

**NOVEMBER 12, 2014 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated November 12, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



Edward Scott
City Controller



Date

RECEIVED

2014 NOV -7 PM 3:05

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, NOVEMBER 12, 2014
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 - 64

CONSENT ADDENDUM

Items 1 - 10

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 65 - 70
Addendum Items 11 - 14

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 71 - 98
Addendum Items 15 - 18

**ADDENDUM
CITY COUNCIL MEETING
NOVEMBER 12, 2014
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 gate accommodations requested by Delta Airlines at Dallas Love Field.

CONSENT ADDENDUM

City Attorney's Office

1. An ordinance repealing Section 28-158.1 of the Dallas City Code - Financing: No cost consideration to the City

Economic Development

2. Authorize a one-year renewal of the service contract with United Way of Metropolitan Dallas, Inc., a Texas nonprofit corporation, to administer a Volunteer Income Tax Assistance Program for low to moderate income families or individuals citywide - Not to exceed \$100,000, from \$100,000 to \$200,000 - Financing: Current Funds

Fire

3. An ordinance amending Chapter 15D, "Emergency Vehicles," of the Dallas City Code to **(1)** expand the statement of policy and define additional terms; **(2)** amend the title of Division 2; and **(3)** authorize the mobile community healthcare program - Financing: No cost consideration to the City

Human Resources

4. Authorize a contract with Dallas Area Rapid Transit for the purchase of 312 annual passes in support of the City's clean air initiative - Not to exceed \$200,400 - Financing: Current Funds (to be partially reimbursed by participating employees)

Office of Financial Services

5. Authorize adoption of the 2015 City Calendar - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
NOVEMBER 12, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Park & Recreation

6. Authorize a contract for stabilization of the historic log cabin, barn and root cellar at Sharrock-Niblo Park located at 5429 Kiwanis Road - Phoenix I Restoration and Construction, Ltd., best value proposer of two - Not to exceed \$298,600 - Financing: 2006 Bond Funds
7. Authorize a contract for structural repair and miscellaneous work at Arlington Park Recreation Center located at 1505 Record Crossing Road; Janie C. Turner Recreation Center located at 6424 Elam Road; and Marcus Recreation Center located at 3003 Northaven Road - DENCO Construction Specialists Corporation, best value proposer of three - Not to exceed \$389,600 - Financing: 2003 Bond Funds (\$145,000) and 2006 Bond Funds (\$244,600)
8. Authorize a contract for grading, site utilities and paving for the Singing Hills Recreation Center located between Crouch Road and Patrol Way - J. C. Commercial, Inc., lowest responsible bidder of five - Not to exceed \$1,080,077 - Financing: 2006 Bond Funds (\$536,206) and General Obligation Commercial Paper Funds (\$543,871)
9. Authorize an increase in the contract with MART, Inc. for additional scope of work to include: refinishing of gymnasium floor, underground wiring replacement, new PA system, other miscellaneous work; and a credit for alternative security equipment at Pleasant Oaks Recreation Center located at 8701 Greenmound Avenue - Not to exceed \$71,708, from \$1,867,028 to \$1,938,736 - Financing: 2006 Bond Funds

Sustainable Development and Construction

10. An ordinance abandoning portions of an alley and Denley Drive (formerly Lindley Avenue) to City Wide Community Development Corporation, the abutting owner, containing a total of approximately 5,170 square feet of land, located near the intersection of Lancaster and Corning Streets, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

**ADDENDUM
CITY COUNCIL MEETING
NOVEMBER 12, 2014**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

Business Development & Procurement Services

11. Authorize a five-year disclosure counsel contract with Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP, most qualified respondents of seven, in accordance with the hourly rates and opinion fees as set forth in the resolution - Financing: Disclosure Counsel and Co-Disclosure Counsel fees to be paid from bond proceeds, Current Funds, and/or Water Utilities Current Funds, contingent upon completion of each bond sale

City Attorney's Office

12. A resolution endorsing the agreement with the U. S. Department of Housing and Urban Development (HUD) executed by the City Manager on Wednesday, November 5, 2014, resolving the issues raised by HUD's regional office of Fair Housing and Equal Opportunity on November 22, 2013 - Financing: No cost consideration to the City

City Secretary's Office

13. A resolution designating absences by Mayor Pro Tem Tennell Atkins, Councilmember Scott Griggs, Councilmember Dwaine R. Caraway, Councilmember Jennifer S. Gates and Councilmember Sandy Greyson as being for "Official City Business" - Financing: No cost consideration to the City

ITEMS FOR FURTHER CONSIDERATION

Business Development & Procurement Services

14. Authorize a three-year service contract, with three one year renewal options, for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations - Gila LLC dba Municipal Services Bureau, most advantageous proposer of seven - Estimated Annual Revenue: \$4,257,000

**ADDENDUM
CITY COUNCIL MEETING
NOVEMBER 12, 2014**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

15. A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the northwest side of Kimsey Drive, northeast of Maple Avenue and a resolution accepting deed restrictions volunteered by the applicant
Recommendation of Staff and CPC: Approval with deed restriction volunteered by the applicant
Z134-292(OTH)

16. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned a CR Community Retail District, northwest of the intersection of Hines Place and Harry Hines Boulevard
Recommendation of Staff and CPC: Approval
Z134-328(CG)

DESIGNATED ZONING CASES - INDIVIDUAL

17. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IM Industrial Manufacturing District on the north line of Vantage Street, west of Wycliff Avenue
Recommendation of Staff and CPC: Approval
Z134-324(AF)

18. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District south of Lupo Drive, between Memphis Street and Vicksburg Street
Recommendation of Staff and CPC: Approval
Z134-331(AF)

ADDENDUM DATE November 12, 2014

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
1			N/A	C	ATT, POL	NC	NA	NA	An ordinance repealing Section 28-158.1 of the Dallas City Code
2			All	C	ECO	\$100,000.00	NA	NA	Authorize a one-year renewal of the service contract with United Way of Metropolitan Dallas, Inc., a Texas nonprofit corporation, to administer a Volunteer Income Tax Assistance Program for low to moderate income families or individuals citywide
3			N/A	C	FIR	NC	NA	NA	An ordinance amending Chapter 15D, "Emergency Vehicles," of the Dallas City Code to expand the statement of policy and define additional terms; amend the title of Division 2; and authorize the mobile community healthcare program
4			N/A	C	HRD	\$200,400.00	NA	NA	Authorize a contract with Dallas Area Rapid Transit for the purchase of 312 annual passes in support of the City's clean air initiative
5			N/A	C	OFS	NC	NA	NA	Authorize adoption of the 2015 City Calendar
6			3	C	PKR	\$298,600.00	82.95%	25.86%	Authorize a contract for stabilization of the historic log cabin, barn and root cellar at Sharrock-Niblo Park located at 5429 Kiwanis Road - Phoenix I Restoration and Construction, Ltd., best value proposer of two
7			2, 8, 13	C	PKR	\$389,600.00	88.44%	28.41%	Authorize a contract for structural repair and miscellaneous work at Arlington Park Recreation Center located at 1505 Record Crossing Road; Janie C. Turner Recreation Center located at 6424 Elam Road; and Marcus Recreation Center located at 3003 Northaven Road - DENCO Construction Specialists Corporation, best value proposer of three
8			8	C	PKR	\$1,080,077.00	0.00%	26.85%	Authorize a contract for grading, site utilities and paving for the Singing Hills Recreation Center located between Crouch Road and Patrol Way - J. C. Commercial, Inc., lowest responsible bidder of five
9			5	C	PKR	\$71,707.10	92.33%	26.44%	Authorize an increase in the contract with MART, Inc. for additional scope of work to include: refinishing of gymnasium floor, underground wiring replacement, new PA system, other miscellaneous work; and a credit for alternative security equipment at Pleasant Oaks Recreation Center located at 8701 Greenmound Avenue
10			4	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning portions of an alley and Denley Drive (formerly Lindley Avenue) to City Wide Community Development Corporation, the abutting owner, containing a total of approximately 5,170 square feet of land, located near the intersection of Lancaster and Corning Streets, and authorizing the quitclaim
11			All	I	PBD, ATT, CON, WTR	GT	NA	NA	Authorize a five-year disclosure counsel contract with Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP, most qualified respondents of seven, in accordance with the hourly rates and opinion fees as set forth in the resolution
12			N/A	I	ATT, CMO	NC	NA	NA	A resolution endorsing the agreement with the U. S. Department of Housing and Urban Development (HUD) executed by the City Manager on Wednesday, November 5, 2014, resolving the issues raised by HUD's regional office of Fair Housing and Equal Opportunity on November 22, 2013
13			All	I	SEC	NC	NA	NA	A resolution designating absences by Mayor Pro Tem Tennell Atkins, Councilmember Scott Griggs, Councilmember Dwaine R. Caraway, Councilmember Jennifer S. Gates and Councilmember Sandy Greyson as being for "Official City Business"
14			All	I	PBD, CDS	REV \$4,257,000	NA	NA	Authorize a three-year service contract, with three one year renewal options, for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations - Gila LLC dba Municipal Services Bureau, most advantageous proposer of seven
15			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the northwest side of Kimsey Drive, northeast of Maple Avenue and a resolution accepting deed restrictions volunteered by the applicant

ADDENDUM DATE November 12, 2014

ITEM		IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
16			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned a CR Community Retail District, northwest of the intersection of Hines Place and Harry Hines Boulevard	
17			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IM Industrial Manufacturing District on the north line of Vantage Street, west of Wycliff Avenue	
18			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District south of Lupo Drive, between Memphis Street and Vicksburg Street	

TOTAL \$2,140,384.10

ADDENDUM ITEM # 1

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 12, 2014

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

An ordinance repealing Section 28-158.1 of the Dallas City Code - Financing: No cost consideration to the City

BACKGROUND

Section 28-158.1 of the Dallas City Code prohibits conduct intended to distract motorists by individuals standing within the lateral curb lines of the highways, including adjoining service or frontage roads, as well as on bridges or overpasses over 16 designated highways in the City.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Council amended Section 28-158.1 by enacting Ordinance No. 29244 on January 22, 2014.

Briefed to the City Council in closed session on November 6, 2013, January 15, 2014, and November 5, 2014.

Briefed to the Transportation and Trinity River Project Committee in closed session on November 18, 2013.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by amending Section 28-158.1; repealing the regulations prohibiting the distraction of motorists on designated highways and reserving the section; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Article XIV, "Freeway Regulations," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code is amended to read as follows:

"SEC. 28-158.1. RESERVED ~~[PROHIBITING THE DISTRACTION OF MOTORISTS ON DESIGNATED HIGHWAYS].~~

~~[(a) In this section:~~

~~(1) DESIGNATED HIGHWAY means any portion of the following highways in the city:~~

- ~~(A) Central Expressway.~~
- ~~(B) C. F. Hawn Freeway.~~
- ~~(C) Dallas North Tollway.~~
- ~~(D) Interstate Highway 20.~~
- ~~(E) Interstate Highway 30.~~
- ~~(F) John W. Carpenter Freeway.~~
- ~~(G) Julius Schepps Freeway.~~
- ~~(H) Lyndon B. Johnson Freeway.~~
- ~~(I) Marvin D. Love Freeway.~~
- ~~(J) President George Bush Turnpike.~~

- (K) ~~R. L. Thornton Freeway.~~
- (L) ~~Spur 408.~~
- (M) ~~Stemmons Freeway.~~
- (N) ~~U.S. Highway 80.~~
- (O) ~~Walton Walker Boulevard.~~
- (P) ~~Woodall Rodgers Freeway.~~

(2) ~~PROHIBITED AREA means:~~

~~(A) that portion of a designated highway between the outer curb lines or lateral lines of the roadway, including but not limited to:~~

- ~~(i) a service road; and~~
- ~~(ii) a median, divider, shoulder, berm, or strip of land (whether improved or unimproved) that is not intended for pedestrian travel; and~~

~~(B) any overpass, viaduct, or bridge over a designated highway.~~

~~(3) SIGN means any display, painting, drawing, banner, placard, device, flag, light, figure, picture, letter, word, message, symbol, plaque, poster, or other thing that is designed, used, or intended to advertise or inform.~~

~~(b) A person commits an offense if, while within the prohibited area of a designated highway, the person engages in conduct that is intended to distract the attention of motorists in a main travel lane of the highway, including but not limited to:~~

- ~~(1) by carrying, holding, waving, displaying, or otherwise drawing attention to a sign; or~~
- ~~(2) by wearing any costume, clothing, attire, or accessory intended to attract or seek the attention of the public.~~

~~(c) A person commits an offense if the person knowingly causes or permits conduct prohibited in Subsection (b) to be performed for his or her benefit by another person.~~

~~(d) It is a defense to prosecution under Subsections (b) and (c) that:~~

- ~~(1) the conduct was not visible to motorists in a main travel lane of the designated highway;~~

~~(2) the conduct was intended to summon police, fire, medical, or other emergency assistance or warn motorists of an immediate emergency, hazard, or danger;~~

~~(3) the conduct was being performed by a law enforcement officer or an employee or agent of a governmental entity in the performance of official duties;~~

~~(4) the sign used in the conduct was attached to a vehicle travelling on the designated highway; or~~

~~(5) the sign used in the conduct was a directional, warning, or other official sign authorized by city, state, or federal law.~~

~~(e) Before taking any enforcement action under this section, a police officer or code enforcement officer shall ask the apparent offender's reason for engaging in conduct that distracts the attention of motorists that are in a main travel lane of a designated highway. The police officer or code enforcement officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (d) is present. Before issuing a citation or making an arrest, the police officer or code enforcement officer shall give the person an oral or written warning that:~~

~~(1) requests the person to, within one minute after issuance of the warning:~~

~~(A) cease all conduct distracting the attention of motorists that are in a main travel lane of a designated highway; and~~

~~(B) completely remove from the prohibited area of the designated highway all signs being used as part of the distracting conduct; and~~

~~(2) states that failure to comply with the warning may result in the citation or arrest of the person and the removal by the city of any sign used to distract motorists.~~

~~(f) If a sign is not removed in compliance with a warning issued by a police officer or code enforcement officer under Subsection (e), the city may remove the sign and store it at a secure location. If the sign is not claimed within 60 days after removal, it will be deemed unclaimed or abandoned, and the city may sell, recycle, convert, or dispose of the sign in accordance with city ordinances and policies and any applicable state or federal laws.]”~~

SECTION 2. That Chapter 28 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. 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 4. 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: Economic Vibrancy
AGENDA DATE: November 12, 2014
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: N/A

SUBJECT

Authorize a one-year renewal of the service contract with United Way of Metropolitan Dallas, Inc., a Texas nonprofit corporation, to administer a Volunteer Income Tax Assistance Program for low to moderate income families or individuals citywide - Not to exceed \$100,000, from \$100,000 to \$200,000 - Financing: Current Funds

BACKGROUND

This item was placed on the addendum due to funding being used to support the upcoming IRS Tax season. The Mayor's Poverty Task Force recommended this funding to support the IRS VITA Program. Tax preparation season begins January 1, 2015. Time is of the essence.

