that the licensee or employee does not receive any direct or indirect monetary payment, kickback, or in-kind compensation from any person or entity in connection with the resident's work and ensures that the resident receives, either as a monetary payment or as an in-kind contribution towards lodging, food, or services provided by the boarding home facility, an hourly wage that exceeds the federal minimum wage by at least \$3.00 for each hour of work performed by the resident;

(D) under Paragraph (1)(E) that the work required is limited to chores or other routine housekeeping activities; and

(E) under Paragraph (1)([H]) that the licensee or employee is assisting the resident to establish eligibility for a federal or state program that provides financial assistance for medical services, such as Medicaid, or other services needed by the resident.

(3) No licensee or employee may be a representative payee for a resident or assist a resident with general money management unless the Social Security Administration, the resident, the resident's guardian, the resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative authorizes in writing the licensee or employee to be a representative payee or assist the resident with general money management.

(4) If a licensee or employee becomes the representative payee for a resident or assists a resident with general money management, the licensee or employee shall do the following:

(A) Maintain separate financial records for each resident for which the licensee or employee is the representative payee or assists with general money management for the entire period of time the licensee or employee acts in that capacity [~~is the resident's representative payee~~] and continue to maintain the resident's records for one year past the last calendar day the licensee or employee is the resident's representative payee or assists with money management.

(B) Include in the records an itemized list of expenditures that the licensee or employee has made on behalf of the resident, including the charges that are assessed by the licensee or employee.

(C) Maintain receipts for all expenditures in addition to the itemized documentation.

(D) Develop a budget with the resident outlining routine expenditures and ensure that expenditures that are not routine are discussed with the resident before the resident's funds are expended.

(E) Within one business day after receiving a request, allow the resident, the resident's guardian, the resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative access to the resident's financial records that are maintained by the licensee or employee.

(F) Furnish the director a surety bond.

(i) The bond must be in an amount that is enough to cover the average monthly amount of money the licensee or employee manages or handles for all residents based on the following:

<u>Amount of Resident Money Managed/Handled Per Month</u>	<u>Amount of Bond</u>
<u>\$750 or less</u>	<u>\$1,000</u>
<u>\$751 to \$1,500</u>	<u>\$2,000</u>
<u>\$1,501 to \$2,500</u>	<u>\$3,000</u>
<u>Every additional increment of \$1,000 or fraction thereof</u>	<u>Additional \$1,000</u>

(ii) The bond must be issued by a bank or bonding company authorized to do business in the State of Texas.

(iii) The bond must provide that all residents, residents' guardians, residents' legally authorized representatives, or family members designated by the resident, the legal guardian, or the legally authorized representative have the right to directly sue upon the surety bond until the amount of the bond has been exhausted.

(iv) The bond must cover embezzlement or theft by the licensee or employee.

(G) Immediately cease acting as a representative payee once a resident moves out of a boarding home facility or no longer wants the licensee or employee to be his representative payee.

(H) Document the termination of the licensee's or employee's role as representative payee for a resident or former resident and the actions taken by the licensee or employee to ensure that the Social Security Administration recognizes this termination.

(5) A licensee or employee who employs a resident or requires a resident to perform any kind of work for any person or entity pursuant to Sections 8A-34(j)(2)(B) or (C) must maintain documentation of the dates and hours worked by each resident, the type and amount of compensation received by each resident, and the name, address, and telephone number of the person or entity for whom each resident worked. At least monthly, the licensee or employee must also give a signed copy of this documentation to the resident, the resident's guardian, or the resident's legally authorized representative.

SECTION 49. That Section 8A-34, "Policies and Procedures to Ensure Resident Health and Safety," of Article IV, "Resident Health and Safety," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended by adding a new Subsection (n), "Privacy Policy," to read as follows:

"(n) Privacy policy. Each boarding home facility must adopt a privacy policy to ensure the confidentiality of residents' financial, health, and medical information. The owner, operator, or licensee shall give a copy of the privacy policy to the resident, the resident's guardian, or the resident's legally authorized representative."

SECTION 50. That Subsection (f) of Section 8A-35, "Assistance With Self-Administration of Medication," of Article IV, "Resident Health and Safety," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(f) If a boarding home facility stores medications [~~controlled substances~~], the licensee shall adopt and enforce a written policy for preventing the diversion of the medications [~~controlled substances~~]."

SECTION 51. That Section 8A-36, "Requirements for In-Service Education of Boarding Home Facility Staff," of Article IV, "Resident Health and Safety," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-36. REQUIREMENTS FOR IN-SERVICE EDUCATION OF BOARDING HOME FACILITY STAFF.

(a) Each licensee and employee of a boarding home facility must be trained on the following subjects prior to contact with residents or within five days of beginning work, ownership, or management of the facility, whichever is later:

- (1) Employer rules and policies.

(2) Preventing, recognizing, and reporting abuse, neglect, and exploitation of residents.

(3) Residents' rights, including all applicable rights from the following:

(A) Chapter 102 (Rights of the Elderly) of the Texas Human Resource Code, as amended.

(B) Chapter 112 (Developmental Disabilities) of the Texas Human Resource Code, as amended.

(C) Chapter 301 (Fair Housing Practices) of the Texas Property Code, as amended.

(D) Chapter 92 (Residential Tenancies) of the Texas Property Code, as amended.

(4) Policies and procedures for contacting emergency personnel when health or safety of a resident or another individual is at risk.

(5) Complaint process specific to the city and the boarding home facility.

(6) ~~[Assisting residents with self-administration of medication.]~~

~~(7)~~ Prevention, recognition, and reporting of injuries, incidents, and unusual accidents to residents and others in the boarding home facility.

~~(7[8])~~ Emergency, evacuation, and disaster plans.

~~(8[9])~~ Assisting residents with obtaining health and social services.

~~(9[10])~~ Services provided by the boarding home facility, including:

(A) nutrition, meal preparation, and dietary needs, if the boarding home facility provides meal preparation;

(B) sanitation;

(C) laundry, if the boarding home facility provides laundry services;
[and]

(D) house work, if the boarding home facility provides house work;
and

(E) assistance with self-administration of medication, if the boarding home facility provides assistance with self-administration of medication.

(b) Each licensee and employee of a boarding home facility must be trained on the following subjects:

(1) Updates and changes in any policies and procedures within 10 days after the licensee or employee becomes aware of the change.

(2) Orientation specific to the needs of each new resident within three business days of the resident moving into the facility.

(3) Orientation specific to the needs of a resident whose needs have changed due to injury, illness, hospitalization, or other circumstances that affect the resident's needs within one day after licensee or employee becoming aware of the change.”

SECTION 52. That Section 8A-37, “Criminal History,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-37. CRIMINAL HISTORY.

(a) A person may not own or operate a boarding home facility or be employed or volunteer in a position the duties of which involve direct contact with a resident in a boarding home facility before the 10th anniversary of the date the person is convicted of any of the following offenses:

(1) Sections 481.112, 481.1121, 481.1122, 481.113, 481.114, 481.122, Texas Health and Safety Code (illegal manufacture or delivery of a controlled substance), as amended.

(2) Section 481.120, Texas Health and Safety Code (delivery of marijuana), as amended, that is punishable as a felony.

(3) Section 481.124, Texas Health and Safety Code (possession or transport of certain chemicals with intent to manufacture controlled substances), as amended, that is punishable as a felony.

(4[2]) Chapter 19, Texas Penal Code (criminal homicide), as amended.

(5[3]) Chapter 20, Texas Penal Code (kidnapping and unlawful restraint), as amended.

(6) Chapter 20A, Texas Penal Code (trafficking of persons), as amended.

(7[4]) Section 21.02, Texas Penal Code (continuous sexual abuse of young child or children), as amended, or Section 21.11, Texas Penal Code (indecent with a child), as amended.

(8) Section 22.01, Texas Penal Code (assault on a public servant), as amended.

(9[5]) Section 22.011, Texas Penal Code (sexual assault), as amended.

(10[6]) Section 22.02, Texas Penal Code (aggravated assault), as amended.

(11[7]) Section 22.04, Texas Penal Code (injury to a child, elderly individual, or disabled individual), as amended.

(12[8]) Section 22.041, Texas Penal Code (abandoning or endangering child), as amended.

(13[9]) Section 22.08, Texas Penal Code (aiding suicide), as amended.

(14[10]) Section 25.031, Texas Penal Code (agreement to abduct from custody), as amended.

(15[11]) Section 25.08, Texas Penal Code (sale or purchase of a child), as amended.

(16[12]) Section 28.02, Texas Penal Code (arson), as amended.

(17[13]) Section 29.02, Texas Penal Code (robbery), as amended.

(18[14]) Section 29.03, Texas Penal Code (aggravated robbery), as amended.

(19[15]) Section 21.08, Texas Penal Code (indecent exposure), as amended.

(20[16]) Section 21.12, Texas Penal Code (improper relationship between educator and student), as amended.

(21[17]) Section 21.15, Texas Penal Code (improper photography or visual recording), as amended.

(22[18]) Section 22.05, Texas Penal Code (deadly conduct), as amended.

(23[19]) Section 22.021, Texas Penal Code (aggravated sexual assault), as amended.

(24[20]) Section 22.07, Texas Penal Code (terroristic threat), as amended.

(25[21]) Section 33.021, Texas Penal Code (online solicitation of a minor), as amended.

(26[22]) Section 34.02, Texas Penal Code (money laundering), as amended.

(27[23]) Section 35A.02, Texas Penal Code (Medicaid fraud), as amended.

(28[24]) Section 42.09, Texas Penal Code (cruelty to animals), as amended.

(~~29~~[~~25~~]) Chapter 31, Texas Penal Code (theft), as amended, that is punishable as a felony.

(~~30~~[~~26~~]) Section 30.02, Texas Penal Code (burglary), as amended.

(~~31~~[~~27~~]) The laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.

(b) A person may not own or operate a boarding home facility or be employed or volunteer in a position the duties of which involve direct contact with a resident in a boarding home facility before the fifth anniversary of the date the person is convicted of attempt, conspiracy, or solicitation of an offense listed in Subsection (a), any felony offense not listed in Subsection (a), or any of the following non-felony offenses:

(1) Section 48.052, Texas Human Resources Code (failure to report abuse, neglect, or exploitation), as amended or Section 260A.012, Texas Health and Safety Code (failure to report abuse, neglect, or exploitation), as amended.

(2) Section 22.01, Texas Penal Code (assault), as amended, that is punishable as a Class A misdemeanor.

(3) Chapter 31, Texas Penal Code (theft), as amended, that is punishable as a Class A misdemeanor of felony.

(~~4~~[~~2~~]) Section 32.45, Texas Penal Code (misapplication of fiduciary property or property of a financial institution), as amended, that is punishable as a Class A misdemeanor or a felony.

(~~5~~[~~3~~]) Section 32.46, Texas Penal Code (securing execution of a document by deception), as amended, that is punishable as a Class A misdemeanor or a felony.

(~~6~~[~~4~~]) Section 37.12, Texas Penal Code (false identification as peace officer), as amended.

(~~7~~[~~5~~]) Section 42.01(a)(7), (8), or (9), Texas Penal Code (disorderly conduct involving a firearm), as amended.

(8) Section 42.062, Texas Penal Code (interference with emergency request for assistance), as amended, that is punishable as a Class A misdemeanor or felony.

(9) Section 42.07, Texas Penal Code (harassment), as amended that is punishable as a Class A misdemeanor.

(10) Chapter 49, Texas Penal Code (driving while intoxicated), as amended, that is punishable as a Class B misdemeanor, Class A misdemeanor, or felony, if the boarding

home facility provides transportation services.

(11[6]) The laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.

(c) The licensee shall ensure that all employees and [(including] volunteers [~~who are not residents~~] have had a background check of conviction records, pending charges, and disciplinary board decisions completed within the past 12 months [~~two years~~], and is repeated every year thereafter, and that the individual is not disqualified under this section. The owner or operator shall immediately discharge any employee or volunteer whose criminal history reveals conviction of a crime that bars employment or volunteer service at a boarding home facility. A pending appeal of a criminal conviction has no effect on disqualification under this section.