In FY 2013-14, the United Way of Metropolitan Dallas was the successful respondent for a \$100,000 services contract with the City of Dallas for one-year and an optional one year renewal to administer a Volunteer Income Tax Assistance (VITA) program.

This contract renewal will allow for the continued administration of the VITA program for low and moderate income families and individuals in Dallas. In addition to tax assistance, the program directs tax filers to financial education providers. Qualifying individuals and families are provided free tax preparation assistance and information to determine qualifications to receive Earned Income Tax Credits (EITC). It is estimated that nationally, only 20% of eligible households file for the credit which could result in up to \$4,000 of additional income for the filer.

During the prior contract period, United Way prepared 7,081 Tax Returns at six VITA sites in the city. Of the Returns filed, 1,766 received EITC for an average of \$2,040. Tax preparation season begins January 1st and ends April 15th. One additional site is planned. VITA sites are open at least 40 hours per week during the 17 week tax season. For each site, United Way recruits volunteers, secures and maintains appropriate and sufficient equipment and hires and manages paid staff to ensure proper coverage.

BACKGROUND (Continued)

United Way projects that they will provide assistance to 8,515 Dallas families and individuals during the 2015 tax season under the renewed contract. The number of EITC returns prepared through VITA sites is expected to be 2,593. As additional resources are identified, the number of VITA sites will be increased with the expectation that the EITC numbers for filers at VITA sites will increase.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 11, 2013, City Council approved Resolution No. 13-2143 authorizing a one-year contract with a one-year renewal option to administer the VITA program to United Way of Metropolitan Dallas, the most advantageous proposer of two.

On November 3, 2014, a memo was submitted to the Economic Development Committee regarding the renewal of the service contract to the United Way to administer the VITA program for the 2015 tax season.

FISCAL INFORMATION

\$100,000 – Current Funds

OWNER

United Way of Metropolitan Dallas

Tom Greco, President

(Board of Directors)

John Stephens, Board Chair
Clint McDonough, Vice Chair
Cindy Patella, Secretary
Deborah Gibbins, Treasurer

November 12, 2014

WHEREAS, the Internal Revenue Service Volunteer Income Tax Assistance (VITA) program provides free income tax assistance to low to moderate families and individuals; and

WHEREAS, the city entered into a one-year services contract with a one-year renewal option with United Way of Metropolitan Dallas to administer a VITA program for low to moderate income families or individuals citywide by Resolution No. 13-2143, on December 11, 2013; and

WHEREAS, the city wishes to exercise the option to renew the contract to administer a VITA program with the United Way of Metropolitan Dallas for one year.

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

Section 1. That the City Manager is authorized to execute a one-year renewal of the service contract with the United Way of Metropolitan Dallas (Vendor 601248) to administer a Volunteer Income Tax Assistance program for low and moderate income families or individuals who live in Dallas, in an amount not to exceed \$100,000, upon approval as to form by the City Attorney. Payment shall be based upon the addition of one new VITA site, the completion of at least 8,515 tax returns and 2,593 EITC returns for low to moderate income families and individuals in Dallas properly performed by the United Way of Metropolitan Dallas under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed \$100,000:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Vendor No.</u>	<u>Encumbrance</u>
0001	ECO	1166	3511	601248	ECO151166A024

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

KEY FOCUS AREA: Public Safety
AGENDA DATE: November 12, 2014
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Fire
CMO: Eric Campbell, 670-3255
MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 15D, "Emergency Vehicles," of the Dallas City Code to **(1)** expand the statement of policy and define additional terms; **(2)** amend the title of Division 2; and **(3)** authorize the mobile community healthcare program - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas incurs significant expense responding to the health emergencies of its citizens. Fire department paramedics are especially skilled at providing certain emergency medical services and are overseen by physicians licensed to practice medicine in Texas. Allowing fire department paramedics to make emergency medical services visits to certain individuals benefits our citizens. The Dallas Mobile Community Healthcare Program will focus on four areas: emergency medical services visits; evaluations; vaccinations; and assessment and/or transportation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Public Safety Committee on November 18, 2013.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 15D, “Emergency Vehicles,” of the Dallas City Code by amending Sections 15D-1 and 15D-4 to expand the statement of policy and define additional terms; amending the Division 2 title; and adding Section 15D-5.1 to authorize the mobile community healthcare program; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 15D-1, “Statement of Policy,” of Division 1, “General Provisions,” of Article I, “Ambulances,” of Chapter 15D, “Emergency Vehicles,” of the Dallas City Code is amended to read as follows:

“SEC. 15D-1. STATEMENT OF POLICY.

It is the policy of the city to provide for the protection of the public interest as it relates to the transportation of the sick, injured, and deceased within the city, and as it relates to the efficient use of emergency medical services within the city. To this end, this article provides for the regulation of emergency ambulance service, emergency medical services, and private ambulance service to be administered in a manner that protects the public health and safety and promotes the public convenience and necessity. Nothing in this article will be construed to conflict with any state or federal law relating to emergency and private ambulance service.”

SECTION 2. That Section 15D-4, “Definitions,” of Division 1, “General Provisions,” of Article I, “Ambulances,” of Chapter 15D, “Emergency Vehicles,” of the Dallas City Code is amended to read as follows:

“SEC. 15D-4. DEFINITIONS.

In this article:

(1) AMBULANCE means any motor vehicle constructed, reconstructed, arranged, equipped, or used for the purpose of transporting sick, injured, or deceased persons.

(2) AMBULANCE CALL means the act of responding with an ambulance, for compensation, to a request for transportation of a sick, injured, or deceased person.

(3) AMBULANCE PERSONNEL means a person who for compensation has the duty of performing or assisting in the performance of an ambulance call, including driving or acting as an attendant on an ambulance.

(4) CITY means the city of Dallas, Texas.

(5) 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.

(6) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, or the director's authorized representative.

(7) EMERGENCY means any circumstance that calls for immediate action and in which the element of time in transporting a sick or injured person [~~the sick or injured~~] for medical treatment or in providing treatment for a sick or injured person is essential to the health, life, or limb of the person. Such circumstances include, but are not limited to, accidents generally, acts of violence resulting in personal injury, and sudden illnesses.

(8) EMERGENCY AMBULANCE means an ambulance specially designed, constructed, equipped, and used for transporting the sick or injured in answer to an emergency call.

(9) EMERGENCY CALL means any request for ambulance service that is made by telephone or other means of communication in circumstances that are, or have been represented to be, an emergency.

(10) EMERGENCY MEDICAL SERVICES means services used to respond to an individual's perceived need for immediate medical care and to prevent death or aggravation of physiological or psychological illness or injury.

(11) EMERGENCY MEDICAL SERVICES VEHICLE means any motor vehicle constructed, reconstructed, arranged, equipped, or used in the mobile community healthcare program by the fire department for the purpose of providing emergency medical services but not for transporting sick, injured, or deceased persons.

(12) EMERGENCY PATIENT means a person in whom a sickness or injury may cause a significant risk to the person's life or limb. Such sickness or injury may include, but is not limited to, trauma (major injury to the body, head, or extremities), chest pain, abdominal pain, unconsciousness, delirium, imminent delivery of a child, and serious infection.

(13[14]) EMERGENCY PREHOSPITAL CARE means care provided to the sick or injured during emergency transportation to a medical facility and includes any necessary stabilization of the sick or injured in connection with that transportation.

(14[12]) EMERGENCY RUN means an emergency ambulance trip, requiring the use of warning lights or sirens, to the place where an emergency exists or from the place of the emergency to a hospital, medical clinic or office, or other appropriate destination for the patient.

(15[13]) FIRE ALARM DISPATCHER means the central communications center of the fire department.

(16[14]) FIRE CHIEF means the chief of the fire department or the chief's duly authorized representative.

(17[15]) FIRE DEPARTMENT means the fire department of the city of Dallas, Texas.

(18[16]) FIRE DEPARTMENT PARAMEDIC means a fire department employee certified as a paramedic by the Texas Department of State Health Services.

(19) LAWFUL ORDER means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this chapter and any rules and regulations promulgated under this chapter.

(20[17]) LICENSE means written authorization issued by the director for a person to operate a private ambulance service within the city.

(21[18]) LICENSEE means a person licensed under this article to engage in private ambulance service. The term includes any owner, operator, driver, ambulance personnel, employee, or agent of the licensed business, but does not include a subcontractor.

(22) MEDICAL DIRECTOR means a physician licensed by the Texas Medical Board who is under contract with the city to be responsible for all aspects of the provision of emergency medical services within the city under Title 22 of the Texas Administrative Code Chapter 197, as amended.

(23[19]) MUTUAL AID CALL means a request for emergency ambulance service issued by one political jurisdiction to a neighboring political jurisdiction.

(24[20]) NEONATE/ PEDIATRIC TRANSPORT PERSONNEL means a registered nurse, physician, or respiratory therapist specially trained in the emergency and transport care of newborn and pediatric patients.

(25[21]) OPERATE means to drive or to be in control of an ambulance.

(26[22]) OPERATOR means the driver of an ambulance, the owner of an ambulance, or the holder of a private ambulance service license.

(27[23]) OWNER means the person to whom state license plates for a vehicle were issued.

(28[24]) PERMIT means written authorization issued by the director for a person to act as an ambulance personnel on a private ambulance within the city.

(29[25]) PERMITTEE means a person who has been issued an ambulance personnel permit by the director under this article.

(30[26]) PERSON means any individual, corporation, business, trust, partnership, association, or other legal entity.

(31[27]) POLICE CHIEF means the chief of police of the city of Dallas or the chief's duly authorized representative.

(32[28]) PRIVATE AMBULANCE means an ambulance constructed, equipped, and used for transporting sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

(33[29]) PRIVATE AMBULANCE SERVICE means the business of transporting, for compensation, sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

(34[30]) SPECIAL EVENT means any parade, sporting event, concert, or other event or gathering requiring on-site standby medical personnel.

(35[31]) STREET means any street, alley, avenue, boulevard, drive, or highway commonly used for the purpose of travel within the corporate limits of the city.”

SECTION 3. That Division 2, “Emergency Ambulance Service,” of Article I, “Ambulances,” of Chapter 15D, “Emergency Vehicles,” of the Dallas City Code is amended to read as follows:

“Division 2. Emergency Medical [~~Ambulance~~] Services.”

SECTION 4. That Division 2, “Emergency Medical Services,” of Article I, “Ambulances,” of Chapter 15D, “Emergency Vehicles,” of the Dallas City Code is amended by adding Section 15D-5.1 “Mobile Community Healthcare Program,” to read as follows:

“SEC. 15D-5.1. MOBILE COMMUNITY HEALTHCARE PROGRAM PROVIDED BY FIRE DEPARTMENT.

(a) Findings and purpose.

(1) The city incurs significant expense related to the health emergencies of its citizens. Fire department paramedics are especially skilled at providing certain emergency medical services. Many of the emergency medical services provided by fire department paramedics are beneficial in the transport of sick or injured persons, as well as in responding to an individual’s perceived need for immediate medical care.

(2) The city’s mobile community healthcare program is designed to:

(A) support efficient and effective emergency medical services within the city;

(B) provide health education to residents;

(C) assess living environments that may be dangerous or detrimental to a citizen’s health and could contribute to an emergency situation; and

(D) respond to certain emergency medical situations by providing vaccinations and immunizations.

(3) The mobile community healthcare program is also intended to promote health and safety by referring mobile healthcare program participants to appropriate professionals and organizations in the community.

(4) Because police and fire personnel encounter many individuals while performing their duties, protecting those personnel from communicable disease using appropriate vaccines or immunizations reduces the spread of such diseases and reduces the number of personnel unavailable to protect public safety.

(b) General provisions.

(1) Texas Health and Safety Code Chapter 773, as amended, and Title 22 of the Texas Administrative Code Chapter 197, as amended, authorize fire department paramedics that are supervised by a physician licensed to practice medicine in Texas to provide emergency medical services.

(2) Under the mobile community healthcare program, fire department paramedics that are under the supervision of a physician licensed to practice medicine in Texas may use emergency medical services vehicles to provide emergency medical services, including immunization and vaccinations, to:

(A) individuals that meet criteria established by the director;

(5) below; and

- (B) individuals identified through a contract executed under Paragraph

- (C) police and fire personnel.

(3) The director shall promulgate standard operating procedures regarding emergency medical services provided by fire department paramedics as part of the mobile community healthcare program.

(4) A physician licensed to practice medicine in Texas shall develop, implement, and revise protocols and standing delegation orders regarding emergency medical services provided by the fire department paramedics as part of the mobile community healthcare program.

(5) The city may enter into contracts with hospitals within Dallas city limits authorizing fire department paramedics, through the mobile community healthcare program, to provide emergency medical services to certain individuals who reside in the city designated by the contracting hospital that meet criteria established in the contract. These hospital contracts must:

- (A) require that any emergency medical services provided by the fire department paramedics shall be provided under the supervision of the individual's treating physician or the appropriate hospital medical staff and through the exercise of the supervising physician's independent medical judgment;

- (B) require that the hospital develop treatment protocols for their discharged individuals receiving emergency medical services from fire department paramedics through the mobile community healthcare program, and that those treatment protocols are deemed by the medical director to be within the scope of the fire department paramedics' certification;

- (C) require that any medications prescribed to individuals participating in the mobile community healthcare program will be prescribed by the individual's treating physician or the appropriate hospital medical staff based on the prescribing physician's relationship with the individual; and

- (D) be reviewed and approved as to form by the compliance officer and director of risk management before consideration by city council.

(6) Nothing in this chapter shall be construed to restrict a physician from delegating administrative and technical or clinical tasks not involving the exercise of independent medical judgment to those specifically trained individuals instructed and directed by a licensed physician who accepts responsibility for the acts of such allied health personnel. Further, nothing shall be construed to relieve the supervising physician of the professional or legal responsibility for the care and treatment of his or her patients."

SECTION 5. That a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, including dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$2,000 and that a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 6. That Chapter 15D the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred before the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 7. 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 8. 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 _____

ADDENDUM ITEM # 4

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 12, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Human Resources

CMO: A. C. Gonzalez, 670-3302

MAPSCO: N/A

SUBJECT

Authorize a contract with Dallas Area Rapid Transit for the purchase of 312 annual passes in support of the City's clean air initiative - Not to exceed \$200,400 - Financing: Current Funds (to be partially reimbursed by participating employees)

BACKGROUND

The Dallas Area Rapid Transit (DART) annual pass program is designed to increase DART ridership through a reduced fare to program participants. Passes allow unlimited transportation for a full calendar year (7 days per week) on DART bus, rail and commuter rail routes. It is expected to increase the use of public transportation by City employees, thereby decreasing automobile emissions.

Increasing City employees' use of mass transportation is part of the City's clean air strategies. The 2015 program will be effective January 1, 2015, through December 31, 2015.

The City Council approved a \$60,000, subsidy to assist employees with the purchase of DART passes in FY 2014-15 budget.

The DART Pass program is open to permanent civilian and uniformed Fire employees. Uniformed Police employees already ride free of charge on DART transportation routes. The City will purchase approximately 312 annual bus passes which will be partially reimbursed by participating employees through payroll deductions beginning January 9, 2015 through December 25, 2015, in accordance with Attachment A.

This item is on the addendum because we were waiting for employees to sign up for a Dart pass and did not have the total number of passes in time to make the regular agenda.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Authorized a contract with DART to purchase A-Passes on October 22, 2003, by Resolution No. 03-2881.

Authorized the City funded DART A-Pass program as part of the FY 2004-05 budget on September 22, 2004, by Resolution No. 04-2841.

Authorized the City funded DART pass program as part of the FY 2005-06 budget on September 28, 2005, by Resolution No. 05-2822.

Authorized a contract with DART to purchase A-Passes on October 26, 2005, by Resolution No. 05-3038.

Authorized purchase of 1,700 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2007 clean air initiative on October 25, 2006, by Resolution No. 06-2962.

Authorized purchase of 2,000 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2008 clean air initiative on October 24, 2007, by Resolution No. 07-3196.

Authorized purchase of 4,000 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2008 clean air initiative on November 10, 2008, by Resolution No. 08-3508.

Authorized purchase of 450 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2010 clean air initiative on January 27, 2010, by Resolution No. 10-0364.

Authorized purchase of 384 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2011 clean air initiative on December 8, 2010, by Resolution No.10-3001.

Authorized purchase of 375 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2012 clean air initiative on November 7, 2011, by Resolution No. 11-3027.

Authorized purchase of 343 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2013 clean air initiative on December 12, 2012, by Resolution No. 12-2983.

Authorized purchase of 339 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2014 clean air initiative on October 23, 2013, by Resolution No. 13-1831.

FISCAL INFORMATION

Current Funds - \$200,400 (to be partially reimbursed by participating employees)

OWNER

Dallas Area Rapid Transit

Gary Thomas, President and Executive Director

FY14-15 DART PASS SUBSIDY

ATTACHMENT A

SUBSIDY MATRIX:

Employee's Base Pay at the close of DART Pass Sign Up	City Portion	Employee's Cost	Employee Cost Per Pay Period
Local - \$600			
\$0 - \$30,000	\$300	\$300	\$12.50
\$30,000 - \$60,000	\$200	\$400	\$16.67
\$60,001 - \$90,000	\$75	\$525	\$21.88
\$90,000 and above	\$50	\$550	\$22.92
Regional - \$1200			
\$0 - \$30,000	\$300	\$900	\$37.50
\$30,000 - \$60,000	\$200	\$1000	\$41.67
\$60,001 - \$90,000	\$75	\$1125	\$46.88
\$90,000 and above	\$50	\$1150	\$47.92

November 12, 2014

WHEREAS, the City Council authorized the Dallas Area Rapid Transit A-Pass program on January 22, 2003, by Resolution No. 03-0373; and

WHEREAS, the City Council authorized the City funded Dallas Area Rapid Transit A-Pass program on September 24, 2003, by Resolution No. 03-2570; and

WHEREAS, the City Council authorized the City funded Dallas Area Rapid Transit A-Pass program on October 22, 2003, by Resolution No. 03-2881; and

WHEREAS, the City Council authorized the City funded Dallas Area Rapid Transit A-Pass program on September 22, 2004, by Resolution No. 04-2841; and

WHEREAS, the City Council authorized the City funded Dallas Area Rapid Transit Pass program on September 28, 2005, by Resolution No. 05-2822; and

WHEREAS, the City Council authorized a contract with Dallas Area Rapid Transit to purchase A-Passes on October 26, 2005, by Resolution No. 05-3038; and

WHEREAS, the City Council authorized the City funded Dallas Area Rapid Transit Pass program on October 25, 2006, by Resolution No. 06-2962; and

WHEREAS, the City Council authorized the City funded Dallas Area Rapid Transit Pass program on October 24, 2007, by Resolution No. 07-3196; and

WHEREAS, the City Council authorized the City funded Dallas Area Rapid Transit Pass program on November 10, 2008, by Resolution No. 08-3508; and

WHEREAS, the City Council authorized the City funded Dallas Area Rapid Transit Pass program on January 27, 2010, by Resolution No. 10-0364; and

WHEREAS, the City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 384 annual passes in support of the City's 2011 clean air initiative on December 8, 2010, by Resolution No. 10-3001; and

WHEREAS, the City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 375 annual passes in support of the City's 2012 clean air initiative on November 7, 2011, by Resolution No. 11-3027; and

November 12, 2014

WHEREAS, the City Council authorized the purchase of 343 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2013 clean air initiative on December 12, 2012, by Resolution No. 12-2983; and

WHEREAS, the City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 339 annual passes in support of the City's 2014 clean air initiative on October 23, 2013 by Resolution No. 13-1831; and

WHEREAS, it is the City's desire to execute a one-year contract for the 2015 Calendar year with Dallas Area Rapid Transit to purchase approximately 312 passes, the cost of which will be partially reimbursed through employee payroll deductions.

NOW, THEREFORE,

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

Section 1. That the City Manager be and is hereby authorized to enter into a contract, where a contract is required, after approval as to form by the City Attorney, for the purchase of approximately 312 DART Passes to include Paratransit coupon books on behalf of City employees in support of the City's clean air initiative.

Section 2. That the City Controller is hereby authorized to disburse funds from Fund 0001, Dept PER, Unit 1436, Object 3532, Encumbrance No. CT PER14362015 to Dallas Area Rapid Transit (Vendor #232802) for the purchase of approximately 312 passes, on behalf of City employees at a cost not to exceed \$200,400 to be partially reimbursed through employee payroll deductions.

Section 3. That the City Controller is hereby authorized to make employee payroll deductions to reimburse the City to Fund 0001, Dept PER, Unit 1436, Object 5011 in the amount of \$200,400.

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.

ADDENDUM ITEM # 5

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 12, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize adoption of the 2015 City Calendar - Financing: No cost consideration to the City

BACKGROUND

This item was placed on the addendum and is moved forward by Council direction.

Resolution No. 89-3796 requires the City Council to adopt an annual calendar. Resolution No. 90-2673 establishes the annual July recess. The City Calendar includes all City Council briefing and agenda meetings, budget briefings and workshops, Council Committee meetings, and City holidays. The City Calendar is available on the City's website at www.dallascityhall.com and is made available in the Office of Financial Services to all citizens who request copies.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Council was briefed on November 5, 2014.

FISCAL INFORMATION

No cost consideration to the City.

November 12, 2014

WHEREAS, it is the desire of the City to improve the efficiency of our municipal operations by adopting an annual City Calendar; and

WHEREAS, it is the responsibility of the City Manager's Office to prepare an annual City Calendar each year for the upcoming calendar year; and

WHEREAS, the annual City Calendar should include all City Council briefing and agenda meetings, budget briefings and workshops, Council Committee meetings, and City holidays; and

WHEREAS, the City Calendar should be updated periodically to incorporate any additions and/or changes in the schedule of meetings; and

WHEREAS, the City Calendar should be made available to all citizens, upon request, in the Office of Financial Services;

Now, Therefore,

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

Section 1. That the Dallas City Council hereby adopts the 2015 City Calendar per Attachment A.

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.

January 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 New Year's Day City Holiday	2	3
4	5 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	6	7 Council Briefing 9:00am	8	9	10
11	12 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	13	14 Council Agenda 9:00am	15 Council - Staff Planning Session Campaign Finance Report Due (Semi- annual)	16 Council - Staff Planning Session	17
18	19 Council Committee Meetings Moved to January 20 Martin Luther King, Jr. Day City Holiday	20 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	21 Council Briefing 9:00am U.S. Conference of Mayors Washington, DC Winter Meeting	22 U.S. Conference of Mayors Washington, DC Winter Meeting	23 U.S. Conference of Mayors Washington, DC Winter Meeting	24
25	26 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	27	28 Council Agenda 9:00am	29	30	31

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

February 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	3	4 Council Briefing 9:00am Budget Workshop	5	6	7
8	9 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	10	11 Council Agenda 9:00am	12	13	14
15	16 Council Committee Meetings Moved to February 17 Presidents' Day City Holiday	17 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	18 Council Briefing 9:00am	19	20	21
22	23 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	24	25 Council Agenda 9:00am	26	27	28

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

March 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	3	4 Council Briefing 9:00am	5	6	7 National League of Cities Conference-Washington, D.C.
8 National League of Cities Conference-Washington, D.C.	9 Council Recess National League of Cities Conference-Washington, D.C.	10 Council Recess National League of Cities Conference-Washington, D.C.	11 City Council Meeting Canceled Council Recess National League of Cities Conference-Washington, D.C.	12 Council Recess	13 Council Recess	14
15	16 Council Recess	17 Council Recess	18 City Council Meeting Canceled Council Recess	19 Council Recess	20 Council Recess	21
22	23 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	24	25 Council Agenda 9:00am Budget Public Hearing	26	27	28
29	30	31				

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

April 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Council Briefing 9:00am	2	3 Good Friday Passover (Begins at Sundown)	4 Passover Second Night Seder
5 Easter Sunday	6 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	7	8 Council Agenda 9:00am	9 Campaign Finance Report Due (30 days before election)	10	11
12	13 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	14	15 Council Briefing 9:00am	16	17	18
19	20 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	21	22 Council Agenda 9:00am	23	24	25
26	27 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project Early Voting Begins	28	29 Fifth Wednesday – No City Council Meeting	30		

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

May 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Campaign Finance Report Due (8 th day before election)	2
3	4 Council Committees Meetings Canceled	5 Early Voting Ends	6 City Council Meeting Canceled	7	8	9 Election Day
10	11 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	12	13 Council Agenda 9:00am	14	15	16
17	18 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	19	20 Council Briefing 9:00am Budget Workshop Canvass of Election Results Call Runoff Election (if necessary)	21	22	23
24	25 Council Committees Moved to May 26 Memorial Day City Holiday	26 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	27 Council Agenda 9:00am Budget Public Hearing	28	29	30
31						

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

June 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit Runoff Early Voting Begins (Subject to change)	2	3 Council Briefing 9:00am	4	5 Campaign Finance Report Due (8 th day before runoff election)	6
7	8 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	9 Runoff Early Voting Ends (Subject to change)	10 Council Agenda 9:00am	11	12	13 Runoff Election Day (Subject to change)
14	15 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	16	17 Council Agenda 9:00am	18 Ramadan (Begins at Sundown)	19 U.S. Conference of Mayors San Francisco, CA	20 U.S. Conference of Mayors San Francisco, CA
21 U.S. Conference of Mayors San Francisco, CA	22 Council Committees Meetings Canceled Canvass of Runoff Election (subject to change) City Council inauguration and Other Meetings U.S. Conference of Mayors San Francisco, CA	23	24 Council Briefing 9:00am Budget workshop	25	26	27
28	29	30				

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

July 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Council Recess Per Resolution 90-2673 Passed August 22, 1990	2	3 Independence Day City Holiday	4 Independence Day
5	6 Council Recess Per Resolution 90-2673 Passed August 22, 1990	7	8 Council Recess Per Resolution 90-2673 Passed August 22, 1990	9	10	11
12	13 Council Recess Per Resolution 90-2673 Passed August 22, 1990	14	15 Council Recess Per Resolution 90-2673 Passed August 22, 1990 Campaign Finance Report Due (Semi- annual)	16	17	18
19	20 Council Recess Per Resolution 90-2673 Passed August 22, 1990	21	22 Council Recess Per Resolution 90-2673 Passed August 22, 1990	23	24	25
26	27 Council Recess Per Resolution 90-2673 Passed August 22, 1990	28	29 Fifth Wednesday – No City Council Meeting	30	31	

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

August 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	4	5 Council Briefing 9:00am	6	7	8
9	10 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	11 Council Budget Workshop 9:00am Presentation of City Manager's Recommended Budget Budget Town Hall Meetings Begin	12 Council Agenda 9:00am	13	14	15
16	17 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	18	19 Council Briefing 9:00am Budget Workshop	20	21	22
23	24 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	25	26 Council Agenda 9:00am Budget Public Hearing	27	28	29
30	31					

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

September 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Council Briefing 9:00am Budget Workshop	3 Budget Town Hall Meetings End	4	5
6	7 Council Committee Meetings Moved to September 8 Labor Day City Holiday/ Cesar E. Chavez Day	8 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	9 Council Agenda 9:00am Vote to Adopt Budget 1 st Reading	10	11 September 11 th Remembrance Day	12
13 Rosh Hashanah (Begins at Sundown)	14 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	15	16 Council Briefing 9:00am Council Budget Amendments Workshop 9:00am	17	18	19
20	21 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	22 Texas Municipal League Annual Conference – San Antonio, Texas Yom Kippur (Begins at Sundown)	23 Council Agenda 9:00am Budget Adoption 2 nd Reading Texas Municipal League Annual Conference – San Antonio, Texas Yom Kippur	24 Texas Municipal League Annual Conference – San Antonio, Texas	25 Texas Municipal League Annual Conference – San Antonio, Texas	26
27	28 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	29	30 Fifth Wednesday – No City Council Meeting			

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

October 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	6	7 Council Briefing 9:00am	8	9	10
11	12 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	13	14 Council Agenda 9:00am	15	16	17
18	19 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	20	21 Council Briefing 9:00am	22	23	24
25	26 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	27	28 Council Agenda 9:00am	29	30	31

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

November 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	3 Council Briefing 9:00am	4 City Council Meeting Moved to November 3 National League of Cities Conference-Nashville, TN	5 National League of Cities Conference-Nashville, TN	6 National League of Cities Conference-Nashville, TN	7 National League of Cities Conference-Nashville, TN
8	9 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	10 Council Agenda 9:00am	11 City Council Meeting Moved to November 10 Veterans Day	12	13	14
15	16 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	17	18 Council Briefing 9:00am	19	20	21
22	23 Council Committee Meetings Canceled	24	25 City Council Meeting Canceled	26 Thanksgiving Day City Holiday	27 Day after Thanksgiving Day City Holiday	28
29	30					

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

December 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Council Briefing 9:00am	3	4	5
6 Eight Days of Hanukah (Begins at Sundown)	7 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries Hanukkah	8 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	9 Council Agenda 9:00am	10	11	12
13	14 Council Committee Meetings Moved to December 8 th	15	16 City Council Meeting Canceled	17	18	19
20	21 Council Committee Meetings Canceled	22	23 City Council Meeting Canceled	24	25 Christmas Day City Holiday	26
27	28 Council Committee Meetings Canceled	29	30 Fifth Wednesday – No City Council Meeting	31		

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

ADDENDUM ITEM # 6

KEY FOCUS AREA: Culture, Arts, Recreation, & Education

AGENDA DATE: November 12, 2014

COUNCIL DISTRICT(S): 3

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 61-B L M

SUBJECT

Authorize a contract for stabilization of the historic log cabin, barn and root cellar at Sharrock-Niblo Park located at 5429 Kiwanis Road - Phoenix I Restoration and Construction, Ltd., best value proposer of two - Not to exceed \$298,600 - Financing: 2006 Bond Funds

BACKGROUND

This action will award a contract for stabilization of the historic log cabin, barn and root cellar at Sharrock-Niblo Park to Phoenix I Restoration and Construction, Ltd., best value proposer of two, in an amount not to exceed \$298,600.