SECTION 53. That Section 8A-38, “Qualifications to Own, Operate, or Work in Facilities With Person Recovering From Substance or Alcohol Abuse,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-38. QUALIFICATIONS TO OWN, OPERATE, OR WORK IN FACILITIES WITH PERSONS RECOVERING FROM SUBSTANCE OR ALCOHOL ABUSE.

(a) If a boarding home facility allows an individual who has an impairment due to the illegal abuse of or addiction to a controlled substance to be a resident, the licensee and all employees and volunteers (other than residents) shall not have used a controlled substance within the previous year without a prescription from a licensed professional.

(b) All operators, employees, and volunteers of a boarding home facility shall completely abstain from illegally using controlled substances. The licensee shall immediately remove from the premises of the boarding home facility any non-resident owner, operator, employee, or volunteer who illegally uses a controlled substance, whether on or off the premises, and shall not allow that person to enter the premises of any boarding home facility under the control of the owner or operator for a period of at least one year following the violation. The licensee shall remove from the premises of the boarding home facility, as promptly as possible under state law, any owner, operator, employee, or volunteer who resides at the boarding home facility and who illegally uses a controlled substance whether on or off the premises, and shall not allow that person to enter the premises of any boarding home facility under the control of the owner or operator for a period of at least one year following the violation. However, nothing contained in this subsection shall be construed to prohibit an operator, employee, or volunteer from taking a prescription drug for which that person has a valid and current prescription.

(c) The licensee shall immediately remove from the premises of a boarding home facility any non-resident owner, operator, employee, or volunteer who currently abuses alcohol, whether on or off the premises, such that the abuse of alcohol prevents that person from performing his or her job duties, if any, at the boarding home facility or who, by reason of such current alcohol abuse, constitutes a direct threat to the property or safety of others. The licensee shall remove from the premises of a boarding home facility, as promptly as possible under state law, any owner, operator, employee, or volunteer who resides at the boarding home facility and who currently abuses alcohol, whether on or off the premises, such that the abuse of alcohol prevents that person from performing his or her job duties, if any, at the boarding home facility or who, by reason of such current alcohol abuse, constitutes a direct threat to the property or safety of others.

(d) If the licensee removes a person from the premises of a boarding home facility under Subsection (c), the licensee shall not allow that person to re-enter the premises of any boarding home facility under the control of the owner or operator until that person is able to perform his or her job duties, if any, at a boarding home facility and does not constitute a direct threat to the property or safety of others.”

SECTION 54. That Subsection (a) of Section 8A-39, “Assessment and Periodic Monitoring of Residents,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(a) For any resident with dementia or who has been prescribed a controlled substance or psychotropic medication, t[F]he licensee, or a designee of the licensee, shall complete and document an annual assessment and conduct periodic monitoring to ensure that each resident is capable of self-administering medication and completing basic elements of personal care as listed in Subsections (b) and (c). The assessment will be used as a tool to determine if the needs of the resident can be provided by a boarding home facility or if the resident needs personal care services or medication administration that cannot be provided by the boarding home facility. The initial assessment of a resident must be completed within 30 days after the date the resident began residing at the facility.”

SECTION 55. That Subsection (b) of Section 8A-39, “Assessment and Periodic Monitoring of Residents,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) Elements of the self-administration of medication to be assessed include the ability to perform each of the following tasks with little or no assistance:

- (1) Identifying the name of the medication.

(2) Providing a reason for the medication (the owner or operator cannot force the resident to disclose a health condition that is the basis for the medication if the resident refuses).

(3) Distinguishing color or shape.

(4) Preparing the correct number of pills (dosage).

(5) Confirming the time to take medications.

(6) Reading labels.”

SECTION 56. That Section 8A-40, “Violations; Penalty,” of Article V, “Enforcement,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-40. VIOLATIONS; PENALTY.

(a) Regardless of a boarding home facility’s licensing status, a [A] person who violates any provision of this chapter, or who fails to perform a duty required by this chapter, commits an offense.

(b) A licensee, owner, operator, employee, or other person in control of a licensed or unlicensed boarding home facility commits an offense if he or she knowingly operates an unsafe facility that represents an immediate threat to the health or safety of a resident, including a situation that has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident.

(c) A licensee, owner, operator, employee, or volunteer shall not operate a boarding home facility in a manner that results in illegal or nuisance activities including, but not limited to, disturbance of the peace, illegal drug activity, harassment of passers-by, public urination, theft, assault, vandalism, littering, illegal parking, loud noise, disorderly conduct, lewd conduct, or police detention or arrests.

(d) An offense under this chapter is punishable by a fine not to exceed:

(1) \$2,000 if the provision violated governs fire safety, public health, or sanitation; or

(2) \$500 for all other offenses.

(e) An offense under this chapter is punishable by a fine of not less than \$250 for a first conviction of a violation of this chapter.

(f) The minimum fine established in Subsection (e) will double for the second conviction of the same offense within any 24-month period and treble for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d).

(g) A separate offense occurs each day or part of a day the violation is committed, continued, or permitted.

(h[e]) Emergency closing order.

(1) If the director finds a licensed or unlicensed boarding home facility operating in violation of the standards prescribed by this chapter and the violations create an immediate threat to the health and safety of a resident in the facility, the director may order the immediate closing of all or part of the facility.

(2) The order of immediate closure under Paragraph (1) is effective immediately on providing written notice of the order to the owner or operator by facsimile, e-mail, or hand-delivery.

(3) The order of closure of all or part of a boarding home facility is valid for 10 days after its effective date.

(4) If the licensee, owner, or operator does not promptly relocate the residents of the boarding home facility upon receiving the order of closure for that facility, the city shall provide for the relocation of those residents. If possible, the city will relocate those residents to a boarding home facility in the city for which there is a current valid license. The relocation may not be to a facility with a more restrictive environment unless all other reasonable alternatives are exhausted. The director is authorized to seek to recover the cost of relocating the residents from the owner and operator of the closed facility.

(5) An emergency closing order may be appealed to the permit and license appeal board in accordance with Section 2-96 as if it were a permit. The director and the permit and license appeal board shall expedite any hearing or decision involving an emergency closing order issued under this section. An appeal to the permit and license appeal board does not stay enforcement of an emergency closing order.

(i[f]) The city attorney may petition a district court or a county court at law for civil penalties and for injunctive relief to restrain a continuing violation of the standards or licensing requirements for a boarding home facility under this chapter if the violation creates an immediate threat to the health or safety of the facility residents.

(j[g]) The remedies and procedures in this section and in other laws are cumulative law, and the use of any particular remedy or procedure does not prevent the enforcement of any other law.”

SECTION 57. That Section 27-31, "Registration Application," of Article VII, "Registration and Inspection of Multi-Tenant Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code is amended to read as follows:

"SEC. 27-31. REGISTRATION APPLICATION.

To obtain a certificate of registration for a multi-tenant property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the multi-tenant property. The application must contain the following information:

- (1) the name, address, and telephone number of the applicant or the applicant's authorized agent;
- (2) the name, all legal addresses, and the main telephone number, if any, of the multi-tenant property.
- (3) the name, address, and telephone number of a person or persons to contact in an emergency as required by Section 27-39 of this article;
- (4) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business;
- (5) the number of units, buildings, and swimming pools located on the multi-tenant property and the total number of bedrooms located on the property (a unit with no separate bedroom will be counted as one bedroom);
- (6) documentary evidence of payment of ad valorem taxes owed in connection with the multi-tenant property;
- (7) the names, addresses, and telephone numbers of any lien holders and insurance carriers for the multi-tenant property;
- (8) the names, addresses, and telephone numbers of all owners, operators, property managers, and other persons in control of the multi-tenant property and of any other persons designated to attend meetings as required by Section 27-44 of this article;
- (9) the current occupancy rate of the multi-tenant property (expressed as a percentage); ~~and~~

(10) the names, addresses, and telephone numbers of any person or entity leasing one or more units and providing services such as community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with the self-administration of medication to residents of those units; the number and location of such units; the number of residents in each unit; and a description of the on-site services provided to residents by the person or entity leasing the units; and

(11) such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.”

SECTION 58. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 59. That Chapters 8A and 27 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 60. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 61. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: E-Gov
AGENDA DATE: May 27, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Human Resources
CMO: A. C. Gonzalez, 670-3302
MAPSCO: N/A

SUBJECT

Authorize a 4% increase in the annual base salary of City Auditor Craig Daniel Kinton, CPA in the amount of \$7,832 from \$195,815 to \$203,647 plus the associated pension contribution in the amount of \$1,020 and Medicare in the amount of \$114 for a total additional cost of \$8,966, effective May 28, 2015 - Financing: Current Funds

BACKGROUND

The City Council evaluated the performance of City Auditor Craig D. Kinton on April 22, 2015. As a result of this annual performance review, the City Auditor's annual base salary is increased by 4%.

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

On April 22, 2015, the City Council discussed the City Auditor's performance review.

Council Resolution No. 14-0876 approved a merit increase to the annual base salary for City Auditor Craig Kinton; increasing his base annual base salary by four percent 4% from \$188,283.27 to \$195,814.60, effective May 28, 2014.

On May 14, 2014, the City Council discussed the City Auditor's performance review.

FISCAL INFORMATION

Current Funds - \$8,965.95

May 27, 2015

WHEREAS, on April 22, 2015, the City Council conducted an annual performance review of the City Auditor; and

WHEREAS, as a result of the reviews, and based upon the City Council's evaluation of the performance of this City officer, the City Council has determined that this officer should receive a 4% merit increase in his annual base salary;

NOW, THEREFORE,

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

Section 1. That the City Auditor's annual base salary is increased by 4%, in the amount of \$7,832.58 from \$195,814.60 to \$203,647.18 plus the associated pension contribution in the amount of \$1,019.80 and Medicare in the amount of \$113.57 for a total additional cost of \$8,965.95, effective May 28, 2015.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 27, 2015

COUNCIL DISTRICT(S): 1, 3, 4

DEPARTMENT: Public Works Department
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: 44Y 53A E 54K M

SUBJECT

Authorize **(1)** street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3000; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on August 12, 2015, to receive comments - Financing: No cost consideration to the City

BACKGROUND

Elmdale Place from Polk Street to Tyler Street was requested by property owner petition and accepted on December 22, 2011. Rockwood Street from Jerden Lane to Pembroke Avenue was requested by property owner petition and accepted on May 21, 2008. The alley between Bishop Avenue and Haines Avenue from Neches Street to Wickford Street was requested by property owner petition and accepted on March 10, 2008. The alley between Mt. Nebo Street and Mt. Shasta Street from Mt. Royal Street to Mt. Ranier Street was requested by property owner petition and accepted on September 9, 2010. All of these projects were subsequently funded in the 2012 Bond Program. A professional services contract for the design of this project was authorized by City Council by Resolution No. 13-1731, on September 25, 2013, and this action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The street improvements will consist of upgrading the existing unimproved two-lane asphalt streets with 26-foot wide concrete pavement with curbs, sidewalks, drive approaches, installation of a storm drainage system and water and wastewater main improvements. The alley improvements will consist of upgrading the unimproved gravel and dirt alleys with 10-foot wide concrete pavement, and water and wastewater main improvements.

BACKGROUND (Continued)

The paving assessment process requires the following three steps:

1. Authorize paving improvements
2. Authorize a benefit assessment hearing
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction

These actions are the 1st and 2nd steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2013
Completed Design	April 2015
Begin Construction	October 2015
Complete Construction	December 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on September 25, 2013, by Resolution No.13-1731.

FISCAL INFORMATION

Design	\$ 154,857.35
Construction	
Paving&Drainage (PBW)	\$1,578,875.00 (est.)
Water & Wastewater (WTR)	<u>\$ 412,370.96 (est.)</u>
Total Project Cost	\$2,146,103.31 (est.)

<u>Council District</u>	<u>Amount</u>
1	\$831,152.45 (est.)
3	\$327,433.51 (est.)
4	<u>\$832,660.00 (est.)</u>
Total	\$1,991,245.96 (est.)

This project does involve assessments.