Due to limited council meetings in December, this item must be placed on the City Council addendum to avoid delays.

On October 16, 2014, two competitive sealed proposals were received for stabilization of the historic log cabin, barn and root cellar at Sharrock-Niblo Park. Phoenix I Restoration and Construction, Ltd. was selected as the best value proposer. Proposals based on RFCSP are evaluated on pre-set criteria which include cost, qualifications of the prime contractor, construction amount and schedule ratings, which are based on mathematical formulas, with the best price and best schedule being given the highest scores. Ratings "1" to "10" are given for each criterion with "10" being the best rating. These ratings are multiplied by the weighting to obtain the score for each item.

BACKGROUND (Continued)

The following is a list of the rating criteria and values for each criterion:

	<u>Value</u>
1. Proposed Construction Contract Award	45%
2. Qualifications/Experience/References for Prime Firm	15%
3. Subcontractor Experience	15%
4. Business Inclusion and Development Plan	15%
5. Financial Sufficiency	5%
6. Schedule/Time of Completion	<u>5%</u>
	100%

ESTIMATED SCHEDULE OF PROJECT

Began Design	November 2012
Completed Design	June 2014
Begin Construction	December 2014
Complete Construction	September 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized proceeding with advertisement for construction procurement on June 5, 2014.

The Park and Recreation Board authorized award of the contract on November 6, 2014.

FISCAL INFORMATION

2006 Bond Funds - \$298,600

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Phoenix I Restoration and Construction, Ltd.

White Male	24	White Female	5
Black Male	0	Black Female	0
Hispanic Male	37	Hispanic Female	0
Other Male	0	Other Female	0

PROPOSAL INFORMATION

The following three proposals were received and opened on October 16, 2014:

*Denotes the successful proposer

<u>Proposers</u>	<u>Base Bid</u>	<u>Alter. Nos. 1 & 2**</u>	<u>Total</u>	<u>Score</u>
*Phoenix I Restoration and Construction, Ltd. 14032 Distribution Way Farmers Branch, Texas	\$158,600	\$140,000	\$298,600	3850.0
Henneberger Construction	\$177,000	\$135,000	\$312,000	3139.6

**Alternate No. 1 - provides for deconstruction and reassembly of the log cabin.

**Alternate No. 2 - provides for addition of cellar stabilization including excavation and metal roof cover.

Note: The best and final offer from Phoenix Restoration and Construction, Ltd. for Base Bid and Alternate Nos. 1 and 2 was for \$298,600.

OWNER

Phoenix I Restoration and Construction, Ltd.

Dale Sellers, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for stabilization of the historic log cabin, barn and root cellar at Sharrock-Niblo Park located at 5429 Kiwanis Road - Phoenix I Restoration and Construction, Ltd., best value proposer of two - Not to exceed \$298,600 - Financing: 2006 Bond Funds

Phoenix I Restoration and Construction, Ltd. 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$247,680.00	82.95%
Total non-local contracts	\$50,920.00	17.05%
TOTAL CONTRACT	\$298,600.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

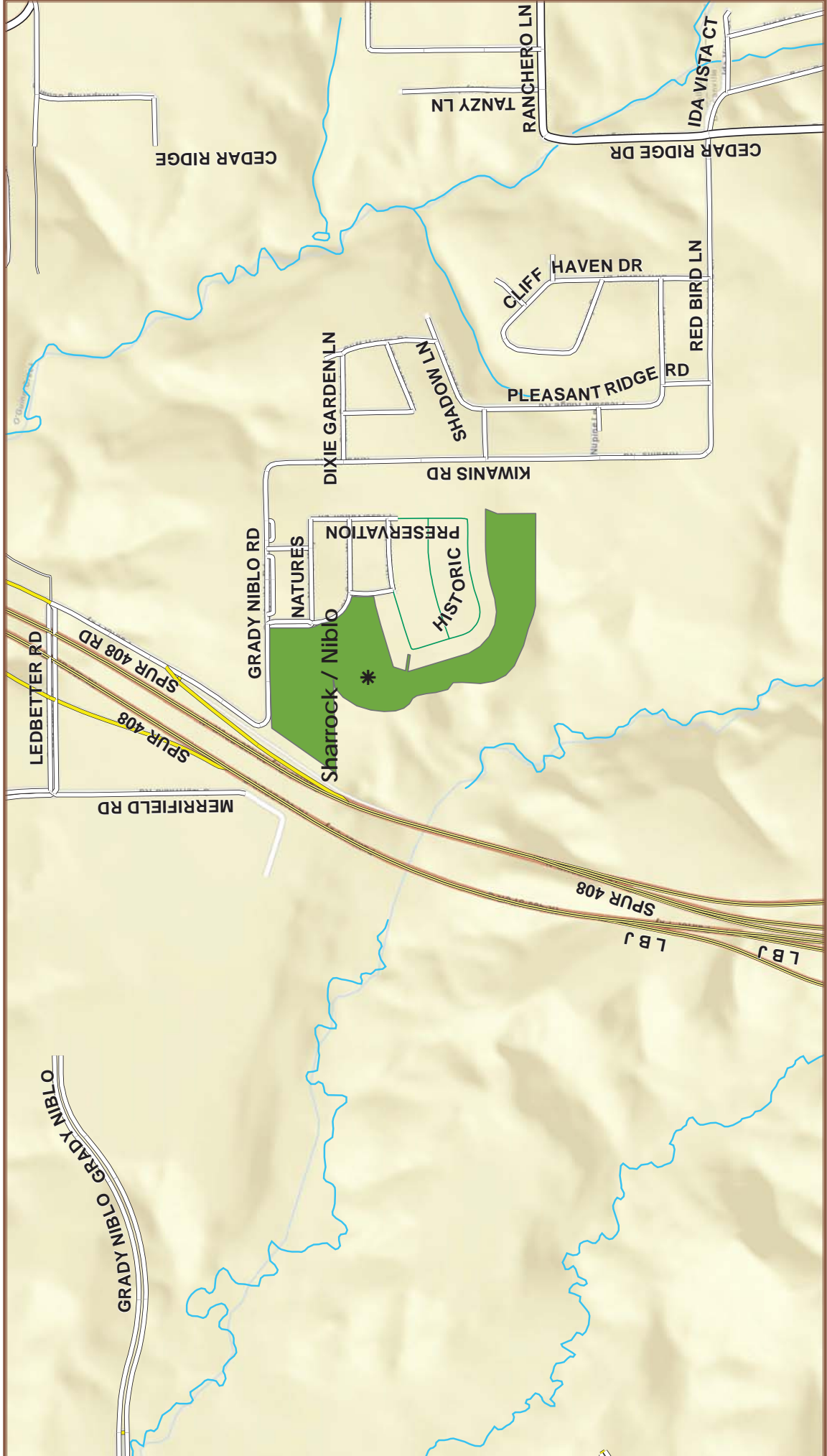
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
ADCO Decal and Design	BMMB62966Y0816	\$1,000.00	0.40%
Instant Rain Designs	WFWB61739N0516	\$25,290.00	10.21%
Total Minority - Local		\$26,290.00	10.61%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Site Source Inc.	WFWB62347N0616	\$50,920.00	100.00%
Total Minority - Non-local		\$50,920.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$1,000.00	0.40%	\$1,000.00	0.33%
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	\$25,290.00	10.21%	\$76,210.00	25.52%
Total	\$26,290.00	10.61%	\$77,210.00	25.86%



District
3

Mapsc
61B LM

November 6, 2014

Sharrock/Niblo (5429 Kiwanis Rd)



November 12, 2014

WHEREAS, on October 16, 2014, two competitive sealed proposals were received for stabilization of the historic log cabin, barn and root cellar at Sharrock-Niblo Park located at 5429 Kiwanis Road; and

<u>Proposers</u>	<u>Base Bid</u>	<u>Alter. Nos. 1, & 2**</u>	<u>Total</u>	<u>Score</u>
Phoenix I Restoration and Construction, Ltd.	\$158,600	\$140,000	\$298,600	3850.0
Henneberger Construction	\$177,000	\$135,000	\$312,000	3139.6

**Alternate No. 1 - provides for deconstruction and reassembly of the log cabin.

**Alternate No. 2 - provides for addition of cellar stabilization including excavation and metal roof cover.

Note: The best and final offer from Phoenix Restoration and Construction, Ltd. for Base Bid and Alternate Nos. 1 and 2 was for \$298,600.

WHEREAS, it has been determined that acceptance of the best and final offer from Phoenix I Restoration and Construction, Ltd., in an amount not to exceed \$298,600 is the best value for the City of Dallas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a contract with Phoenix I Restoration and Construction, Ltd. for stabilization of the historic log cabin, barn and root cellar at Sharrock-Niblo Park, in an amount not to exceed \$298,600.

SECTION 2. That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a contract with Phoenix I Restoration and Construction, Ltd., after approval as to form by the City Attorney.

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$298,600 from (2006) Park and Recreation Facilities Improvement Fund, Fund 1T00, Department PKR, Unit T155, Object 4310, Activity HISP, Program PKGRADY, CT-PKR15019480, Commodity 91200, Vendor VC0000003594.

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

KEY FOCUS AREA: Culture, Arts, Recreation, & Education

AGENDA DATE: November 12, 2014

COUNCIL DISTRICT(S): 2, 8, 13

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 23-B 33-V 57-V

SUBJECT

Authorize a contract for structural repair and miscellaneous work at Arlington Park Recreation Center located at 1505 Record Crossing Road; Janie C. Turner Recreation Center located at 6424 Elam Road; and Marcus Recreation Center located at 3003 Northaven Road - DENCO Construction Specialists Corporation, best value proposer of three - Not to exceed \$389,600 - Financing: 2003 Bond Funds (\$145,000) and 2006 Bond Funds (\$244,600)

BACKGROUND

This action will award a contract for structural repair and miscellaneous work at Arlington Park Recreation Center; Janie C. Turner Recreation Center; and Marcus Recreation Center to DENCO Construction Specialists Corporation, best value proposer three, in an amount not to exceed \$389,600.

Due to limited council meetings in December, this item must be placed on the City Council addendum to avoid delays.

On August 7, 2014, three competitive sealed proposals were received for structural repair and miscellaneous work at Arlington Park Recreation Center; Janie C. Turner Recreation Center; and Marcus Recreation Center. DENCO Construction Specialists Corporation was selected as the best value proposer. Proposals based on RFCSP are evaluated on pre-set criteria which include cost, qualifications of the prime contractor, construction amount and schedule ratings, which are based on mathematical formulas, with the best price and best schedule being given the highest scores. Ratings "1" to "10" are given for each criterion with "10" being the best rating. These ratings are multiplied by the weighting to obtain the score for each item.

BACKGROUND (Continued)

The following is a list of the rating criteria and values for each criterion:

	<u>Value</u>
1. Proposed Construction Contract Award	45%
2. Qualifications/Experience/References for Prime Firm	15%
3. Subcontractor Experience	15%
4. Business Inclusion and Development Plan	15%
5. Financial Sufficiency	5%
6. Schedule/Time of Completion	<u>5%</u>
	100%

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2013
Completed Design	December 2013
Begin Construction	January 2015
Complete Construction	July 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized proceeding with advertisement for construction procurement on January 23, 2014.

The Park and Recreation Board authorized award of the contract on November 6, 2014.

FISCAL INFORMATION

2003 Bond Funds - \$145,000
2006 Bond Funds - \$244,600

<u>Council District</u>	<u>Amount</u>
2	\$145,000
8	\$116,600
13	<u>\$128,000</u>
Total	\$389,600

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

DENCO Construction Specialists Corporation

White Male	0	White Female	6
Black Male	1	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

PROPOSAL INFORMATION

The following three proposals were received and opened on August 7, 2014:

*Denotes the successful proposer

<u>Proposers</u>	<u>Base Bid</u>	<u>Alter. Nos. 1, 3, & 4**</u>	<u>Total</u>	<u>Score</u>
*DENCO Construction Specialists Corporation 5525 Lyons Road Garland, Texas	\$336,000	\$53,600	\$389,600	248.08
MART, Inc.	\$388,500	\$63,000	\$451,500	227.47
Capital Restoration, LLC	\$349,402	\$72,120	\$421,522	194.33

**Alternate No. 1 - provides for concrete slab topping at Marcus Recreation Center.

**Alternate No. 2 - provides for the removal and replacement of acrylic panels at Janie C. Turner Recreation Center.

**Alternate No. 4 - provides for geopolymer injection at the gymnasium at Janie C. Turner Recreation Center.

Note: The best and final offer from DENCO Construction Specialists Corporation for Base Bid and Alternate Nos. 1, 2, and 4 was for \$389,600.

OWNER

DENCO Construction Specialist Corporation

Mark Boland, President

MAPS

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for structural repair and miscellaneous work at Arlington Park Recreation Center located at 1505 Record Crossing Road; Janie C. Turner Recreation Center located at 6424 Elam Road; and Marcus Recreation Center located at 3003 Northaven Road - Denco Construction Specialists Corporation, best value proposer of three - Not to exceed \$389,600 - Financing: 2003 Bond Funds (\$145,000) and 2006 Bond Funds (\$244,600)

Denco Construction Specialists Corporation 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$344,561.96	88.44%
Total non-local contracts	\$45,038.04	11.56%
TOTAL CONTRACT	\$389,600.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

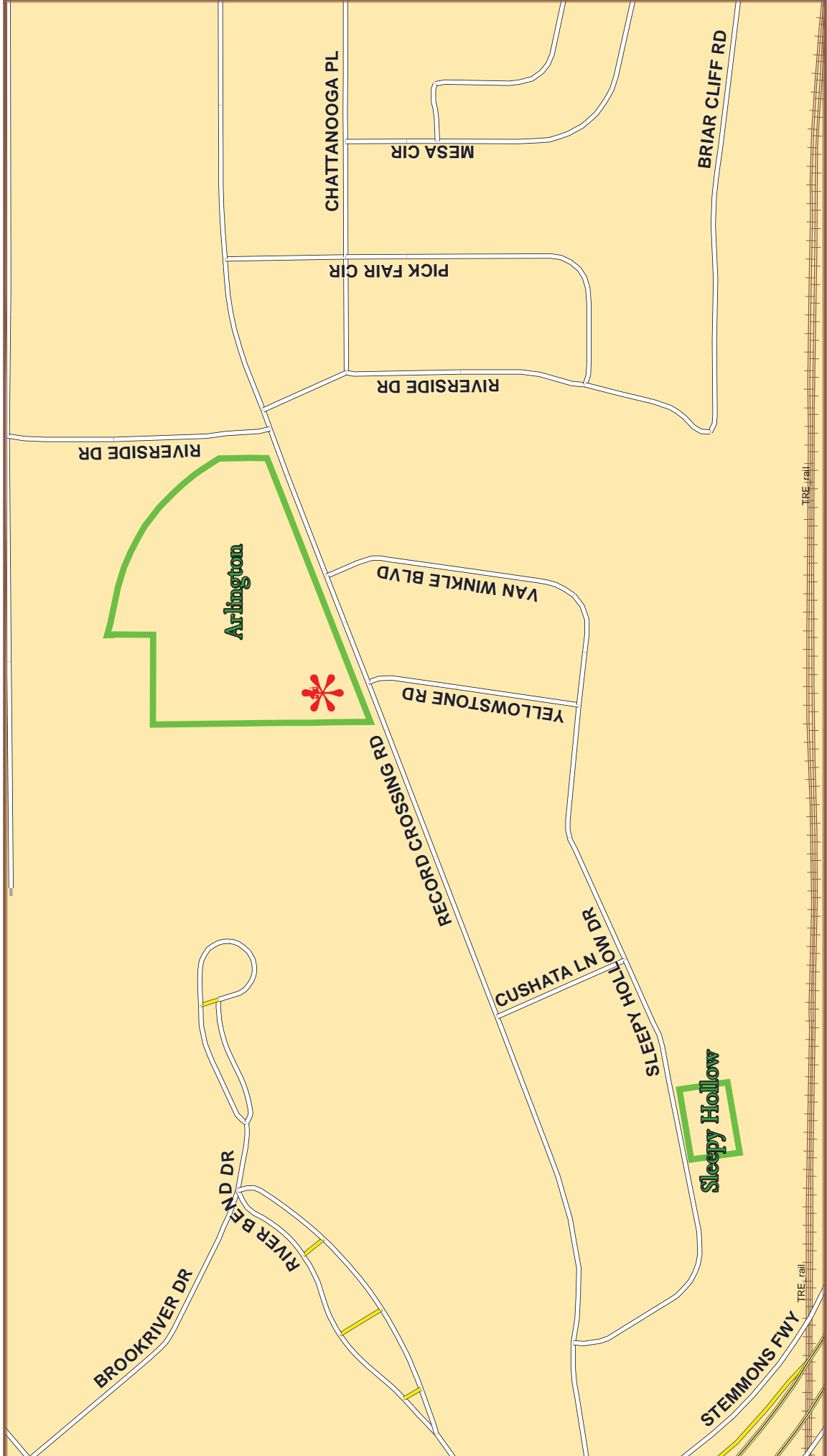
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
OAC Construction	HMMB6142N0415	\$110,682.19	32.12%
Total Minority - Local		\$110,682.19	32.12%

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	\$110,682.19	32.12%	\$110,682.19	28.41%
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	\$110,682.19	32.12%	\$110,682.19	28.41%

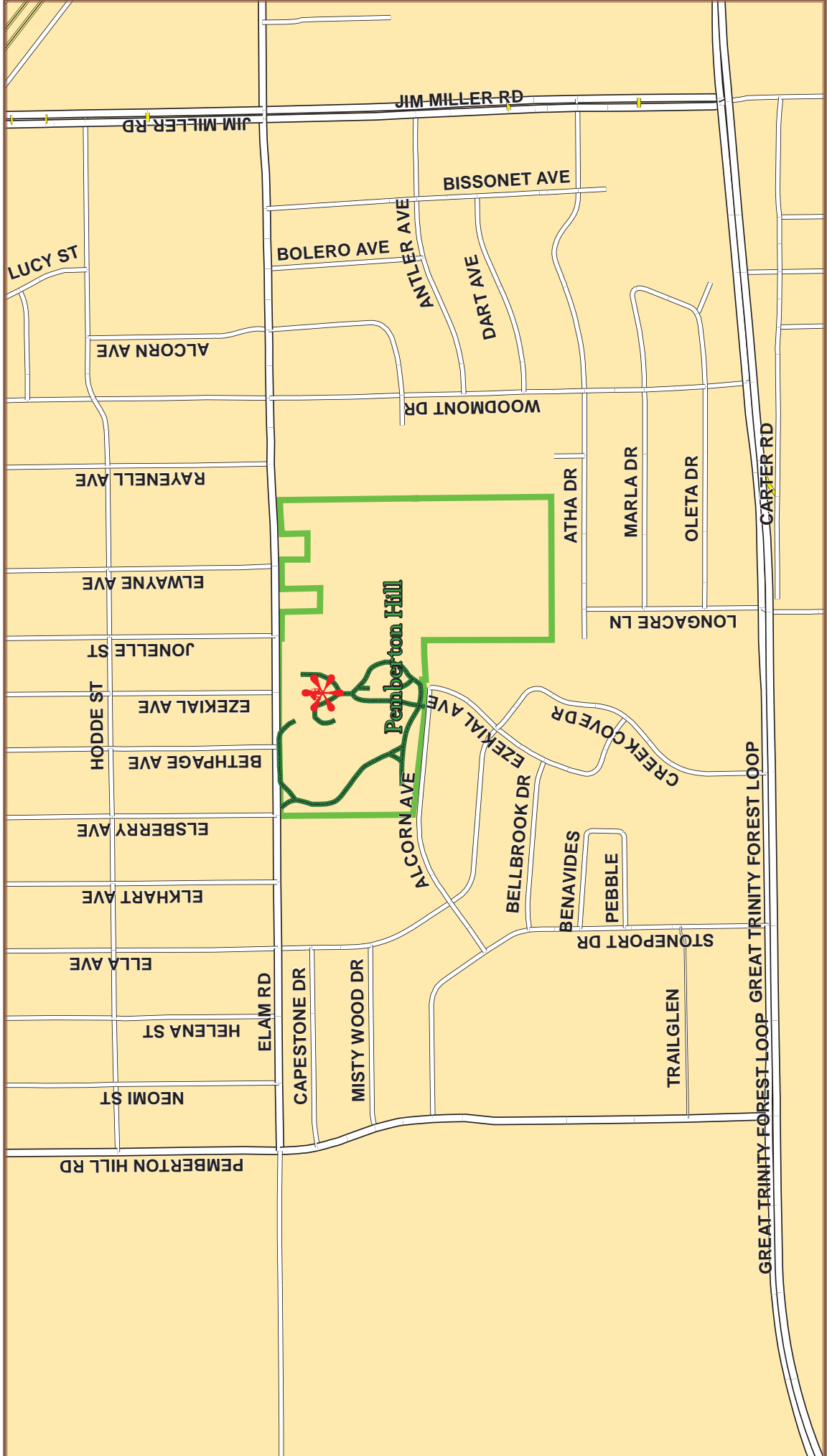


Arlington Park Rec Center (1505 Record Crossing Rd)

MapSCO
V 33

District
2

November 6, 2014



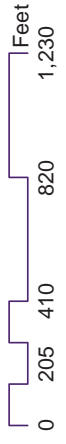
Janice C. Turner Rec Center
6424 Elam Rd

Mapsco
57 V

District
8

November 6 2014





Marcus Rec Center 3003 Northaven Rd

MapSCO
23 B

District
13

November 6 2014

November 12, 2014

WHEREAS, on August 7, 2014, three competitive sealed proposals were received for structural repair and miscellaneous work at Arlington Park Recreation Center located at 1505 Record Crossing Road; Janie C. Turner Recreation Center located at 6424 Elam Road; and Marcus Recreation Center located at 3003 Northaven Road ; and

<u>Proposers</u>	<u>Base Bid</u>	<u>Alter. Nos. 1, 3, & 4**</u>	<u>Total</u>	<u>Score</u>
DENCO Construction Specialists Corporation	\$336,000	\$53,600	\$389,600	248.08
MART, Inc.	\$388,500	\$63,000	\$451,500	227.47
Capital Restoration, LLC	\$349,402	\$72,120	\$421,522	194.33

**Alternate No. 1 - provides for concrete slab topping at Marcus Recreation Center.

**Alternate No. 2 - provides for the removal and replacement of acrylic panels at Janie C. Turner Recreation Center.

**Alternate No. 4 - provides for geopolymer injection at the gymnasium at Janie C. Turner Recreation Center.

Note: The best and final offer from DENCO Construction Specialists Corporation for Base Bid and Alternate Nos. 1, 2, and 4 was for \$389,600.

WHEREAS, it has been determined that acceptance of the best and final offer from DENCO Construction Specialists Corporation, in an amount not to exceed \$389,600 is the best value for the City of Dallas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a contract with DENCO Construction Specialists Corporation for structural repair and miscellaneous work at Arlington Park Recreation Center; Janie C. Turner Recreation Center; and Marcus Recreation Center, in an amount not to exceed \$389,600.

SECTION 2. That the Park and Recreation Board and City Manager are hereby authorized to execute a contract with DENCO Construction Specialists Corporation, after approval as to form by the City Attorney.

November 12, 2014

SECTION 3. That the City Controller is hereby authorized to pay DENCO Construction Specialists Corporation, as follows:

Arlington Park Recreation Center

(2003) Neighborhood Park and Recreation Facilities Fund
 Fund 6R05, Department PKR, Unit T007, Object 4310
 Activity RFSI, Program PK06T007, CT-PKR14019471
 Commodity 91200, Vendor VS0000062071 \$145,000.00

Janie C. Turner Recreation Center

(2006) Park and Recreation Facilities Improvement Fund
 Fund 8T00, Department PKR, Unit T177, Object 4310
 Activity RFSI, Program PK06T177, CT-PKR14019471
 Commodity 91200, Vendor VS0000062071 \$111,847.09

(2006) Park and Recreation Facilities Improvement Fund
 Fund 9T00, Department PKR, Unit T177, Object 4310
 Activity RFSI, Program PK06T177, CT-PKR14019471
 Commodity 91200, Vendor VS0000062071 \$4,752.91

Marcus Recreation Center

(2006) Park and Recreation Facilities Improvement Fund
 Fund 8T00, Department PKR, Unit T223, Object 4310
 Activity RFSI, Program PK06T177, CT-PKR14019471
 Commodity 91200, Vendor VS0000062071 \$128,000.00

Total amount not to exceed \$389,600.00

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

ADDENDUM ITEM # 8

KEY FOCUS AREA: Culture, Arts, Recreation, & Education

AGENDA DATE: November 12, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 65-U, V

SUBJECT

Authorize a contract for grading, site utilities and paving for the Singing Hills Recreation Center located between Crouch Road and Patrol Way - J. C. Commercial, Inc., lowest responsible bidder of five - Not to exceed \$1,080,077 - Financing: 2006 Bond Funds (\$536,206) and General Obligation Commercial Paper Funds (\$543,871)

BACKGROUND

On October 16, 2014, five bids were received for the Singing Hills Recreation Center replacement site package. This item authorizes award of the construction contract to J.C. Commercial, Inc. for the Base Bid and Alternate Nos. 2, 3 and 5, with a total bid amount of \$1,080,077. The scope of work includes rough grading, site utilities, concrete driveway and parking lot paving.

Due to limited council meetings in December, this item must be placed on the City Council addendum to avoid delays.

The following chart illustrates J.C. Commercial, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	0	0	1
Change Orders	0	0	14
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	September 2013
Completed Design	September 2014
Begin Construction	December 2014
Complete Construction	April 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized advertisement for bids on August 7, 2014.

The Park and Recreation Board authorized award of the contract on November 6, 2014.

FISCAL INFORMATION

2006 Bond Funds - \$536,206.42

2006 Bond Program (General Obligation Commercial Paper Funds) - \$543,870.58

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

J.C. Commercial, Inc.

White Male	15	White Female	2
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following five bids were received and opened on October 16, 2014:

*Denotes the successful bidder

<u>Bidders</u>	<u>Base Bid</u>	<u>Alter. Nos. 2,3 & 5**</u>	<u>Total Bid</u>
*J.C. Commercial, Inc. 1865 McGee Lane Lewisville, Texas	\$657,777.00	\$422,300.00	\$1,080,077.00
MART, Inc.	\$916,000.00	\$363,050.00	\$1,279,050.00
Jeske Construction Co.	\$973,600.00	\$406,095.50	\$1,379,695.50
Phillips/May Corporation	\$930,333.00	\$445,600.00	\$1,375,933.00

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Base Bid</u>	<u>Alter. Nos. 2,3 & 5**</u>	<u>Total Bid</u>
Lemco Construction	\$980,000.00	\$414,900.00	\$1,394,900.00

**Alternate No. 2 - provides for the installation of concrete pavement on lime stabilized compacted subgrade from DART to parking lot.

**Alternate No. 3 - provides for the installation concrete pavement on lime stabilized compacted subgrade parking lot.

**Alternate No. 5 - provides for the installation of gas services from Patrol Way to Building Pad.

OWNER

J.C. Commercial, Inc.