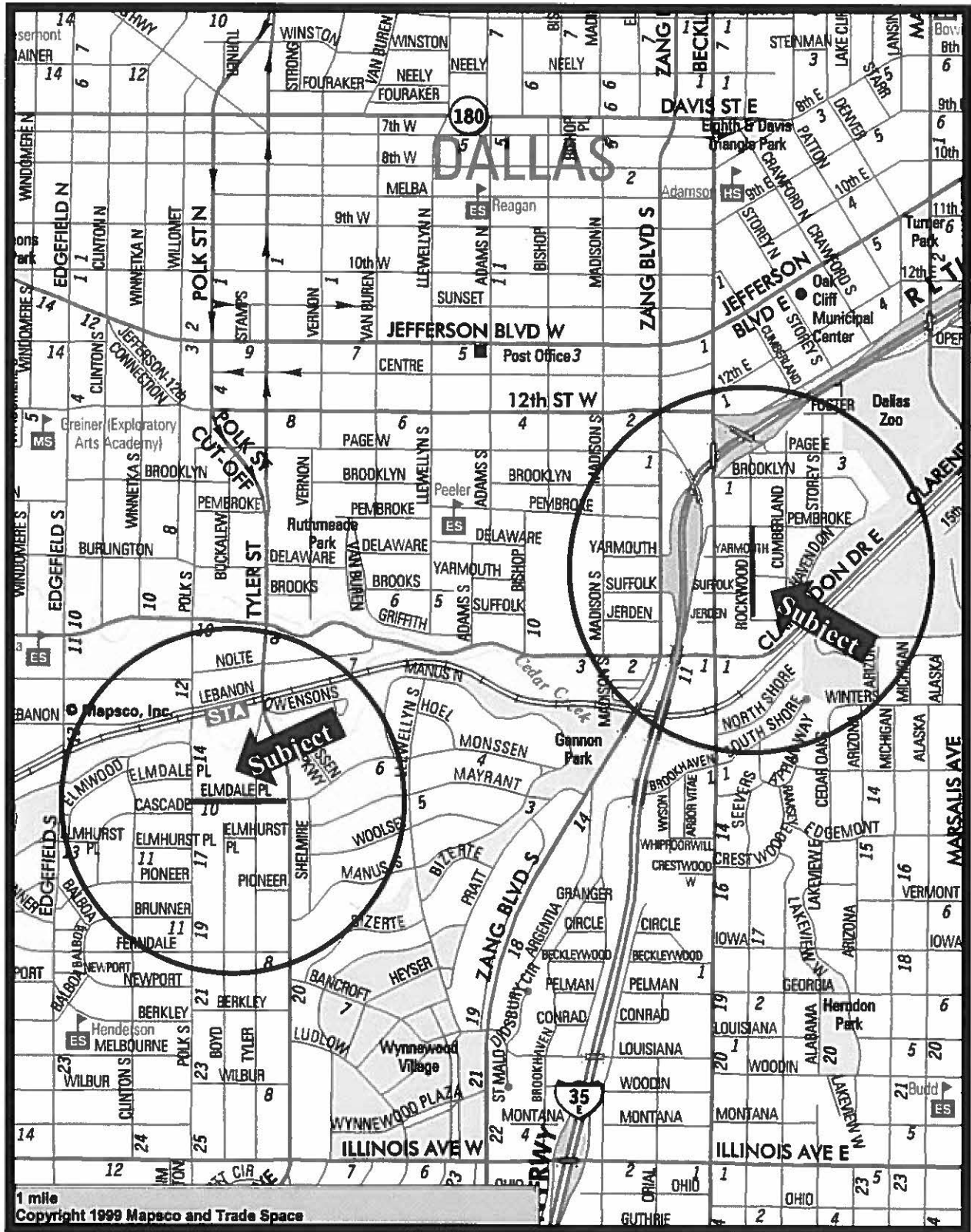
MAPS

Attached.

Project Group 12-3000

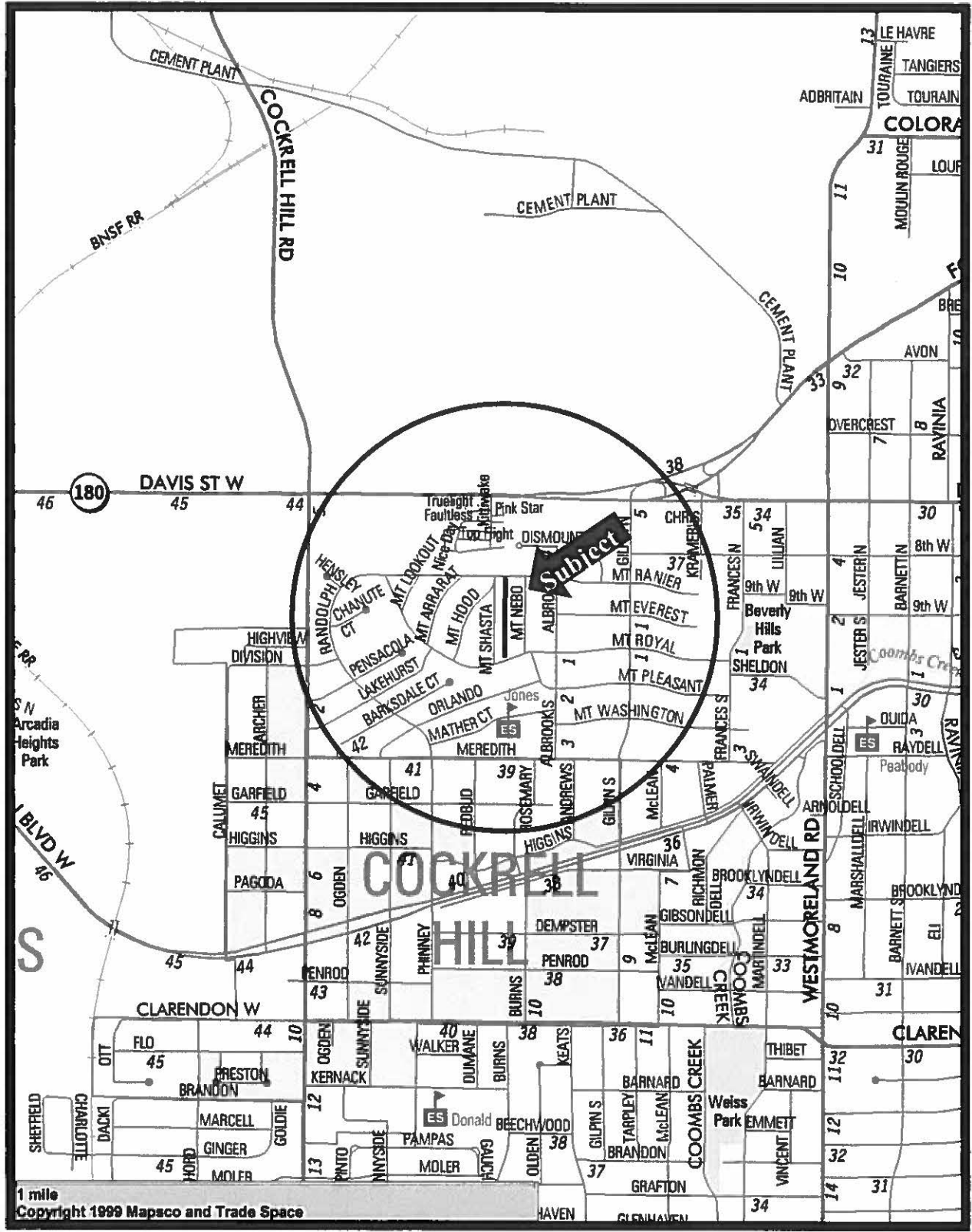
<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Elmdale Place	from Polk Street to Tyler Street	1
Rockwood Street	from Jerden Lane to Suffolk Avenue to Yarmouth Street to Pembroke Avenue	4
Alley between Bishop Avenue and Haines Avenue	from Neches Street to Wickford Street	1
Alley between Mt. Nebo Street and Mt. Shasta Street	from Mt. Royal Street to Mt. Ranier Street	3

Project Group 12-3000



Mapsco 54K, M

Project Group 12-3000



Mapsco 53A, E

May 27, 2015

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named streets and alleys within the City of Dallas.

Now, Therefore,

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

SECTION 1. That the following streets and alleys

Project Group 12-3000

Streets:

1. Elmdale Place from Polk Street to Tyler Street
2. Rockwood Street from Jerden Lane to Suffolk Avenue to Yarmouth Street to Pembroke Avenue

Alleys:

3. Alley between Bishop Avenue and Haines Avenue from Neches Street to Wickford Street
4. Alley between Mt. Nebo Street and Mt. Shasta Street from Mt. Royal Street to Mt. Ranier Street

shall be improved in the following manner, to wit:

(1) That said streets and alleys shall be profiled so as to bring same to design grade.

(2) That said streets shall be paved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and,

(3) That said alleys shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with an 6-inch thick subgrade; and,

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

May 27, 2015

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of storm sewers, and also all the cost of improving intersections of said streets and alleys with other street and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets, railways, and steam railways, as provided in Subsection (a)

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks and alleys shall be paid by the owners of property abutting on said streets and alleys named to be paved, in the following manner, to wit:

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

May 27, 2015

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Public Works. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Public Works. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Public Works is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street and alley improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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.

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No. _____ dated _____ has ordered and directed that the following street in said City be improved, to wit:

Project Group 12-3000

1. Elmdale Place from Polk Street to Tyler Street

North Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot(s)</u>
Cedar Heights Acreage	5159	4.2 (Pt Lts 3&4) 50'Fr Polk
Cedar Heights Acreage	5159	4.3 (Pt Lts 3&4) 100'Fr Polk
Cedar Heights Acreage	5159	4.4 (Pt Lts 3&4) 150'Fr Polk
Cedar Heights Acreage	5159	4.5 (Pt Lts 3&4) 200'Fr Polk
Cedar Heights Acreage	5159	4.6 (Pt Lts 3&4) 250'Fr Polk
Cedar Heights Acreage	5159	33F, Elmdale 250'Fr Tyler
Cedar Heights Acreage	5159	33E, 50x150 Elmdale 200'Fr Tyler
	5159	33D, 50x150 Elmdale 150'Fr Tyler
	5159	33C, 50x150 Elmdale 100'Fr Tyler
	5159	Pt Lts 33 & 34, Elmdale&Tyler 100x150

South Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot(s)</u>
Cedar Heights Acreage	5160	Pt Lt 32, 50x150
	5160	Pt 32, 50x150 Elmdale 50'Fr Tyler
Cedar Heights Acreage	5160	Pt 32, 50x150 Elmdale 100'Fr Tyler
	5160	32,50x150, 150'Fr Tyler
	5160	F2
	5160	F1
	5160	Pt 5-50x140 Elmdale 250'Fr Polk
	5160	D2, Elmdale 200'Fr Polk
	5160	D1, Elmdale 150'Fr Polk
	5160	Pt Lt 5, 50x140, Elmdale 100'Fr Polk
Cedar Heights Acreage	5160	Pt Lt 5, 50x140 Elmdale 50'Fr Polk

Notice of Assessment Proceedings and Lien Upon Abutting Property
Page 2

2. Rockwood Street from Jerden Lane to Suffolk Avenue to Yarmouth Street to Pembroke Avenue

West Side of Street

East Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>	<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Seymour Place	9/3424	11	Forest Highlands	F/3425	1
Seymour Place	9/3424	12	Forest Highlands	F/3425	2
Seymour Place	9/3424	13	Forest Highlands	F/3425	3
Seymour Place	9/3424	14	Forest Highlands	F/3425	4
Seymour Place	9/3424	15	Forest Highlands	F/3425	5
Seymour Place	9/3424	16	Forest Highlands	F/3425	6
Seymour Place	8/3425	7	Forest Highlands	F/3425	7
Seymour Place	8/3425	8	Forest Highlands	F/3425	8
Seymour Place	8/3425	9	Forest Highlands	F/3425	9
Seymour Place	8/3425	10	Forest Highlands	J/3424	1
Seymour Place	8/3425	11	Forest Highlands	J/3424	2
Seymour Place	8/3425	12	Forest Highlands	J/3424	3
Seymour Place	7/3425	6	Forest Highlands	J/3424	4
Seymour Place	7/3425	7	Forest Highlands	J/3424	5
Seymour Place	7/3425	8	Forest Highlands	J/3424	6
Seymour Place	7/3425	E Pt Lt 9	Forest Highlands	J/3424	7
		50X110	Forest Highlands	J/3424	8
Seymour Place	7/3425	10, 50x110			