Larry Wagnor, President/Secretary/Treasurer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for grading, site utilities and paving for the Singing Hills Recreation Center located between Crouch Road and Patrol Way - J. C. Commercial, Inc., lowest responsible bidder of five - Not to exceed \$1,080,077 - Financing: 2006 Bond Funds (\$536,206) and General Obligation Commercial Paper Funds (\$543,871)

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-contractor.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$1,080,077.00	100.00%
TOTAL CONTRACT	\$1,080,077.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

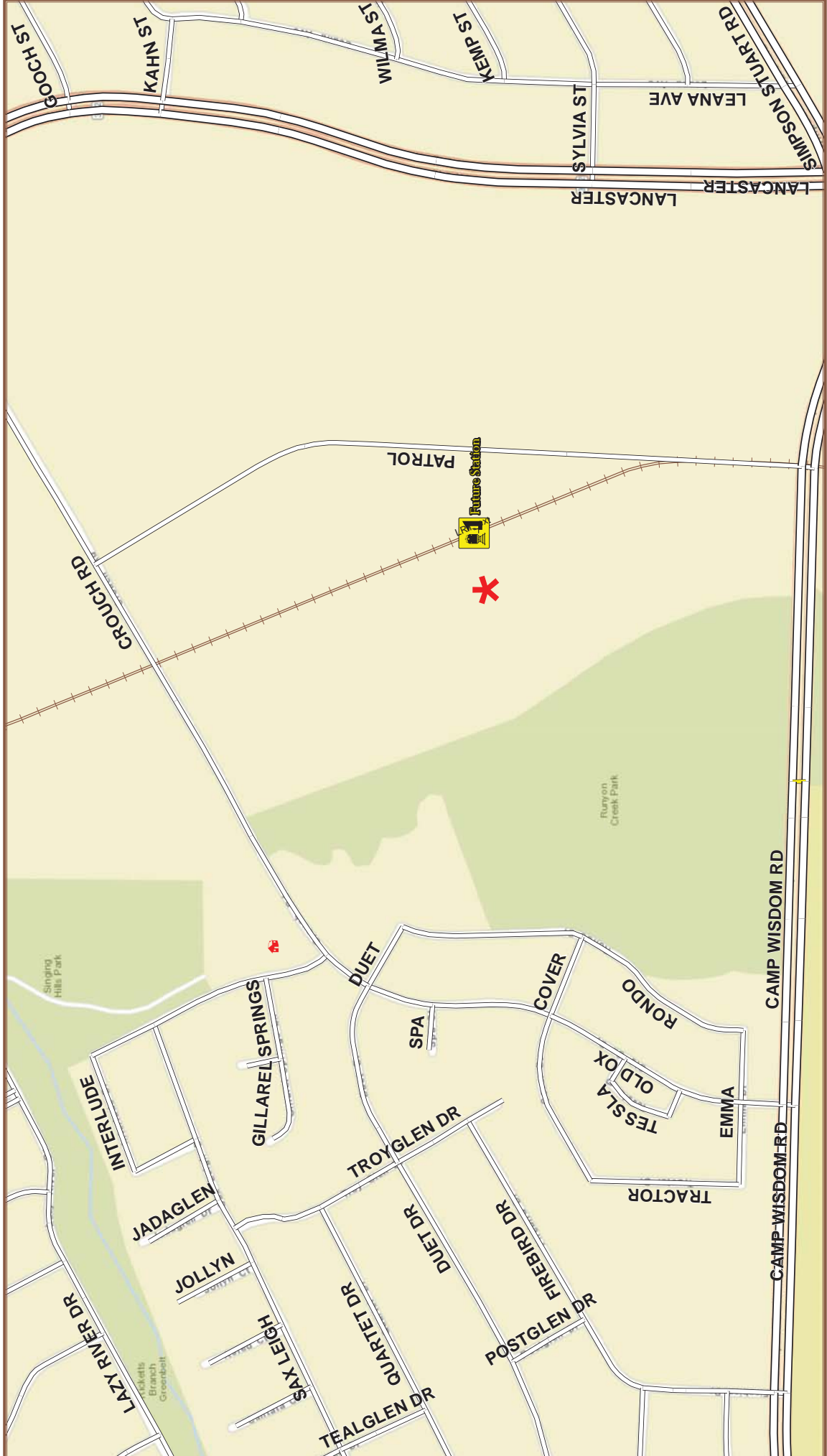
None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Southern star dba Exiom Site Services	HMDB62672Y0715	\$290,000.00	26.85%
Total Minority - Non-local		\$290,000.00	26.85%

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%	\$290,000.00	26.85%
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%	\$290,000.00	26.85%



November 6, 2014



Singing Hills Rec Center (Crouch Rd & Patrol Way)

Mapsc0
65 U V

District
8

November 12, 2014

WHEREAS, on October 16, 2014, five bids were received for grading, site utilities and paving for the Singing Hills Recreation Center located between Crouch Road and Patrol Way; and

<u>Bidders</u>	<u>Base Bid</u>	<u>Alter. Nos. 2,3 & 5**</u>	<u>Total Bid</u>
J.C. Commercial, Inc.	\$657,777.00	\$422,300.00	\$1,080,077.00
MART, Inc.	\$916,000.00	\$363,050.00	\$1,279,050.00
Jeske Construction Co.	\$973,600.00	\$406,095.50	\$1,379,695.50
Phillips/May Corporation	\$930,333.00	\$445,600.00	\$1,375,933.00
Lemco Construction	\$980,000.00	\$414,900.00	\$1,394,900.00

**Alternate No. 2 - provides for the installation of concrete pavement on lime stabilized compacted subgrade from DART to parking lot.

**Alternate No. 3 - provides for the installation concrete pavement on lime stabilized compacted subgrade parking lot.

**Alternate No. 5 - provides for the installation of gas services from Patrol Way to Building Pad.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a contract with J.C. Commercial, Inc. for grading, site utilities and paving for the Singing Hills Recreation Center, in an amount not to exceed \$1,080,077.

SECTION 2. That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a contract with J.C. Commercial, Inc., after approval as to form by the City Attorney.

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$1,080,077 to J.C. Commercial, Inc., as follows:

(2006) Park and Recreation Facilities Improvement Fund	
Fund 1T00, Department PKR, Unit T281, Object 4599	
Activity MMCF, Program PK06T281.1, CT-PKR15019482	
Commodity 91200, Vendor VS0000012563	\$536,206.42

November 12, 2014

SECTION 3. (Continued)

(2006) Park and Recreation Facilities Improvement Fund Fund 2T00, Department PKR, Unit T281, Object 4599 Activity MMCF, Program PK06T281.1, CT-PKR15019482 Commodity 91200, Vendor VS0000012563	<u>\$543,870.58</u>
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Total amount not to exceed	\$1,080,077.00
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SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Culture, Arts, Recreation, & Education
AGENDA DATE: November 12, 2014
COUNCIL DISTRICT(S): 5
DEPARTMENT: Park & Recreation
CMO: Willis Winters, 670-4071
MAPSCO: 58-D

SUBJECT

Authorize an increase in the contract with MART, Inc. for additional scope of work to include: refinishing of gymnasium floor, underground wiring replacement, new PA system, other miscellaneous work; and a credit for alternative security equipment at Pleasant Oaks Recreation Center located at 8701 Greenmound Avenue - Not to exceed \$71,708, from \$1,867,028 to \$1,938,736 - Financing: 2006 Bond Funds

BACKGROUND

The original contract was awarded to MART, Inc. by Council on January 22, 2014, by Resolution No. 14-0183 for renovation and expansion of the existing recreation center at Pleasant Oaks Recreation Center, in an amount not to exceed \$1,818,200.

Change Order No. 1, was authorized by Administrative Action No. 14-1532 on September 18, 2014, for additional costs for updated building automation controls per requirements of City of Dallas, Equipment and Building Services, ONCOR charges for new transformer, additional calendar days for weather delays and other miscellaneous items for Pleasant Oaks Recreation Center, in an amount not to exceed \$48,828.80, making a revised contract amount of \$1,867,028.80.

Due to limited council meetings in December, this item must be placed on the City Council addendum to avoid delays.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	February 2014
Complete Construction	March 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized proceeding with advertisement for construction procurement on December 16, 2010.

The Park and Recreation Board authorized award of the contract on September 13, 2012.

The Park and Recreation Board authorized the rescission of the contract award and the re-advertisement for construction procurement on December 20, 2012.

City Council authorized rejection of the proposals on January 23, 2013, by Resolution No. 13-0179.

The Park and Recreation Board authorized award of the contract on December 19, 2013.

City Council authorized award of the contract on January 22, 2014, by Resolution No. 14-0183.

The Park and Recreation Board authorized award of Change Order No. 2 on November 6, 2014.

FISCAL INFORMATION

2006 Bond Funds - \$71,707.10

Construction Contract	\$1,818,200.00
Change Order No. 1	\$48,828.80
Change Order No. 2 (this action)	<u>\$71,707.10</u>
Total	\$1,938,735.90

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

MART, Inc.

White Male	27	White Female	6
Black Male	0	Black Female	1
Hispanic Male	7	Hispanic Female	2
Other Male	0	Other Female	0

OWNER

MART, Inc.

Vernon Proctor, President/Treasurer

Tim Proctor, Vice President

Linda Proctor, Secretary

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with MART, Inc. for additional scope of work to include: refinishing of gymnasium floor, underground wiring replacement, new PA system, other miscellaneous work; and a credit for alternative security equipment at Pleasant Oaks Recreation Center located at 8701 Greenmound Avenue - Not to exceed \$71,708, from \$1,867,028 to \$1,938,736 - Financing: 2006 Bond Funds

MART, 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	\$66,209.10	92.33%
Non-local contracts	\$5,498.00	7.67%
TOTAL THIS ACTION	\$71,707.10	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

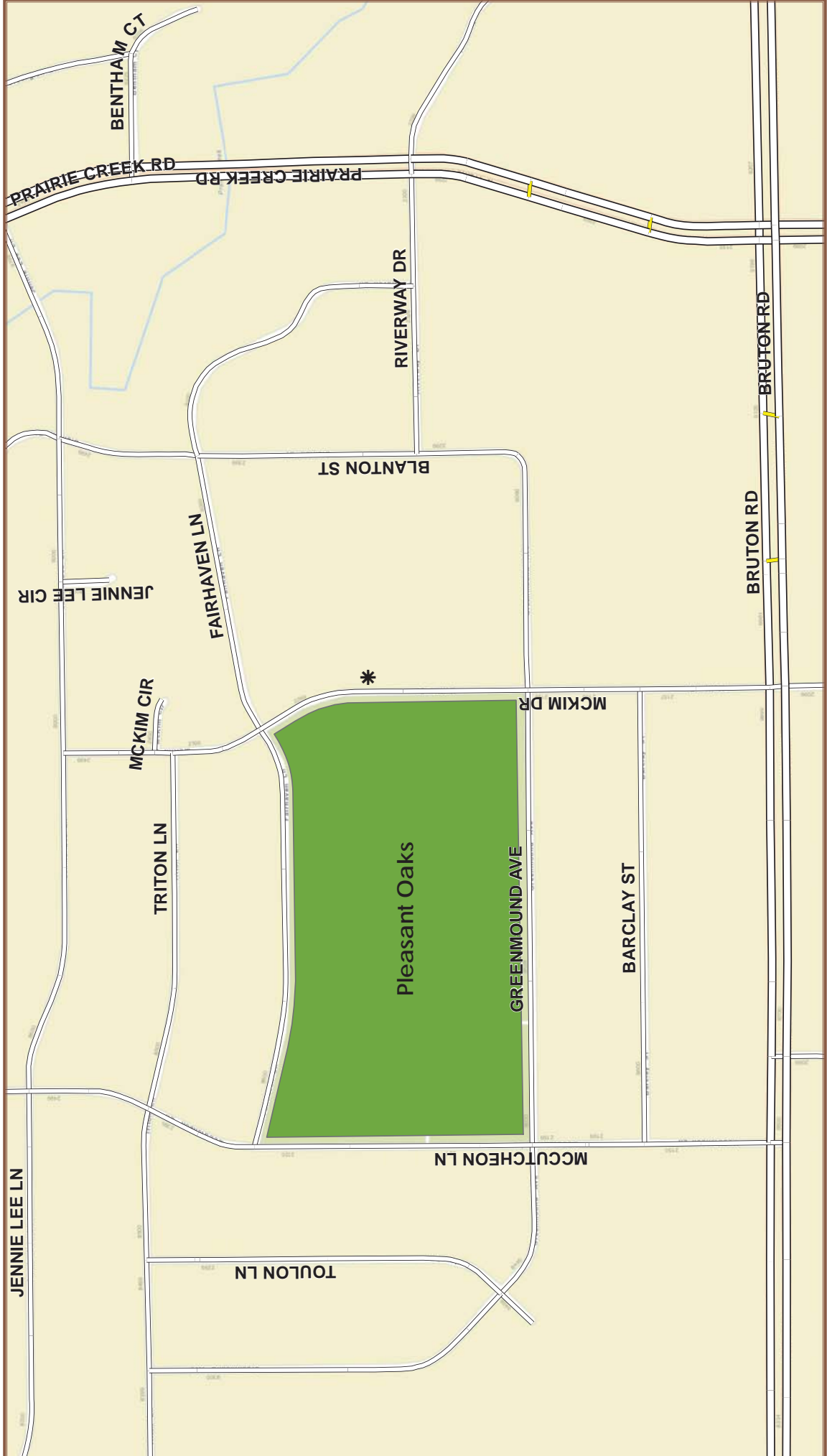
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
A Star Masonry	HMDB61707Y0515	\$1,500.00	2.27%
Total Minority - Local		\$1,500.00	2.27%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Galvan Floors	HFMB59440N1214	\$3,998.00	72.72%
Pate Jones	WFWB63229N0916	\$1,500.00	27.28%
Total Minority - Non-local		\$5,498.00	100.00%

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	\$5,498.00	7.67%	\$226,998.00	11.71%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,500.00	2.09%	\$285,573.00	14.73%
Total	<u>\$6,998.00</u>	<u>9.76%</u>	<u>\$512,571.00</u>	<u>26.44%</u>



Pleasant Oaks Recreation Center (8701 Greenmound)

Mapsco
58 D

District
5



November 6, 2014

November 12, 2014

WHEREAS, on January 22, 2014, by Resolution No. 14-0183, MART, Inc. was awarded a contract for renovation and expansion of the existing recreation center at Pleasant Oaks Recreation Center located at 8701 Greenmound Avenue, in an amount not to exceed \$1,818,200.00; and

WHEREAS, on September 18, 2014, Administrative Action No. 14-1532 authorized Change Order No. 1 for additional costs for updated building automation controls per requirements of City of Dallas, Equipment and Building Services, ONCOR charges for new transformer, additional calendar days for weather delays and other miscellaneous items for Pleasant Oaks Recreation Board, in an amount not to exceed \$48,828.80, increasing the contract amount from \$1,818,200.00 to \$1,867,028.80; and

WHEREAS, this action will authorize Change Order No. 2 to the contract with MART, Inc., in an amount not to exceed \$71,707.10 increasing the contract from \$1,867,028.80 to \$1,938,735.90, for additional scope of work to include: refinishing of the gymnasium floor, underground wiring replacements, new PA system and other miscellaneous work; and a credit for alternative security equipment at Pleasant Oaks Recreation 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. 2 to the contract with MART, Inc. for additional scope of work to include: refinishing of gymnasium floor, underground wiring replacement, new PA system, other miscellaneous work; and a credit for alternative security equipment at Pleasant Oaks Recreation Center, in an amount not to exceed \$71,707.10, increasing the contract amount from \$1,867,028.80 to \$1,938,735.90.

SECTION 2. That the City Controller is hereby authorized to pay the amount of \$71,707.10 to MART, Inc. from (2006) Neighborhood Park and Recreation Facilities Improvement Fund, Fund BT00, Department PKR, Unit T345, Object 4310, Activity RFSI, Program PK06T345, CT-PKR14019426, Vendor 500027.

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: November 12, 2014
COUNCIL DISTRICT(S): 4
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 55X

SUBJECT

An ordinance abandoning portions of an alley and Denley Drive (formerly Lindley Avenue) to City Wide Community Development Corporation, the abutting owner, containing a total of approximately 5,170 square feet of land, located near the intersection of Lancaster and Corning Streets, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portion of an alley and Denley Drive (formerly Lindley Avenue) to City Wide Community Development Corporation, the abutting owner. The abandonment area will be included with the property of the abutting owner for a mixed-use development.

The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

Notices were sent to 8 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION /REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

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

OWNER

City Wide Community Development Corporation

Thomas Huckaby, Jr., President

MAP

Attached

N



CORNING AVENUE

LANCASTER ROAD

DENLEY DRIVE (FORMERLY LINDLEY AVENUE)

3891

↑ ALLEY ↑

3891

DENLEY DRIVE

4054

4054

KIEST BOULEVARD

-  Abandonment
-  Dedication

ORDINANCE NO. _____

An ordinance providing for the abandonment of portions of an alley and Denley Drive (formerly Lindley Avenue) located adjacent to City Blocks D/3891 and 1/4054 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to City Wide Community Development Corporation; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land and a utility easement; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of City Wide Community Development Corporation, Texas non-profit corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of alley and street right-of-way are not needed for public use and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

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

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

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the

further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made with restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

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

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

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

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

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within one year of the effective date of this ordinance showing the fee simple dedication of not less than 5,488 square feet of needed right-of-way in City Block D/3891, and a utility easement to the City of Dallas, not less than 4,566 square feet, located in City Block D/3891, satisfactory to the Director of the Department of Sustainable Development and Construction. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is and the dedicated property is located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

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

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Department of the Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 9, the Director of the Department of the Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance; and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of the Department of the Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

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

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

DAVID COSSUM
Director of Department of
Sustainable Development and
Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

**15' Alley Abandonment
Part of
Block D/3891 of Brightside Addition (Revised)
City of Dallas
Dallas County, Texas**

BEING a 4,566 Square Foot tract of land situated in the City of Dallas, in the Lorenzo Van Cleave Survey, Abstract No. 1514 of Dallas County, Texas and being part of Block D/3891 of Brightside Addition (Revised), an addition to the City of Dallas, according to the Plat thereof recorded in Volume 3, Page 45, Map Records, Dallas County, Texas (M.R.D.C.T.) and being a portion of that 15 foot wide alley as shown on the above described addition plat and being more particularly described by metes & bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the intersection of the southerly Right-of-way line of Corning Avenue (50' wide R.O.W.) and the easterly line of the above described 15' wide alley and said iron rod being the northwest corner of Lot 8A, Block D/3891 of Rudy's Chicken Addition, Phase 1, an addition to the City of Dallas, according to the plat thereof, recorded in Instrument No. 201400101572, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.);

THENCE: South 30 deg. 45 min. 35 sec. East (Reference Bearing), along the easterly line of said alley and the westerly line of said Lot 8A, Block D/3891 and Lots 10, 11, 12, Block D/3891 as described in a deed to City Wide Community Development Corporation, recorded in Instrument No. 201400172654, O.P.R.D.C.T. and a portion of Lot 13 of said Block D/3891 as described in a deed to City Wide Community Development Corporation, recorded in Instrument No. 201200385418, O.P.R.D.C.T., a distance of 304.62 feet to a point for corner and said point bears North 30 deg. 45 min. 35 sec. West -30.66 feet from an X found carved in a concrete wall for the southwest corner of said portion of Lot 13, Block D/3891 and same being the northwest corner of that certain tract of land described in a deed to DOJO, LP, recorded in Volume 2002211, Page 11939, Deed Records of Dallas County, Texas;

THENCE: South 59 deg. 14 min. 25 sec. West, departing from the easterly line of said alley and across said alley, a distance of 15.00 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", found for corner on the westerly line of said alley and same being the easterly line of Lot 7, Block D/3891 of said Brightside Addition as described in a deed to City Wide Community Development Corporation, recorded in Instrument No. 201200372418, O.P.R.D.C.T.;

SPRG USE ONLY
Reviewed By: <u>JL</u>
Date: <u>11-6-12</u>
SPRG No. 2874

EXHIBIT A-TRACT 1

THENCE: North 30 deg. 45 min. 35 sec. West, along the westerly line of said alley and the easterly line of said Lot 7, Block D/3891 and also with the easterly line of Lots 6, 5, 4, 3, 2 and 1 of said Block D/3891 of said Brightside Addition, as described in a deed to City Wide Community Development Corporation, recorded in Instrument No. 201300383610, O.P.R.D.C.T., a distance of 304.24 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", found at the intersection of the westerly line of said alley and the southerly Right-of-way line of the above mentioned Corning Avenue and said point also being the northeast corner of said Lot 1, Block D/3891 of said Brightside Addition;

THENCE: North 57 deg. 46 min. 52 sec. East, across said alley with the southerly Right-of-way line of said Corning Avenue, a distance of 15.00 feet to the POINT OF BEGINNING and containing 4,566 square feet or 0.105 acres of land.

Note:

The Reference Bearing for the above prepared metes & bounds description is South 30 deg. 45 min. 35 sec. East along the easterly line of the 15' alley and the westerly line of Lot 8A, Block D/3891 of Rudy's Chicken Addition, Phase 1, an addition to the City of Dallas, according to the plat thereof, recorded in Instrument No. 201400101572, O.P.R.D.C.T.;

A Survey Plat of equal date accompanies this metes & bounds description.

Prepared Under My Hand & Seal,
This 29th Day of October, 2014.



Lawrence H. Ringley, R.P.L.S.
State of Texas, No. 4701



Prepared By:

RINGLEY & ASSOCIATES, INC.
Texas Firm Registration No. 10061300
701 S. Tennessee Street
McKinney, Texas 75069
972-542-1266

SPRG USE ONLY
Reviewed By: <u>JL</u>
Date: <u>11-6-14</u>
SPRG No. 2874

EXHIBIT A-TRACT 1

CHARILIONS MILLER SURVEY
A-882

CITY BLOCK
C/3890

CORNING AVENUE

(50' Right-of-Way)
(Vol. 3, Pg. 45 - M.R.D.C.T.)
(Formerly Liberty Avenue)

POINT OF BEGINNING
5/8" IRF
(Controlling Monument)



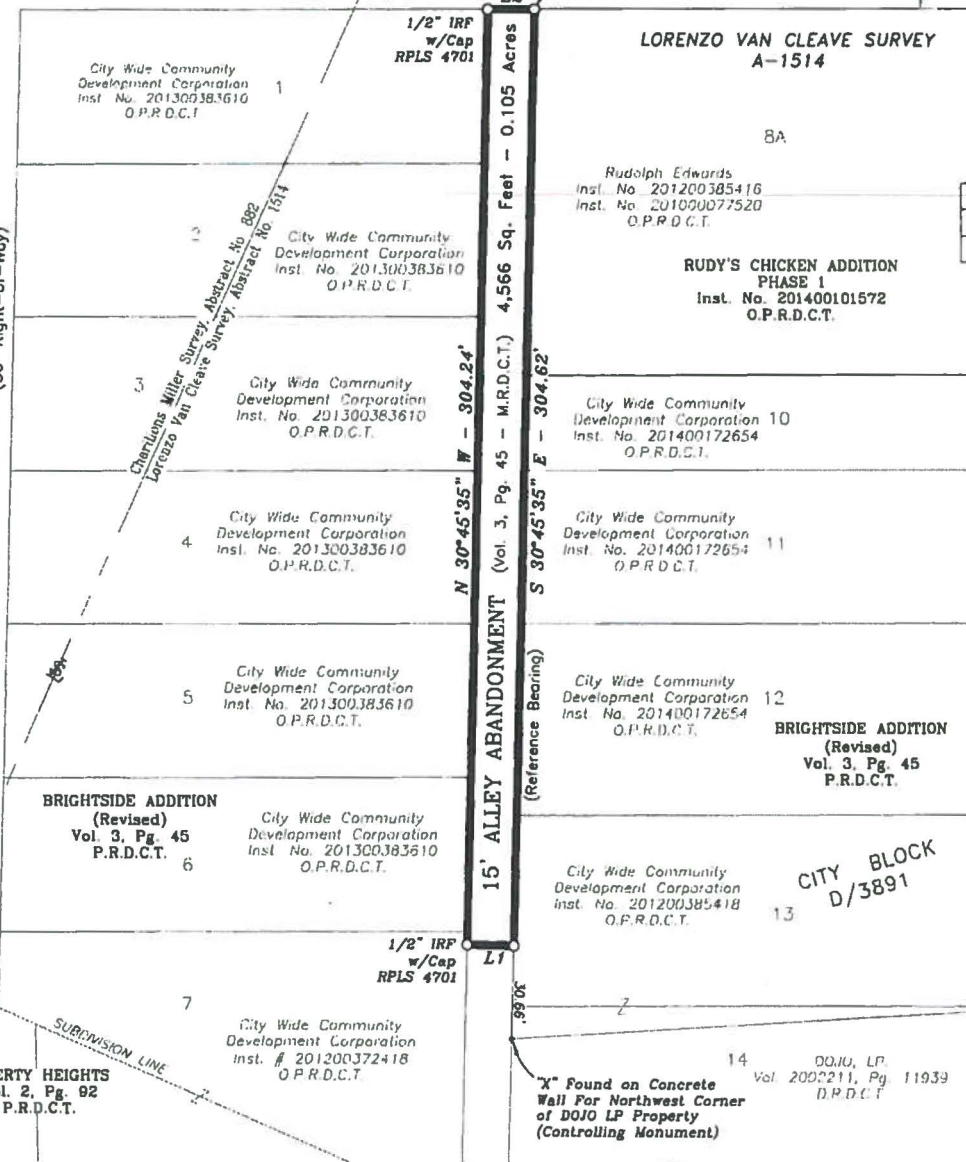
SCALE: 1" = 60'

LINE	BEARING	DISTANCE
L1	S 59°14'25" W	15.00'
L2	N 57°46'52" E	15.00'

DENLEY DRIVE

(50' Right-of-Way)

15' ALLEY ABANDONMENT (Reference Bearing) 4,566 Sq. Feet - 0.105 Acres



SPRG USE ONLY

Reviewed by: JL

Date: 11-6-14

SPRG NO. 2874

LEGEND

Vol. = Volume
Pg. = Page
Inst. # = Instrument Number
D.R.D.C.T. = Deed Records, Dallas County, Texas
O.P.R.D.C.T. = Official Public Records, Dallas County, Texas
M.R.D.C.T. = Map Records, Dallas County, Texas
CM = Controlling Monument

REFERENCE BEARING:

The Bearings for the Survey shown hereon are referenced to South 30 deg. 45 min. 35 sec. East, along the easterly line of the 15' alley and the westerly line of Lot 8A, Block D/3891 of RUDY'S CHICKEN ADDITION, according to the plat thereof, recorded in Instrument No. 201400101572, O.P.R.D.C.T.

A metes & bounds description of equal date accompanies this Survey Plat.



15' ALLEY ABANDONMENT
Part of
Block D/3891
of
BRIGHTSIDE ADDITION (Revised)
Lorenzo Van Cleave Survey, A-1514
City of Dallas
Dallas County, Texas

RINGLEY & ASSOCIATES, INC.
SURVEYING · MAPPING · PLANNING
Texas Firm Registration No. 10081300
701 S. Tennessee - McKinney, Texas 75069
(972) 342-1266

Drawn by	Date	Scale
Mark Hoob	10/28/14	1"=60'
Job	Title	Sheet
13024	13024-EX-AL DWG	3 of 3

EXHIBIT A-TRACT 2

STREET ABANDONMENT
PART OF DENLEY DRIVE
W. BLEDSOE SURVEY
ABSTRACT NO. 118
CITY OF DALLAS
DALLAS COUNTY, TEXAS

BEING 604 SQUARE FEET OF LAND SITUATED IN THE W. BLEDSOE SURVEY, ABSTRACT 118 AND ALSO BEING SITUATED IN THE CITY OF DALLAS AS SHOWN ON REVISED PLAT OF BRIGHTSIDE ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 3, PAGE 45 OF THE MAP RECORDS, DALLAS COUNTY, TEXAS AND ADJOINING TO BLOCKS D/3891 AND 1/4054 BEING PART OF THE STREET KNOWN AS DENLEY DRIVE AS DEDICATED ON SAID PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND WITH YELLOW CAP AT THE NORTHWEST CORNER OF LOT 7 AND SOUTHWEST CORNER OF LOT 6, BLOCK D/3891 OF BRIGHTSIDE ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE MAP RECORDED IN VOLUME 3 PAGE 45 OF THE MAP RECORDS, DALLAS COUNTY, TEXAS AND BEING ON THE EAST RIGHT OF WAY OF SAID DENLEY DRIVE;

THENCE S27°46'58"E WITH THE WEST LINE OF SAID LOT 7 AND THE EAST LINE OF SAID DENLEY DRIVE, 24.88' TO A 1/2" IRON ROD FOUND WITH YELLOW CAP AT THE SOUTHWEST CORNER OF SAID LOT 7 AND ALSO BEING ON THE NORTH LINE OF LOT 3, BLOCK 1/4054 OF LIBERTY HEIGHTS ADDITION AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2, PAGE 92 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS;

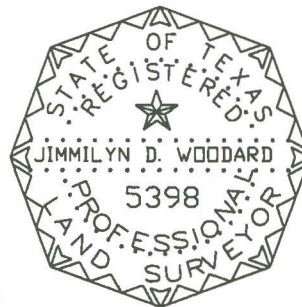
THENCE S88°19'15"W WITH THE NORTH LINE OF SAID LOT 3, BLOCK 1/4054, 43.74' TO A 1/2" IRON ROD FOUND FOR CORNER;


THENCE S87°54'08"W CONTINUING WITH THE NORTH LINE OF SAID LOT 3, BLOCK 1/4054, 10.45' TO A 1/2" IRON ROD FOUND FOR CORNER ON THE SOUTH LINE OF SAID DENLEY DRIVE;

THENCE N60°55'08"E THROUGH DENLEY DRIVE, 48.70' TO THE PLACE OF BEGINNING AND CONTAINING 604 SQUARE FEET OR 0.014 ACRES OF LAND, MORE OR LESS.