3. Alley between Bishop Avenue and Haines Avenue from Neches Street to Wickford Street

West Side of Alley

South Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>	<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Miller & Stemmons	35/3355	3	Miller & Stemmons	35/3355	14
Miller & Stemmons	35/3355	4	Miller & Stemmons	35/3355	16
Miller & Stemmons	35/3355	5	Miller & Stemmons	35/3355	N. 47.8' of Lt 17
Miller & Stemmons	35/3355	6	Miller & Stemmons	35/3355	18 & 2.2' Lt 17
Miller & Stemmons	35/3355	7			
Miller & Stemmons	35/3355	8			
Miller & Stemmons	35/3355	9			
Miller & Stemmons	35/3355	10			

Notice of Assessment Proceedings and Lien Upon Abutting Property
Page 3

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

May 27, 2015

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Project Group 12-3000

Streets:

1. Elmdale Place from Polk Street to Tyler Street
2. Rockwood Street from Jerden Lane to Suffolk Avenue to Yarmouth Street to Pembroke Avenue

Alleys:

3. Alley between Bishop Avenue and Haines Avenue from Neches Street to Wickford Street
4. Alley between Mt. Nebo Street and Mt. Shasta Street from Mt. Royal Street to Mt. Ranier Street

for a part of the cost of improving said streets and alleys, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the streets enumerated above, by paving said streets from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the alleys enumerated above, by paving said alleys with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick subgrade; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

WHEREAS, the Director of Public Works of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

May 27, 2015

Now, Therefore,

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

SECTION 1. That the report or statement filed by the Director of Public Works having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described streets and alleys, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

Project Group 12-3000

Streets:

1. Elmdale Place from Polk Street to Tyler Street
2. Rockwood Street from Jerden Lane to Suffolk Avenue to Yarmouth Street to Pembroke Avenue

Alleys:

3. Alley between Bishop Avenue and Haines Avenue from Neches Street to Wickford Street
4. Alley between Mt. Nebo Street and Mt. Shasta Street from Mt. Royal Street to Mt. Ranier Street

shall be improved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and

shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick subgrade; and

The estimated cost of the improvements is **\$1,991,245.96 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$41.16/S. Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for concrete alley is: **\$15.96/L. F.**
- c. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

May 27, 2015**Where Property Classification is WSR-I (Residential R-7.5 (A))**

The front rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$69.02/L. F.**

The front rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with existing curb: **\$67.14/L. F.**

The front rate for 4-inch thick reinforced concrete sidewalk is: **\$7.77/L. F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **12th** day of **August**, A.D. **2015**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act.

May 27, 2015

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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.

Engineer's Report

May 27, 2015

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of Project Group 12-3000. That said streets shall be paved curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and that said alleys shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with an 6-inch thick subgrade and with estimates of the cost of improving the streets and alleys as listed thereon, together with the proposed assessments, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

Project Group 12-3000 - Streets:

1. Elmdale Place from Polk Street to Tyler Street

Total Property Owners' Cost - Assessments		\$86,808.78
Total Estimated City of Dallas' Cost - Paving	\$248,385.72	
Total Estimated City of Dallas' Cost - Drainage	\$51,980.50	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	\$212,688.38	
Total Estimated City of Dallas' Cost		\$513,054.60
Total Estimated Cost of Improvements		\$599,863.38

2. Rockwood Street from Jerden Lane to Suffolk Avenue to Yarmouth Street to Pembroke Avenue

Total Property Owners' Cost - Assessments		\$113,386.65
Total Estimated City of Dallas' Cost - Paving	\$549,939.35	
Total Estimated City of Dallas' Cost - Drainage	\$169,334.00	
Total Estimated City of Dallas' Cost		\$719,273.35
Total Estimated Cost of Improvements		\$832,660.00

Alleys:

3. Alley between Bishop Avenue and Haines Avenue from Neches Street to Wickford Street

Total Property Owners' Cost - Assessments		\$12,560.52
Total Estimated City of Dallas' Cost - Paving	\$132,733.48	
Total Estimated City of Dallas' Cost - Drainage	\$396.00	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	\$85,599.07	
Total Estimated City of Dallas' Cost		\$218,728.55
Total Estimated Cost of Improvements		\$231,289.07

4. Alley between Mt. Nebo Street and Mt. Shasta Street from Mt. Royal Street to Mt. Ranier Street

Total Property Owners' Cost - Assessments		\$25,742.63
Total Estimated City of Dallas' Cost - Paving	\$187,211.37	
Total Estimated City of Dallas' Cost - Drainage	\$396.00	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	\$114,083.51	
Total Estimated City of Dallas' Cost		\$301,690.88
Total Estimated Cost of Improvements		\$327,433.51

Project Group 12-3000

Streets:

1. Elmdale Place from Polk Street to Tyler Street
2. Rockwood Street from Jerden Lane to Suffolk Avenue to Yarmouth Street to Pembroke Avenue

Alleys:

3. Alley between Bishop Avenue and Haines Avenue from Neches Street to Wickford Street
4. Alley between Mt. Nebo Street and Mt. Shasta Street from Mt. Royal Street to Mt. Ranier Street

Grand Total Property Owners' Cost - Assessments \$238,498.58

Estimated Grand Total City of Dallas' Cost - Paving \$1,118,269.92

Estimated Grand Total City of Dallas' Cost - Drainage \$222,106.50

Estimated Grand Total Water Utilities Department Cost \$412,370.96
Water and Wastewater Main Improvements

Estimated Grand Total City of Dallas' Cost \$1,752,747.38

Estimated Grand Total Cost of Improvements \$1,991,245.96

The Director of Public Works reports that representatives of this Department have studied the actual existing conditions on the ground on these particular streets and alleys, and find that the existing roadways have a narrow asphalt surface with shallow earth drainage ditches; and that there are poor conditions existing on these dirt and gravel alleys which have accessibility and drainage issues. Taking all of this and other factors into consideration; plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said streets and alleys, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,

Director, Public Works Department

PROJECT GROUP 12-3000

1. ELMDALE PLACE FROM POLK STREET TO TYLER STREET

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTH SIDE OF STREET						
<i>CEDAR HEIGHTS ACREAGE</i>						
JESSE D LUNA EST OF 1023 ELMDALE PL DALLAS, TX 75224	4.1 (Pt Lts 3 & 4)	5159				NO ASSESSMENT PAVEMENT IN PLACE
	Elmdale & Polk					
NOLVIA W VELASQUEZ 1019 ELMDALE PL DALLAS, TX 75224	4.2 (Pt Lts 3 & 4)	5159	50 FT PVMT 40 FT WALK 10.8 SY DR(10' Wide)	\$69.02 No Cost \$41.16	\$3,451.00 \$0.00 \$444.53	
	50Fr Polk					\$3,895.53
THE BANK OF NEW YORK SUITE 100 1661 WORTHINGTON RD WEST PALM BEACH FLORIDA, 33409-6493	4.3 (Pt Lts 3 & 4)	5159	50 FT PVMT 33 FT WALK 17.7 SY DR(12' Wide)	\$69.02 \$7.77 \$41.16	\$3,451.00 \$256.41 \$728.53	
	100 Fr Polk 1015 Elmdale PI					\$4,435.94
JORGE CARDONA 1011 ELMDALE PL DALLAS, TX 75224	4.4 (Pt Lts 3 & 4)	5159	50 FT PVMT 27 FT WALK 25 SY DR(18' Wide)	\$69.02 \$7.77 \$41.16	\$3,451.00 \$209.79 \$1,029.00	
	150 Fr Polk					\$4,689.79
ATANACIO TORRES & CLARA M BERMUDEZ 1007 ELMDALE PL DALLAS, TX 75224	4.5 (Pt Lts) 3 & 4)	5159	50 FT PVMT 35 FT WALK 15.2 SY DR(10' Wide)	\$69.02 \$7.77 \$41.16	\$3,451.00 \$271.95 \$625.63	
	200 Fr Polk					\$4,348.58

PROJECT GROUP 12-3000

1. ELMDALE PLACE FROM POLK STREET TO TYLER STREET

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
<i>CEDAR HEIGHTS ACREAGE</i>						
JOSE RODRIGUEZ 1003 ELMDALE PL DALLAS, TX 75224	4.6 (Pt Lts 3 & 4) 250Fr Polk	5159	50 FT PVMT 38 FT WALK 12 FT DRIVE	\$69.02 \$7.77 No Cost	\$3,451.00 \$295.26 \$0.00	\$3,746.26
PATRICIA COUCH 638 MAYRANT DR DALLAS, TX 75224	33F Elmdale 250Fr Tyler 923 Elmdale PI	5159	50 FT PVMT 40 FT WALK 10 FT DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00
STEVEN J ELWELL 432 W JEFFERSON BLVD DALLAS, TX 75208-4637	33E 50x150 Elmdale 200Fr Tyler 919 Elmdale PI	5159	50 FT PVMT 30 FT WALK 18.3 SY DR(10' Wide)	\$69.02 \$7.77 \$41.16	\$3,451.00 \$233.10 \$753.23	\$4,437.33
HELEN ALEXANDER 915 ELMDALE PL DALLAS, TX 75224	33D 50x150 Elmdale 150Fr Tyler	5159	50 FT PVMT 50 FT WALK	\$69.02 \$7.77	\$3,451.00 \$388.50	\$3,839.50
CHARLES M ALEXANDER 911 ELMDALE PL DALLAS, TX 75224	33C 50x150 Elmdale 100Fr Tyler	5159	50 FT PVMT 40 FT WALK 10 FT DRIVE	\$69.02 \$7.77 No Cost	\$3,451.00 \$310.80 \$0.00	\$3,761.80

PROJECT GROUP 12-3000

1. ELMDALE PLACE FROM POLK STREET TO TYLER STREET

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
<i>CEDAR HEIGHTS ACREAGE</i>						
JUAN SAUCEDA 903 ELMDALE PL DALLAS, TX 75224	Pt Lts 33&34 Elmdale & Tyler 100x150	5159	100 FT PVMT 80 FT WALK 12 FT DRIVE	\$69.02 \$7.77 No Cost	\$6,902.00 \$621.60 \$0.00	\$7,523.60
SOUTH SIDE OF STREET						
ALEJANDRO HERNANDEZ 902 ELMDALE PL DALLAS, TX 75224	Pt Lt 32 50x150 Elmdale Pl & Tyler	5160	50 FT PVMT 35 FT WALK 15.2 SY DR(10' Wide)	\$69.02 \$7.77 \$41.16	\$3,451.00 \$271.95 \$625.63	\$4,348.58
HESTA M HARRIS 906 ELMDALE PL DALLAS, TX 75224	Pt 32 50x150 Elmdale 50Fr Tyler	5160	50 FT PVMT 33 FT WALK 17 FT DRIVE	\$69.02 \$7.77 No Cost	\$3,451.00 \$256.41 \$0.00	\$3,707.41
RENE A DEALBA & MARTHA DEALBA 910 ELMDALE PL DALLAS, TX 75224	Pt 32 50x150 Elmdale 100' Fr Tyler	5160	50 FT PVMT 38 FT WALK 12 FT DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00
MANUEL & MARIA V LOPEZ 914 ELMDALE PL DALLAS, TX 75224	32 50x150 150Fr Tyler	5160	50 FT PVMT 30 FT WALK 20 FT DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00

PROJECT GROUP 12-3000

1. ELMDALE PLACE FROM POLK STREET TO TYLER STREET

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
ABEL LEIJA 918 ELMDALE PL DALLAS, TX 75224	F-2	5160	50 FT PVMT 30 FT WALK 21.7 SY DR(20'Wide)	\$69.02 No Cost \$41.16	\$3,451.00 \$0.00 \$893.17	\$4,344.17
UNITED STATES OF AMERICA SUITE 1657 1100 COMMERCE ST DALLAS, TX 75242	F-1 922 Elmdale Pl	5160	50 FT PVMT 30 FT WALK 21.7 SY DR(20'Wide)	\$69.02 No Cost \$41.16	\$3,451.00 \$0.00 \$893.17	\$4,344.17
MAURO S & MARGARET CRUZ 1002 ELMDALE PL DALLAS, TX 75224	Pt 5 50x140 Elmdale 250Fr Polk	5160	50 FT PVMT 40 FT WALK 10.8 SY DR(10' Wide)	\$69.02 No Cost \$41.16	\$3,451.00 \$0.00 \$444.53	\$3,895.53
RAMON ESQUIVEL 1006 ELMDALE PL DALLAS, TX 75224	D-2 Elmdale 200Fr Polk	5160	50 FT PVMT 30 FT WALK 10.8 SY DR(10' Wide) 10 FT DRIVE	\$69.02 No Cost \$41.16 No Cost	\$3,451.00 \$0.00 \$444.53 \$0.00	\$3,895.53
JUAN J TOBIAS & MARTINA E TOBIAS 1010 ELMDALE PL DALLAS, TX 75224	D-1 Elmdale 150Fr Polk	5160	50 FT PVMT 40 FT WALK 10.8 SY DR(10' Wide)	\$69.02 No Cost \$41.16	\$3,451.00 \$0.00 \$444.53	\$3,895.53

PROJECT GROUP 12-3000

1. ELMDALE PLACE FROM POLK STREET TO TYLER STREET

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
JOSE SALAS	Pt Lt 5	5160	50 FT PVMT	\$69.02	\$3,451.00	
1014 ELMDALE PL	50x140		30 FT WALK	No Cost	\$0.00	
DALLAS, TX 75224	Elmdale		10.8 SY DR(10' Wide)	\$41.16	\$444.53	
	100'Fr Polk		10 FT DRIVE	No Cost	\$0.00	
						\$3,895.53

CEDAR HEIGHTS ACREAGE

ROY HERNANDEZ JR & ERIK HERNANDEZ	Pt Lt 5	5160	50 FT PVMT	\$69.02	\$3,451.00	
1018 ELMDALE PL	50x140		40 FT WALK	No Cost	\$0.00	
DALLAS, TX 75224	Elmdale		10 FT DRIVE	No Cost	\$0.00	
	50Fr Polk					
						\$3,451.00

JIMMY D HOLLOWAY	Pt 5	5160				NO ASSESSMENT
1022 ELMDALE PL	50x140					PAVEMENT IN PLACE
DALLAS, TX 75224	Elmdale & Polk					

PROJECT GROUP 12-3000

1. ELMDALE PLACE FROM POLK STREET TO TYLER STREET

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$86,808.78
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$300,366.22	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN CONSTRUCTION	\$212,688.38	
ESTIMATED TOTAL CITY OF DALLAS' COST		\$513,054.60
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$599,863.38

PROJECT GROUP 12-3000

2. ROCKWOOD STREET FROM JERDEN LANE TO SUFFOLK AVENUE TO YARMOUTH STREET TO PEMBROKE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET							
SEYMOUR PLACE							
ARMANDO G ESTRADA 1033 ROCKWOOD ST DALLAS, TX 75203	11	9/3424	50 FT 20 FT 10 FT	AJD TO PVMT DRIVE	\$69.02 No Cost	\$1,380.40 \$0.00	\$1,380.40
DELFINO S LOPEZ 1031 ROCKWOOD ST DALLAS, TX 75203	12	9/3424	50 FT 40 FT 10 FT	PVMT WALK DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00
ELICENA MONSIVAIS & RAMON SANCHEZ 1029 ROCKWOOD ST DALLAS, TX 75203	13	9/3424	50 FT 40 FT 10 FT	PVMT WALK DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00
VALENTE MONCIVAIS & MARIA D MONCIVAIS 1027 ROCKWOOD ST DALLAS, TX 75203	14	9/3424	50 FT 50 FT	PVMT WALK	\$69.02 No Cost	\$3,451.00 \$0.00	\$3,451.00
PATRICIA AMADOR 1007 ROCKWOOD ST DALLAS, TX 75203	15	9/3424	50 FT 40 FT 10 FT	PVMT WALK DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00

PROJECT GROUP 12-3000

2. ROCKWOOD STREET FROM JERDEN LANE TO SUFFOLK AVENUE TO YARMOUTH STREET TO PEMBROKE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
SEYMOUR PLACE							
SUFFOLK AVE INTERSECTS							
AMELIA RIOS ESTATE OF 1003 ROCKWOOD ST DALLAS, TX 75203	16	9/3424	50 FT 40 FT 40 FT	ADJ TO PVMT WALK	\$69.02 No Cost	\$2,760.80 \$0.00	\$2,760.80
BENJAMIN FLORES 927 ROCKWOOD ST DALLAS, TX 75203	7	8/3425	57 FT 50 FT 50 FT	ADJ TO PVMT WALK	\$69.02 No Cost	\$3,451.00 \$0.00	\$3,451.00
GABRIEL R CARDONA ETAL 923 ROCKWOOD ST DALLAS, TX 75203	8	8/3425	50 FT 40 FT 10 FT	PVMT WALK DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00
JOSE C ARMIJO 919 ROCKWOOD ST DALLAS, TX 75203	9	8/3425	50 FT 40 FT 10 FT	PVMT WALK DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00
LEONICIO&HIGINIA G CRUZ 915 ROCKWOOD ST DALLAS, TX 75203	10	8/3425	50 FT 40 FT 10.8 SY	PVMT WALK DR(10'Wide)	\$69.02 No Cost \$41.16	\$3,451.00 \$0.00 \$444.53	\$3,895.53

PROJECT GROUP 12-3000

2. ROCKWOOD STREET FROM JERDEN LANE TO SUFFOLK AVENUE TO YARMOUTH STREET TO PEMBROKE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
SEYMOUR PLACE							
RAYMOND CASTILLEJA 911 ROCKWOOD ST DALLAS, TX 75203	11	8/3425	57 FT 50 FT 50 FT	ADJ TO PVMT WALK	\$69.02 No Cost	\$3,451.00 \$0.00	\$3,451.00
ELBA MARTINEZ 907 ROCKWOOD ST DALLAS, TX 75203	12	8/3425	50 FT 45 FT 45 FT	ADJ TO PVMT WALK	\$69.02 No Cost	\$3,105.90 \$0.00	\$3,105.90
YARMOUTH ST INTERSECTS							
MARIA G GUZMAN 819 ROCKWOOD ST DALLAS, TX 75203	6	7/3425	50 FT 38 FT	PVMT WALK	\$69.02 No Cost	\$3,451.00 \$0.00	\$3,451.00
POMPEYO GONZALEZ 815 ROCKWOOD ST DALLAS, TX 75203	7	7/3425	50 FT 40 FT 10 FT	PVMT WALK DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00
GABRIEL R CARDONA & ESTER CARDONA 923 ROCKWOOD ST DALLAS, TX 75203	8 811 Rockwood St	7/3425	50 FT 40 FT 10 FT	PVMT WALK DRIVE	\$69.02 No cost No cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00

PROJECT GROUP 12-3000

2. ROCKWOOD STREET FROM JERDEN LANE TO SUFFOLK AVENUE TO YARMOUTH STREET TO PEMBROKE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
SEYMOUR PLACE							
ROSA E MORALES 805 ROCKWOOD ST DALLAS, TX 75203	E Pt Lt 9	7/3425	50 FT	PVMT	\$69.02	\$3,451.00	
	50x110		40 FT	WALK	No Cost	\$0.00	
			10.8 SY	DR(10'Wide)	\$41.16	\$444.53	
							\$3,895.53
DAMIANA CASTANON 1535 CELESTE DR DALLAS, TX 75217	10	7/3425	50 FT	ADJ TO			
	50x110		40 FT	PVMT	\$69.02	\$2,760.80	
	801		40 FT	WALK	No Cost	\$0.00	
	Rockwood St						\$2,760.80
EAST SIDE OF STREET							
FOREST HIGHLANDS							
WILLIAM H FOULK III & LESLIE MCMAKEN 5208 ARBOR HOLLOW DR MCKINNEY, TX 75070	1	F/3425	50 FT	ADJ TO			
	802		40 FT	PVMT	\$67.14	\$2,685.60	
	Rockwood St		40 FT	DRIVE	No Cost	\$0.00	
							\$2,685.60
WILLIAM H FOULK 5208 ARBOR HOLLOW DR MCKINNEY, TX 75070	2	F/3425	50 FT	PVMT	\$67.14	\$3,357.00	
	806		40 FT	WALK	No Cost	\$0.00	
	Rockwood St		10 FT	DRIVE	No Cost	\$0.00	
							\$3,357.00
BLANCA E BARRERA 810 ROCKWOOD ST DALLAS, TX 75203	3	F/3425	50 FT	PVMT	\$67.14	\$3,357.00	
			32 FT	WALK	No Cost	\$0.00	
			18 FT	DRIVE	No Cost	\$0.00	
							\$3,357.00

PROJECT GROUP 12-3000

2. ROCKWOOD STREET FROM JERDEN LANE TO SUFFOLK AVENUE TO YARMOUTH STREET TO PEMBROKE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
FOREST HIGHLANDS							
MARGARET ESPINOSA 814 ROCKWOOD ST DALLAS, TX 75203	4	F/3425	50 FT	PVMT	\$67.14	\$3,357.00	
			35 FT	WALK	No Cost	\$0.00	
			15 FT	DRIVE	No Cost	\$0.00	
							\$3,357.00
VALENTIN TOVAR 816 ROCKWOOD ST DALLAS, TX 75203	5	F/3425	50 FT	PVMT	\$67.14	\$3,357.00	
			40 FT	WALK	No Cost	\$0.00	
			10 FT	DRIVE	No Cost	\$0.00	
							\$3,357.00
MARIA I GARCIA 822 ROCKWOOD ST DALLAS, TX 75203	6	F/3425	50 FT	PVMT	\$67.14	\$3,357.00	
			40 FT	WALK	No Cost	\$0.00	
			10 FT	DRIVE	No Cost	\$0.00	
							\$3,357.00
MANUEL TOVAR CORREA & MARIA CRUZ TOVAR 826 ROCKWOOD ST DALLAS, TX 75203	7	F/3425	50 FT	PVMT	\$67.14	\$3,357.00	
			40 FT	WALK	No Cost	\$0.00	
			10 FT	DRIVE	No Cost	\$0.00	
							\$3,357.00
MARIO ALEMAN JR & FELIX ALEMAN 6211 PARKDALE DR DALLAS, TX 75227	8 830 Rockwood St	F/3425	50 FT	PVMT	\$67.14	\$3,357.00	
			40 FT	WALK	No Cost	\$0.00	
			10 FT	DRIVE	No Cost	\$0.00	
							\$3,357.00

PROJECT GROUP 12-3000

2. ROCKWOOD STREET FROM JERDEN LANE TO SUFFOLK AVENUE TO YARMOUTH STREET TO PEMBROKE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
FOREST HIGHLANDS							
MARY L ALEMAN & FELIX ALEMAN 834 ROCKWOOD ST DALLAS, TX 75203	9	F/3425	55 FT 45 FT 45 FT	ADJ TO PVMT WALK	\$67.14 No Cost	\$3,021.30 \$0.00	\$3,021.30
SUFFOLK AVE INTERSECTS							
ANGEL ALMARAZ & AGUSTINA ALMARAZ 1000 ROCKWOOD ST DALLAS, TX 75203	1	J/3424	55 FT 45 FT 35 FT 10 FT	ADJ TO PVMT WALK DRIVE	\$69.02 No Cost No Cost	\$3,105.90 \$0.00 \$0.00	\$3,105.90
MAYRA K SALINAS 628 KING ST CEDAR HILL, TX 75104	2 1006	J/3424	50 FT 40 FT 10 FT	PVMT WALK DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00
MARGIE R JACKSON 1010 ROCKWOOD ST DALLAS, TX 75203	3	J/3424	50 FT 35 FT 10.8 SY	PVMT WALK DR(10'Wide)	\$69.02 No Cost \$41.16	\$3,451.00 \$0.00 \$444.53	\$3,895.53
ROBERT L&LINDA C CURRY 1555 SUNRISE LN DUNCANVILLE, TX 75137	4 1014	J/3424	50 FT 40 FT 10.8 SY	PVMT WALK DR(10'Wide)	\$69.02 No Cost \$41.16	\$3,451.00 \$0.00 \$444.53	\$3,895.53

PROJECT GROUP 12-3000

2. ROCKWOOD STREET FROM JERDEN LANE TO SUFFOLK AVENUE TO YARMOUTH STREET TO PEMBROKE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
FOREST HIGHLANDS							
JOSE L VILLANUEVA EST C/O RITA VILLANUEVA 3110 DUTTON DR DALLAS, TX 75211	5 1018	J/3424	50 FT 40 FT 12.5 SY	PVMT WALK DR(11'Wide)	\$69.02 No Cost \$41.16	\$3,451.00 \$0.00 \$514.50	\$3,965.50
JOEL & MARY S RAMOS 1022 ROCKWOOD ST DALLAS, TX 75203	6	J/3424	50 FT 30 FT 20 FT	PVMT WALK DRIVE	\$69.02 No Cost No Cost	\$3,451.00 \$0.00 \$0.00	\$3,451.00
MIGUEL VASQUEZ 1026 ROCKWOOD ST DALLAS, TX 75203	7	J/3424	50 FT 30 FT 10.8 SY	PVMT WALK DR(10'Wide)	\$69.02 No Cost \$41.16	\$3,451.00 \$0.00 \$444.53	\$3,895.53
ADELL GOSSETT 1030 ROCKWOOD ST DALLAS, TX 75203	8	J/3424	50 FT 40 FT 30 FT	ADJ TO PVMT WALK	\$69.02 No Cost	\$2,760.80 \$0.00	\$2,760.80

PROJECT GROUP 12-3000

**2. ROCKWOOD STREET FROM JERDEN LANE TO SUFFOLK AVENUE TO
YARMOUTH STREET TO PEMBROKE AVENUE**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$113,386.65
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$549,939.35	
ESTIMATED TOTAL CITY OF DALLAS' COST - DRAINAGE	\$169,334.00	
ESTIMATED TOTAL CITY OF DALLAS' COST		\$719,273.35
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$832,660.00

PROJECT GROUP 12-3000

3. ALLEY BETWEEN BISHOP AVENUE AND HAINES AVENUE FROM NECHES STREET TO WICKFORD STREET

SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF ALLEY						
MILLER & STEMMONS						
GOOD SPACE INC APT 103 408 W 8TH ST DALLAS, TX 75208	1 425 Neches	35/3355		NO ASSESSMENT PAVEMENT IN PLACE		
GOOD SPACE INC APT 103 408 W 8TH ST DALLAS, TX 75208	2 425 Neches	35/3355		NO ASSESSMENT PAVEMENT IN PLACE		
JOHN M WONG & ANA L DIAZ WONG 1110 HAINES AVE DALLAS, TX 75208	3	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00
ERIC L HERNANDEZ 1114 HAINES AVE DALLAS, TX 75208	4	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00
AMANDA L TRAVIS 1118 HAINES AVE DALLAS, TX 75208	5	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00

PROJECT GROUP 12-3000

**3. ALLEY BETWEEN BISHOP AVENUE AND HAINES AVENUE FROM NECHES STREET
TO WICKFORD STREET**

**SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
MILLER & STEMMONS						
FORTINO&MARIA ABUNDIS 1122 HAINES AVE DALLAS, TX 75208	6	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00
MARTHA E MONTERO 1126 HAINES AVE DALLAS, TX 75208	7	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00
KIRK F&CAROL A SCHMIDT P O BOX 1049 WATSONVILLE, CA 95077	8 1130 Haines Ave	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00
RICHARD & CARMEN ALBA 1136 HAINES AVE DALLAS, TX 75208	9	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00
ANA M LOMELI 1138 HAINES AVE DALLAS, TX 75208	10	35/3355	49 FT PMVT	\$15.96	\$782.04	\$782.04

PROJECT GROUP 12-3000

**3. ALLEY BETWEEN BISHOP AVENUE AND HAINES AVENUE FROM NECHES STREET
TO WICKFORD STREET
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
MILLER & STEMMONS						
EAST SIDE OF ALLEY						
VENEGAS PPTY LTD 748 KESSLER LAKE DR DALLAS, TX 75208	11A 1135 N Bishop Ave	35/3355	94 FT PMVT	\$15.96	\$1,500.24	\$1,500.24
VENEGAS PPTY LTD 748 KESSLER LAKE DR DALLAS, TX 75208	12A 1129 N Bishop Ave	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00
ANGELA F SANCHEZ 1125 N BISHOP AVE DALLAS, TX 75208	14	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00
STEVEN J ELWELL & MEREDITH SCHULTZ 432 W JEFFERSON BLVD DALLAS, TX 75208	15 1121 N Bishop Ave	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00
PFLANZER PARTNERS LTD 1225 SUNSET RIDGE CIR CEDAR HILL, TX 75104	16 1119 N Bishop Ave	35/3355	50 FT PMVT	\$15.96	\$798.00	\$798.00

PROJECT GROUP 12-3000

**3. ALLEY BETWEEN BISHOP AVENUE AND HAINES AVENUE FROM NECHES STREET
TO WICKFORD STREET
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
MILLER & STEMMONS						
JOSEPH PFLANZER & EVELYN PFLANZER 1225 SUNSET RIDGE CIR CEDAR HILL, TX 75104	N 47.8 Ft of Lt 17 1113 N Bishop Ave	35/3355	47 FT PMVT	\$15.96	\$750.12	\$750.12
PFLANZER PARTNERS LTD 1225 SUNSET RIDGE CIR CEDAR HILL, TX 75104	Lt 18 & 2.2' Lt 17 1111 N Bishop Ave	35/3355	47 FT PMVT	\$15.96	\$750.12	\$750.12
1105 NORTH BISHOP PARTNERS LLC ATT: MARC VISCUSO 408 W 8TH ST, STE 205 DALLAS, TX 75208	19 0.183 Acs 1105 N Bishop Ave	35/3355				NO ASSESSMENT PAVEMENT IN PLACE
WALTER VELEZ 1101 N BISHOP AVE DALLAS, TX 75208	20	35/3355				NO ASSESSMENT PAVEMENT IN PLACE

PROJECT GROUP 12-3000

**3. ALLEY BETWEEN BISHOP AVENUE AND HINES AVENUE FROM
NECHES STREET TO WICKFORD STREET**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$12,560.52
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$132,733.48	
ESTIMATED TOTAL CITY OF DALLAS' COST - DRAINAGE	\$396.00	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN CONSTRUCTION	\$85,599.07	
ESTIMATED TOTAL CITY OF DALLAS' COST		\$218,728.55
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$231,289.07

PROJECT GROUP 12-3000

**4. ALLEY BETWEEN MT NEBO STREET AND MT SHASTA STREET FROM
 MT ROYAL STREET TO MT RANIER STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
 REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF ALLEY						
WESTRIDGE PARK						
MARIA A ROCHA 102 MT SHASTA ST DALLAS, TX 75211	31	H/4932	35 FT PMVT	\$15.96	\$558.60	\$558.60
GENEVA P VELA 106 MT SHASTA ST DALLAS, TX 75211	30	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
EDWIN M PALACIOS & MARIA PALACIOS 110 MT SHASTA ST DALLAS, TX 75211	29	H/4932	50 FT PMVT 6.2 SY DR(10' Wide)	\$15.96 \$41.16	\$798.00 \$255.19	\$1,053.19
FRANCO SOLORZANO & MARIA SOLORZANO 114 MT SHASTA ST DALLAS, TX 75211	28	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
ALFONSA AVELLANEDA 118 MT SHASTA ST DALLAS, TX 75211	27	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
ENRIQUE PEREZ EST OF 2937 SW 25TH ST OKLAHOMA CITY, OKLAHOMA 73108-5631	26 122 Mt Shasta St	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00

PROJECT GROUP 12-3000

4. ALLEY BETWEEN MT NEBO STREET AND MT SHASTA STREET FROM
 MT ROYAL STREET TO MT RANIER STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
 REINFORCED CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WESTRIDGE PARK						
RIGOBERTO G FIGUEROA & ELISA FIGUEROA 126 MT SHASTA ST DALLAS, TX 75211	25	H/4932	40 FT PMVT 6.2 SY DR(10' Wide)	\$15.96 \$41.16	\$638.40 \$255.19	\$893.59
BERNARDO ARROYO & FIDEL F PASTOR 130 MT SHASTA ST DALLAS, TX 75211	24	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
RAUL FIGUEROA & MARIA E FIGUEROA 134 MT SHASTA ST DALLAS, TX 75211	23	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
MAXIMILIANO DIAZ & LEOPOIDA HERNANDEZ 138 MT SHASTA ST DALLAS, TX 75211	22	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
PABLO QUEZADA 202 MT SHASTA ST DALLAS, TX 75211	21	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00

PROJECT GROUP 12-3000

4. ALLEY BETWEEN MT NEBO STREET AND MT SHASTA STREET FROM
 MT ROYAL STREET TO MT RANIER STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
 REINFORCED CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WESTRIDGE PARK						
ADOLFO & MARIA HUERTA 206 MT SHASTA ST DALLAS, TX 75211	20	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
MARIA PUIG 210 MT SHASTA ST DALLAS, TX 75211	19	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
GABRIEL B FLORES EST OF C/O SAN JUANA JUAREZ 214 MT SHASTA ST DALLAS, TX 75211	18	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
JUAN M FUENTES & LORENA FUENTES 218 MT SHASTA ST DALLAS, TX 75211	17	H/4932	40 FT PMVT 6.2 SY DR(10' Wide)	\$15.96 \$41.16	\$638.40 \$255.19	\$893.59
ALBERTO MIRANDA 3926 MT ROYAL DALLAS, TX 75211	16 222 Mt Shasta St	H/4932	55 FT PMVT	\$15.96	\$877.80	\$877.80
EAST SIDE OF ALLEY						
ENRIQUE&MARIA DE LEON 223 MT NEBO ST DALLAS, TX 75211	15	H/4932	55 FT PMVT	\$15.96	\$877.80	\$877.80

PROJECT GROUP 12-3000

**4. ALLEY BETWEEN MT NEBO STREET AND MT SHASTA STREET FROM
 MT ROYAL STREET TO MT RANIER STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
 REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WESTRIDGE PARK						
JOSE G LOPEZ & MA CONCEPCION 219 MT NEBO ST DALLAS, TX 75211	14	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
FELIX L SALINAS 215 MT NEBO ST DALLAS, TX 75211	13	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
MARIA Y SANDOVAL 103 MT NEBO ST DALLAS, TX 75211	12 211 Mt Nebo St	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
THELMA C MATA 207 MT NEBO ST DALLAS, TX 75211	11	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
CHRISTINA M ADAME 2805 BLUE HERON DR MESQUITE, TX 75181	10 203 Mt Nebo St	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
LAZARO G ROSALES 2617 LAS VILLAS AVE DALLAS, TX 75211	9 135 Mt Nebo St	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00

PROJECT GROUP 12-3000

**4. ALLEY BETWEEN MT NEBO STREET AND MT SHASTA STREET FROM
 MT ROYAL STREET TO MT RANIER STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
 REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WESTRIDGE PARK						
ROY M JOHNSON & SILVIA M JOHNSON 131 MT NEBO ST DALLAS, TX 75211	8	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
RUBEN & MARIA CRUZ 127 MT NEBO ST DALLAS, TX 75211	7	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
LUCIANO VEGA 106 MT NEBO ST DALLAS, TX 75211	6 123 Mt Nebo St	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
MAXIMINO VEGA & MARIA H VEGA 110 MT NEBO ST DALLAS, TX 75211	5 119 Mt Nebo St	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
ARMANDO B RODRIGUEZ & SUZY RODRIGUEZ 115 MT NEBO ST DALLAS, TX 75211	4	H/4932	50 FT PMVT 6.2 SY DR(10' Wide)	\$15.96 \$41.16	\$798.00 \$255.19	\$1,053.19

PROJECT GROUP 12-3000

**4. ALLEY BETWEEN MT NEBO STREET AND MT SHASTA STREET FROM
 MT ROYAL STREET TO MT RANIER STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
 REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WESTRIDGE PARK						
MONICA M MORATAYA & ELEAZAR Z DELGADO 111 MT NEBO ST DALLAS, TX 75211	3	H/4932	50 FT PMVT	\$15.96	\$798.00	\$798.00
MARIA M GARCIA 107 MT NEBO ST DALLAS, TX 75211	2	H/4932	50 FT PMVT 6.2 SY DR(10' Wide)	\$15.96 \$41.16	\$798.00 \$255.19	\$1,053.19
MARIA Y SANDOVAL 103 MT NEBO ST DALLAS, TX 75211	1	H/4932	58 FT PMVT	\$15.96	\$925.68	\$925.68

PROJECT GROUP 12-3000

**4. ALLEY BETWEEN MT NEBO STREET AND MT SHASTA STREET FROM
MT ROYAL STREET TO MT RANIER STREET**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$25,742.63
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$187,211.37	
ESTIMATED TOTAL CITY OF DALLAS' COST - DRAINAGE	\$396.00	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN CONSTRUCTION	\$114,083.51	
ESTIMATED TOTAL CITY OF DALLAS' COST		\$301,690.88
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$327,433.51

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 27, 2015
COUNCIL DISTRICT(S): 6
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 11A

SUBJECT

Authorize a Chapter 380 economic development grant agreement with CoreLogic Solutions, LCC in an amount up to \$600,000 to stimulate business development activity in the City of Dallas in conjunction with the relocation and expansion of its regional workforce and operations to a new office facility at 3001 Hackberry Road, pursuant to the Public/Private Partnership Program - Not to exceed \$600,000 - Financing: Public/Private Partnership Funds

BACKGROUND

For the past several months, city staff has been in discussions with representatives of CoreLogic Solutions, LLC regarding the relocation and expansion of its regional workforce and operations to a new approximately \$68 million build-to-suit office facility (approximately 325,600 square feet) to be developed by Billingsley Company within the Cypress Waters development in Dallas. CoreLogic Solutions, LLC will lease the facility for fifteen (15) years with three (3) additional 5-year options and also anticipates investing at least \$5 million in new business personal property with the project.

Currently, CoreLogic Solutions, LLC has office locations in Westlake, Texas and Richardson, Texas. With plans for consolidation and expansion, CoreLogic Solutions, LLC considered the city of Dallas along with a number of other suburban cities in the North Texas area for its future location.

When the new office facility in the Cypress Waters development is ready for occupancy in mid-2017, CoreLogic Solutions, LLC will relocate at least 1,300 existing full-time positions (\$57,000 average annual salary) from the Westlake and Richardson locations. By mid-2019, CoreLogic Solutions, LLC also anticipates adding another approximately 500 full-time positions to Dallas, ~~(approximately 300 of which will be relocated from other states such as Tennessee, North Carolina, Georgia, Oregon, Colorado, and Maryland and approximately 200 of which will be newly created).~~

BACKGROUND (Continued)

The terms of the proposed Chapter 380 economic development grant agreement are as follows:

CoreLogic Solutions, LLC will be eligible for the first installment (\$200,000) of the proposed grant upon verification of: (1) a Certificate of Occupancy on at least \$50 million invested in real property improvements associated with design, engineering, and construction (including hard and soft costs) of the facility, and (2) at least 1,300 full-time positions located at the facility on or before June 15, 2017.

CoreLogic Solutions, LLC will be eligible for the second installment (\$200,000) of the proposed grant upon verification that at least 1,300 full-time positions have been maintained at the facility on April 15, 2018.

CoreLogic Solutions, LLC will be eligible for the third installment (\$200,000) of the proposed grant upon verification that at least 1,600 full-time positions are located at the facility on or before April 15, 2019.

CoreLogic Solutions, LLC will be required to reimburse the City in the amount of \$200,000 should it not maintain at least 1,600 full-time positions at the facility for a period of five (5) years beginning from the date of payment of the third grant installment.

The proposed project surpasses minimum Public/Private Partnership Program guidelines and results in an estimated 10-year net fiscal impact of \$13 million. The estimated 20-year net fiscal impact exceeds \$51 million.

Headquartered in Irvine, California, CoreLogic Solutions, LLC employs approximately 5,500 nationally. Outside the United States, CoreLogic Solutions, LLC also operates in Australia, New Zealand, the United Kingdom, Canada, Mexico, and India.

CoreLogic Solutions, LLC provides information intelligence to identify and manage growth opportunities, improve business performance, and mitigate risk for a wide range clients, including mortgage lenders and servicers, capital market investors, and real estate sales professionals. Under the umbrella of data analytics, mortgage origination services, and asset management and processing solutions, the company offers a broad range of services including automated valuations, property tax management, credit reporting, multiple listing technology and platforms, rental screening, flood data, mortgage fraud management, and post-foreclosure services.

ESTIMATED SCHEDULE OF PROJECT

Begin construction of building	August 2015
Complete construction of building	April 2017

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 18, 2015, a memo will be presented to the Economic Development Committee regarding authorizing a Chapter 380 economic development grant agreement with CoreLogic Solutions, LLC in an amount up to \$600,000 to stimulate business development activity in the City of Dallas in conjunction with the relocation and expansion of its regional workforce and operations to a new office facility at 3001 Hackberry Road, pursuant to the Public/Private Partnership Program.

FISCAL INFORMATION

\$600,000 - Public/Private Partnership Funds

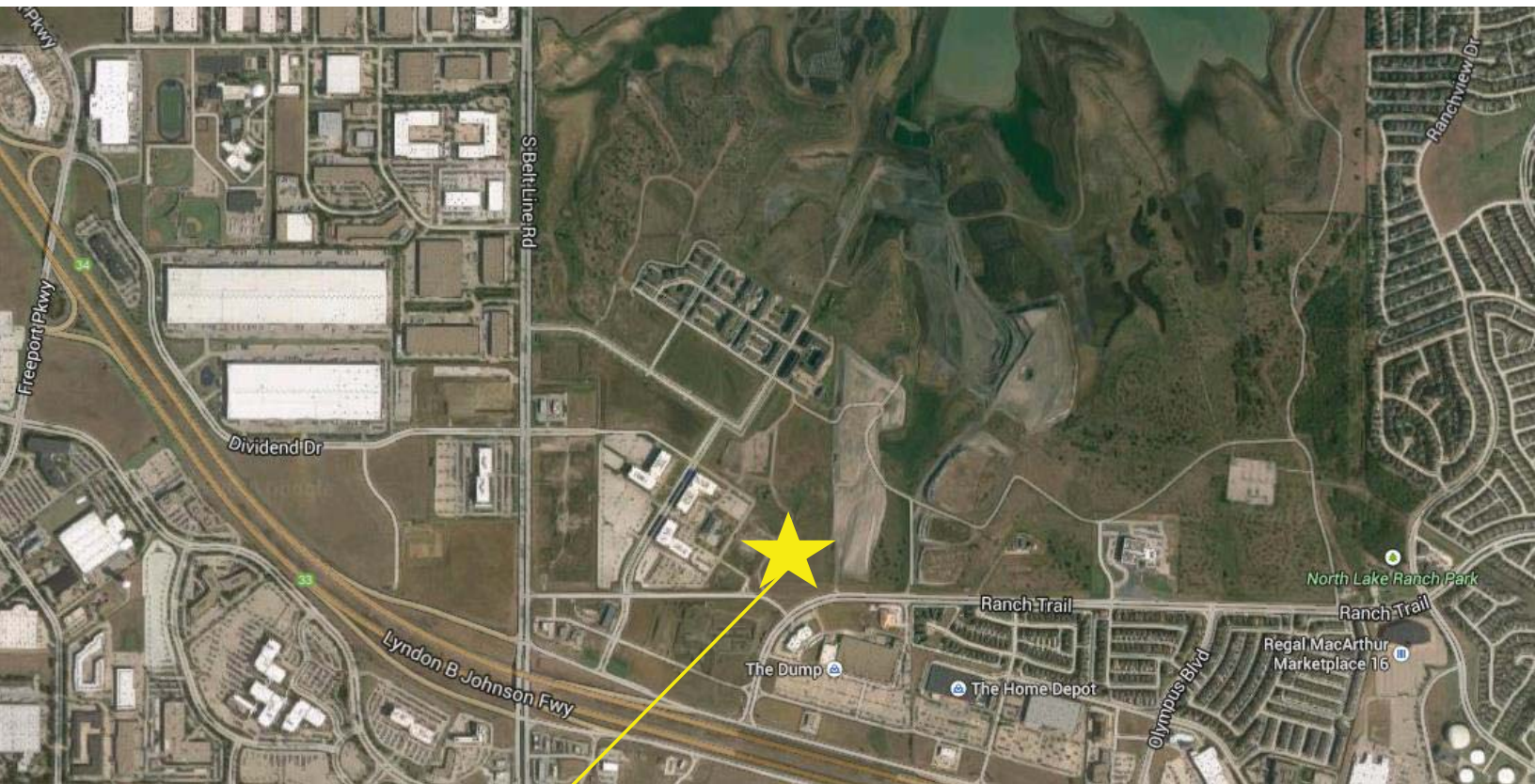
OWNER

CoreLogic Solutions, LLC

Barry Sando, Senior Executive Vice President

MAP

Attached.



Site of new build-to-suit office for CoreLogic Solutions, LLC at 3001 Hackberry Road in the Cypress Waters development

May 27, 2015

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

WHEREAS, on June 25, 2014, pursuant to Resolution No. 14-0993, City Council elected to continue its authorization of the City of Dallas' Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements as specified in the Property Redevelopment and Tax Abatement Act and other City of Dallas economic development programs including the Business Development Chapter 380 Grant/Loan Program for the period June 25, 2014 through June 25, 2016; and

WHEREAS, the City desires to enter into an economic development grant agreement with CoreLogic Solutions, LLC to promote economic development, stimulate private sector investment, encourage job creation, and grow the tax base in Dallas.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute an economic development grant agreement with CoreLogic Solutions, LLC in conjunction with the relocation and expansion of its regional workforce and operations to a new office facility ("Facility") at 3001 Hackberry Road, Dallas.

Section 2. That the real property located at 3001 Hackberry Road, Dallas, which shall be described in the economic development grant agreement, is attached as **Exhibit A** (Metes and Bounds Legal Description) and graphically depicted on the attached site map as **Exhibit B**.

Section 3. That the estimated costs for the Facility's real property improvements are listed in **Exhibit C**.

Section 4. That the economic development grant shall be in an amount not to exceed \$600,000 provided CoreLogic Solutions, LLC meets its obligations under the grant agreement with the City.

Section 5. That the terms of the grant payment shall be as follows:

1. The grant shall be paid in three installments not to exceed \$200,000 each in years 2017, 2018, and 2019.

May 27, 2015

Section 5. (Continued)

2. The first installment of \$200,000 shall be payable upon verification of: (1) a Certificate of Occupancy on at least \$50 million invested in real property improvements associated with design, engineering, and construction (including hard and soft costs) of the Facility, and (2) at least 1,300 FTE's located at the Facility on or before June 15, 2017.
3. The second installment of \$200,000 shall be payable upon verification that at least 1,300 FTE's have been maintained at the Facility on April 15, 2018.
4. The third installment of \$200,000 shall be payable upon verification that at least 1,600 FTE's are located at the Facility on or before April 15, 2019.
5. Should CoreLogic Solutions, LLC fail to maintain at least 1,600 FTE's for a period of five (5) years beginning from the date of payment of the third grant installment, CoreLogic Solutions, LLC shall repay \$200,000 to the City of Dallas.

Section 6. That the Chief Financial Officer is hereby authorized to encumber and disburse future funds from: Fund 0352, Department ECO, Unit 9992, Object 3016, Activity PPPF, Encumbrance No. ECO9992G240, Vendor No. VS0000061117, in an amount not to exceed \$600,000.

Section 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Exhibit A
Metes and Bounds Legal Description

BEING all that certain tract of land situated in the John L. Whitman Survey, Abstract No. 1521, City of Dallas, Dallas County, Texas, being a portion of Lot 1, Block G/8465, Cypress Waters Addition No. 2, Phase 2, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded under Instrument Number 201400117340, Official Public Records of Dallas County, Texas, and being a portion of Lot 2, Block G/8465, Cypress Waters Addition No. 2, Phase 1, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded under Instrument Number 201400071819, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an aluminum disk monument found for the Southeast corner of said Lot 2, same being the Southwest corner of that certain tract of land conveyed to Coppell Independent School District as Tract 1, by deed recorded under Instrument Number 20080320976, said Official Public Records and by Correction Deed recorded under Instrument Number 20080370170, said Official Public Records, same being in the North right-of-way line of Ranch Trail (County Road No. 137) (variable width right-of-way);

THENCE along the common line of said Lot 2 and said Ranch trail as follows:

North 89 deg. 18 min. 32 sec. West, a distance of 48.54 feet to an aluminum disk monument found for angle point;

South 89 deg. 08 min. 11 sec. West, passing at a distance of 661.02 feet, a point for the Southwest corner of said Lot 2, same being the Southeast corner of aforesaid Lot 1, and continuing along the common line of said Lot 1 and said Ranch Trail, a total distance of 1152.99 feet to an aluminum disk monument found for the Southwest corner of the herein described tract;

THENCE North 31 deg. 41 min. 39 sec. East, through the interior of said Lot 1, passing at a distance of 984.22 feet the northeast line of said Lot 1, same being a southwest line of aforesaid Lot 2, and continuing through the interior of said Lot 2, a total distance of 1015.82 feet to a 1/2 inch iron rod set with "Peiser & Mankin SURV" red plastic cap (hereinafter referred to as 1/2 inch iron rod set) for angle point;

THENCE continuing through the interior of said Lot 2 as follows:

North 89 deg. 08 min. 11 sec. East, a distance of 326.43 feet to a 1/2 inch iron rod set for internal corner of the herein described tract;

North 00 deg. 51 min. 49 sec. West, a distance of 75.78 feet to a 1/2 inch iron rod set for angle point;

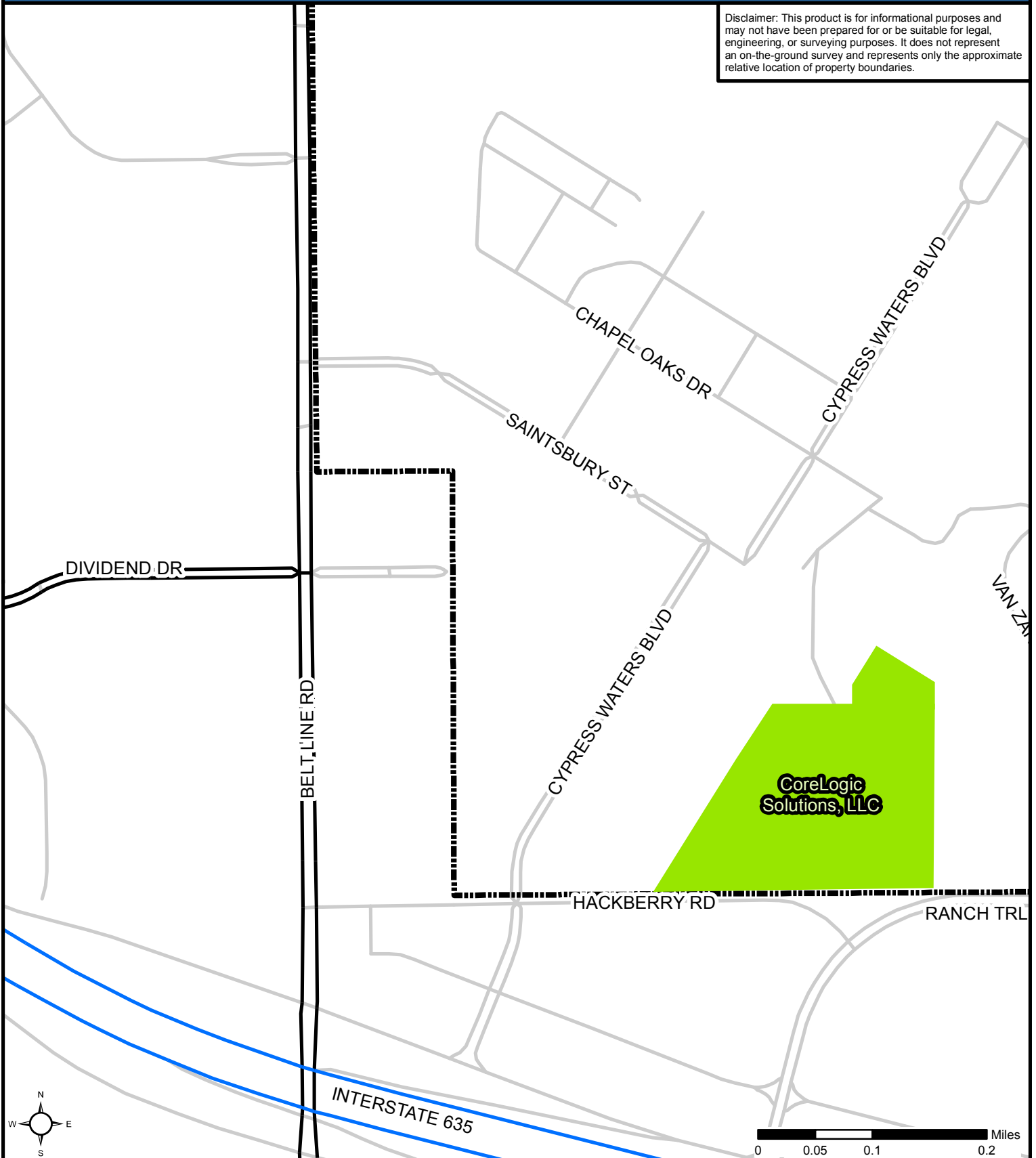
North 31 deg. 41 min. 39 sec. East, a distance of 176.66 feet to a 1/2 inch iron rod set for the most northerly North corner of the herein described tract;

South 58 deg. 18 min. 21 sec. East, a distance of 306.39 feet to a 1/2 inch iron rod set for the Northeast corner of the herein described tract, same being in the East line of said Lot 2, same being in the West line of aforesaid Coppell tract;

THENCE South 00 deg. 41 min. 28 sec. West, along the common line of said Lot 2 and said School District tract, a distance of 917.64 feet to the POINT OF BEGINNING and containing 19.643 acres of computed land, more or less.

Exhibit B: CoreLogic Solutions, LLC

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS
ECONOMIC
DEVELOPMENT
Research & Information Division
214.670.1685
dallas-ecodev.org

Legend

- Highway
- Arterial

- Local Road
- City of Dallas

Exhibit C

Scope of Work

- Relocation of CoreLogic Solutions, LLC, a provider of business information services, to a new build-to-suit office facility (approximately 325,600 square feet) at 3001 Hackberry Road. Upon completion in 2017, Billingsley Company, owner and developer of the property, will lease the facility to CoreLogic Solutions, LLC for fifteen (15) years with three (3) additional 5-year options.

ESTIMATED COSTS for REAL PROPERTY IMPROVEMENTS	
<u>Hard Costs</u>	
Parking garage construction	\$8,200,000
Shell building construction	\$26,327,200
Tenant improvements/finish-out	\$16,536,000
Development costs	\$825,000
Infrastructure	\$525,000
Landscaping & irrigation	\$774,928
Site furniture/monument	\$30,000
Hard cost contingency	\$562,181
Total Hard Costs	\$53,780,309
<u>Soft Costs</u>	
Architects & Engineers	\$1,221,000
Testing consultants	\$231,176
Builder risk insurance	\$32,560
Administrative	\$32,560
Permits & fees	\$146,520
Landscape architect	\$81,400
Property taxes/rollback taxes	\$1,048,034
Bank inspections	\$14,000
Development fee	\$1,703,409
Soft cost development contingency	\$75,000
Commissions	\$8,146,512
Marketing	\$2,500
Legal-leasing and finance/venture	\$135,000
Title policy	\$169,992
Interim loan origination fee	\$418,796
Permanent loan origination fee	\$266,500
Bank third party reports	\$25,000
Construction interest (interim)	\$1,065,977
Total Soft costs	\$14,815,936
TOTAL	\$68,596,245

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 27, 2015
COUNCIL DISTRICT(S): 7 1
DEPARTMENT: Planning and Neighborhood Vitality
CMO: A. C. Gonzalez, 670-3297
MAPSCO: 44V Z; 45W; 54D

SUBJECT

A public hearing to receive comments to amend the City of Dallas’ Thoroughfare Plan to change the dimensional classifications of **(1)** Beckley Avenue from IH-30 to Greenbriar Lane from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special six-lane undivided (SPCL 6U) roadway with a center turn lane, a cycle track and recommended off-peak parking within 100-feet of right-of-way; **(2)** Beckley Avenue from Greenbriar Lane to Colorado Boulevard from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special six-lane divided (SPCL 6D) roadway with a cycle track within 100-feet of right-of-way and 72 feet of pavement; **(3)** Beckley Avenue from Colorado Boulevard to Zang Boulevard from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special six-lane divided (SPCL 6D) roadway with cycle track within 88-feet of right-of-way and 64 feet of pavement; **(4)** Zang Boulevard from Jefferson/Houston Viaduct to Oakenwald Street from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with protected bicycle facility and a dedicated streetcar lane within 100-feet of right-of-way and 80-feet of pavement; **(5)** Zang Boulevard from Oakenwald Street to Beckley Avenue from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with bicycle lanes within 100-feet of right-of-way and 80-feet of pavement; and **(6)** Zang Boulevard from Beckley Avenue to Davis Street from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with parking in 100-feet of right-of-way with 72-feet of pavement; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

BACKGROUND

The Planning and Neighborhood Vitality Department has requested amendments to the Thoroughfare Plan to change the operational characteristics of Beckley Avenue between IH-30 and Zang Boulevard and Zang Boulevard between Jefferson/Houston Viaduct and Davis Street.

BACKGROUND (continued)

The Planning and Neighborhood Vitality Department presented a design approach to the community that places emphasis on creating a multi-modal street system that facilitates walking, bicycling and automobile use integrating the Dallas Modern Streetcar. Adding wider sidewalks and bicycle facilities in this corridor will improve connectivity for pedestrians and bicyclists to the Dallas Streetcar Stations and surrounding development. Staff is proposing to add parking along Beckley Avenue in the off-peak hours when four travel lanes can accommodate the capacity. Staff has also determined that a reduction in the travel lanes on Zang Boulevard from six to four lanes to incorporate permanent parking for the adjacent development is appropriate and can accommodate both existing and projected traffic volumes and enhance parkway amenities.

Staff recommends approval of the amendment to the Thoroughfare Plan to: **(1)** Beckley Avenue from IH-30 to Greenbriar Lane from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special six-lane undivided (SPCL 6U) roadway with a center turn lane, a cycle track and recommended off-peak parking within 100-feet of right-of-way; **(2)** Beckley Avenue from Greenbriar Lane to Colorado Boulevard from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special six-lane divided (SPCL 6D) roadway with a cycle track within 100-feet of right-of-way and 72 feet of pavement; **(3)** Beckley Avenue from Colorado Boulevard to Zang Boulevard from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special six-lane divided (SPCL 6D) roadway with cycle track within 88-feet of right-of-way and 64 feet of pavement; **(4)** Zang Boulevard from Jefferson/Houston Viaduct to Oakenwald Street from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with protected bicycle facility and a dedicated streetcar lane within 100-feet of right-of-way and 80-feet of pavement; **(5)** Zang Boulevard from Oakenwald Street to Beckley Avenue from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with bicycle lanes within 100-feet of right-of-way and 80-feet of pavement; and **(6)** Zang Boulevard from Beckley Avenue to Davis Street from a six-lane divided roadway [M-6-D(A)] within 100-feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with parking in 100-feet of right-of-way with 72-feet of pavement and at the close of the hearing, authorize an ordinance implementing the change.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Plan Commission Transportation Committee acted on this item on April 2, 2015, and followed staff recommendation of approval.

The City Plan Commission acted on this item on April 16, 2015, and followed staff recommendation of approval.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached

Beckley Avenue

IH-30 to Colorado Boulevard
Colorado Boulevard to Zang Boulevard

Zang Boulevard

Jefferson/Houston Viaduct to Oakenwald Street
Oakenwald Street to Beckley Avenue
Beckley Avenue to Davis Street

Council District 1

MAPSCO: 44V,Z; 45W; 54D



Thoroughfare Plan Amendment Map