NOTE: BASIS OF BEARING IS FROM
STATE PLANE COORDINATE SYSTEM
TEXAS NORTH CENTRAL ZONE 4202
NORTH AMERICAN DATUM OF 1983 (2011)


Jimmilyn D Woodard RPLS #5398



**JIMMY W. POGUE, INC.**
"Registered Professional Land Surveyors"
3510 Marvin D. Love Freeway (214) 371-0666 Voice
Dallas, Texas 75224 (214) 371-9900 Fax
Jimmy W. Pogue R.P.L.S. 1722
Website : www.jimmywogue.com
Email: kstuart@jimmywogue.com

Job Number: 110121-B Date: 09-24-13

FOR SPRG USE ONLY
REVIEWED BY: JL
DATE: 11-6-14
SPRG NO. 2875

EXHIBIT A-TRACT 2

STREET ABANDONMENT
PART OF DENLEY DRIVE
W. BLEDSOE SURVEY
ABSTRACT NO. 118
CITY OF DALLAS
DALLAS COUNTY, TEXAS

LOT 5 BLOCK D/3891
BRIGHTSIDE ADDITION
VOLUME 3, PAGE 45
M.R.D.C.T.

LOT 6 BLOCK D/3891
BRIGHTSIDE ADDITION
VOLUME 3, PAGE 45
M.R.D.C.T.

CITY WIDE COMMUNITY
DEVELOPMENT CORPORATION
INSTALLMENT NUMBER
201300383610
O.P.R.D.C.T.

LOT 7 BLOCK D/3891
BRIGHTSIDE ADDITION
VOLUME 3, PAGE 45
M.R.D.C.T.

CITY WIDE COMMUNITY
DEVELOPMENT CORPORATION
INSTALLMENT NUMBER
201200372418
O.P.R.D.C.T.

LOT 2 BLOCK 1/4054
LIBERTY HEIGHTS ADDITION
VOLUME 2, PAGE 92
M.R.D.C.T.

CITY WIDE COMMUNITY
DEVELOPMENT CORPORATION
INSTALLMENT NUMBER
201000272902
O.P.R.D.C.T.

CITY WIDE COMMUNITY
DEVELOPMENT CORPORATION
INSTALLMENT NUMBER
20080214168
O.P.R.D.C.T.

LOT 4 BLOCK 1/4054
LIBERTY HEIGHTS ADDITION
VOLUME 2, PAGE 92
M.R.D.C.T.

LOT 3 BLOCK 1/4054
LIBERTY HEIGHTS ADDITION
VOLUME 2, PAGE 92
M.R.D.C.T.

LOT 8 BLOCK H/3895
BRIGHTSIDE ADDITION
VOLUME 3, PAGE 45
M.R.D.C.T.

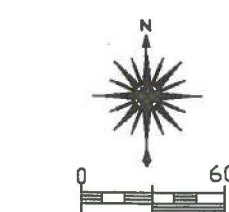
ABSTRACT NO. 882
ABSTRACT NO. 118

AYMOND ALLEN CUNNINGHAM
VOLUME 91194 PAGE 6961
D.R.D.C.T.

CITY OF DALLAS
VOLUME 1264 PAGE 240
D.R.D.C.T.

CITY OF DALLAS
VOL. 3521 PG. 157
D.R.D.C.T.

DENLEY DRIVE
FORMERLY LINDLEY AVE.
50' R.O.W.



NOTE: BASIS OF BEARING IS FROM
STATE PLANE COORDINATE SYSTEM
TEXAS NORTH CENTRAL ZONE 4202
NORTH AMERICAN DATUM OF 1983 (2011)

P.O.B.
1/2" IRF
1/2" Y/C
CM

0.014 ACRES
604 SQ. FT.
N60°55'08"E 48.70'
S87°54'08"W 10.45'
S88°19'15"W 43.74'

LEGEND

M.R.D.C.T.=MAP RECORDS DALLAS COUNTY, TEXAS
D.R.D.C.T.=DEED RECORDS DALLAS COUNTY, TEXAS
CM= CONTROLLING MONUMENTS
P.O.B. = POINT OF BEGINNING
IRF = IRON ROD FOUND
W/YC = WITH YELLOW CAP
R.O.W. = RIGHT OF WAY
O.P.R.D.C.T.=OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
C.M. = CONTROL MONUMENT

Jimmilyk D. Woodard
Jimmilyk D. Woodard



RPLS #5398

JIMMY W. POGUE, INC.
"Registered Professional Land Surveyors"
2318 Marvin D. Love Freeway (214) 371-8666 Voice
Dallas, Texas 75224 (214) 371-9900 Fax
Jimmy W. Pogue R.P.L.S. 1722
Website: www.jwpogues.com
Email: kstuart@jwpogues.com
Job Number: 110121-B Date: 09-24-13

FOR SPRG USE ONLY
REVIEWED BY: JL
DATE: 11-6-14
SPRG NO. 2875

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

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

ADDENDUM ITEM # 11

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 12, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
City Attorney's Office
City Controller
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Warren M.S. Ernst, 670-3491
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a five-year disclosure counsel contract with Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP, most qualified respondents of seven, in accordance with the hourly rates and opinion fees as set forth in the resolution - Financing: Disclosure Counsel and Co-Disclosure Counsel fees to be paid from bond proceeds, Current Funds, and/or Water Utilities Current Funds, contingent upon completion of each bond sale

BACKGROUND

This item was placed on the addendum to allow for disclosure counsel services to be in effect before bond offerings are made at the end of the year.

The scope of services for this contract includes assisting City staff together with the financial advisor and bond counsel with disclosure services in connection with the issuance, sale and delivery of City obligations. One of the obligations that the City has as a municipal securities issuer is compliance with disclosure requirements under federal security laws and Securities and Exchange Commission (SEC) rules. Issuers of municipal bonds are obligated to ensure that the offering documents used in the offering of municipal bonds meet those requirements and are required to report annual financial information as well as notices of certain events that may affect their ability to repay the bonds. The City must file disclosure filings for all outstanding bond issues with the Municipal Securities Rulemaking Board (MSRB) through Electronic Municipal Market Access (EMMA). The City is currently preparing to publicly issue bonds for the City's General Obligation Refunding and Improvement Bonds, Series 2014. The closing of the sale is currently scheduled for late December 2014.

BACKGROUND (Continued)

The City recently conducted a review of its compliance under the SEC’s recent Municipalities Continuing Disclosure Cooperation initiative (the “MCDC”). Recent changes by the MSRB and the SEC have placed additional emphasis on disclosure by bond issuers, including independent verification of compliance with disclosure requirements. The MCDC was aimed at addressing violations of representations made by issuers in official statements about past compliance with continuing disclosure requirements.

In order to further assure that the City meets its obligations, City staff and the City Attorney’s Office recommends that the City engage a law firm to serve as disclosure counsel. Disclosure counsel is an independent firm, separate from bond counsel, retained by the City to provide a legal opinion concerning accuracy of the information presented in disclosure and bond documents. With scrutiny of municipal disclosure increasing by the SEC and the MSRB, the engagement of disclosure counsel provides an added layer of assurance that the City’s financial position is accurately presented in bond documents.

In addition to the disclosure services, Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP shall be available to provide services at the same hourly rates outlined in the resolution as directed by the City Attorney that may include similar projects outside of the issuance of bonds such as training for City staff and City Council with respect to disclosure rules, regulations and responsibilities and such other matters listed in RFQ BKZ1445.

A five member committee from the following departments reviewed and evaluated the qualifications:

- City Attorney’s Office (3)
- City Controller's Office (1)
- Business Development and Procurement Services (1)*

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

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

- Experience 50%
- Firm's location and availability 20%
- Approach to the project 15%
- Business Inclusion and Development Plan 15%

BACKGROUND (Continued)

Substantially, all of the responsibilities under this contract are being performed by attorneys. Therefore, this solicitation was conducted as a Request for Qualifications under Texas Local Government Code Chapter 2254 for professional and consulting services. As such Chapter 2254 specifically restricts the City from including cost/fees as part of the selection criteria.

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

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On August 18, 2014, this item was included in a briefing by the City Attorney to the Budget, Finance and Audit Committee.

On November 3, 2014, this item was included as a briefing memo to the Budget, Finance and Audit Committee.

FISCAL INFORMATION

The fees for legal services provided by the co-bond counsel firms in connection with the issuance, sale and delivery of the City's bonds are contingent upon the sale and delivery of the bonds and are payable from bond proceeds, Current Funds, and/or Water Utilities Current Funds, as applicable as follows:

<u>FIRM</u>	<u>FEE</u>
Andrews Kurth LLP Disclosure Counsel	Hourly rate fee for services rendered, plus an opinion fee of \$0.20 per \$1,000 of increment of bonds issued
Gonzalez Saggio & Harlan LLP Co-Disclosure Counsel	Hourly rate fee for services rendered, plus an opinion fee of \$0.115 per \$1,000 increment of bonds issued

FISCAL INFORMATION (Continued)

The hourly rates for the above listed disclosure counsel and co-disclosure counsel law firms are set forth on Attachment 1 to the resolution. Andrews Kurth LLP has indicated that the fees will be split with Gonzalez Saggio & Harlan LLP with 63.7% to Andrews Kurth LLP and 36.3% to Gonzalez Saggio & Harlan LLP.

M/WBE INFORMATION

258 - Vendors contacted

257 - No response

1 - Response (Bid)

0 - Response (No bid)

1 - Successful

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

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

There will be no subcontractors. There will be a Co-Disclosure Counsel Team, consisting of a primary disclosure counsel firm (Andrews Kurth LLP) and a certified M/WBE co-disclosure counsel firm (Gonzalez Saggio & Harlan LLP). Under the terms of the contract, approximately 36.3% of the bond counsel services will be performed by Gonzalez Saggio & Harlan LLP, a certified M/WBE firm.

ETHNIC COMPOSITION

Andrews Kurth LLP

White Male	288	White Female	328
Black Male	37	Black Female	48
Hispanic Male	32	Hispanic Female	59
Other Male	16	Other Female	33

Gonzalez Saggio & Harlan LLP

White Male	42	White Female	61
Black Male	23	Black Female	14
Hispanic Male	11	Hispanic Female	5
Other Male	0	Other Female	4

RESPONDENT INFORMATION

The following qualifications were received from solicitation number BKZ1445 and were opened on October 10, 2014. This contract is being awarded in its entirety to the most qualified respondent.

*Denotes qualified respondent

<u>Respondents</u>	<u>Address</u>	<u>Score</u>
*Andrews Kurth LLP	1717 Main Street Suite 3700 Dallas, TX 75201	87.75%**
Norton Rose Fulbright (Fulbright & Jaworski LLP)	2200 Ross Avenue Suite 2800 Dallas, TX 75201	84.50%
Haynes and Boone LLP	1221 McKinney Street Houston, TX 77010	82.25%
Locke Lord LLP	2200 Ross Avenue Suite 2200 Dallas, TX 75201	80.25%
Gonzalez Saggio & Harlan LLP (Alternate)	3353 Peachtree Road, NE Suite 920 Atlanta, GA 30326	62.00%
Mahomes Bolden PC	325 N. St. Paul Street Suite 2750 Dallas, TX 75201	58.75%
Gonzalez Saggio & Harlan LLP	3353 Peachtree Road, NE Suite 920 Atlanta, GA 30326	56.75%

**Although Gonzalez Saggio & Harlan LLP submitted separate responses, they will be partnering with Andrews Kurth LLP as a co-disclosure counsel team.

OWNERS/PRINCIPAL PARTNERS

Andrews Kurth LLP

James Hernandez, Partner

Gonzalez Saggio & Harlan LLP

Susan Pease Langford

November 12, 2014

WHEREAS, Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP were the most qualified respondents out of seven that were interviewed; and,

WHEREAS, the City of Dallas desires to enter into a five-year contract for disclosure counsel services with Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP beginning on November 12, 2014;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a five-year, disclosure counsel contract with Andrews Kurth LLP (VC13546) and Gonzalez Saggio & Harlan LLP (VS86555), approved as to form by the City Attorney, in accordance with the hourly rates and opinion fees as set forth in Attachment I to this resolution.

Section 2. That the City Controller is hereby authorized to pay Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP disclosure counsel fees from bond proceeds, Current Funds, and/or Water Utilities Current Funds, as applicable, in accordance with the hourly rates and opinion fees set forth herein.

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.

DISCLOSURE COUNSEL AND CO-DISCLOSURE COUNSEL FEES

1. Prior to the performance of legal services in connection with a bond sale or other matter authorized pursuant to this engagement, Disclosure Counsel and Co-Disclosure Counsel shall submit, in writing, to the City Attorney an estimate of the total hourly fees, expenses and costs (“estimate”) expected to be incurred by such law firm for each City bond sale or other authorized matter. Each estimate is subject to review and approval by the City Attorney.

Disclosure Counsel and Co-Disclosure Counsel shall monitor their hourly billings, expenses and costs, and shall notify the City Attorney, in writing, within five (5) business days after the aggregate of the hourly billable fees, expenses and costs reach 75% of the approved estimate and whether the total hourly fees, expenses and costs to be billed will be in accordance with the approved estimate amount. If, upon reaching 75% of the approved estimate, the respective law firm determines that, due to additional services requested by the City or unforeseen matters (such as, delays in the issuance of bonds or changes in the scope of the bond financing), the total hourly fees, expenses and costs will exceed the approved estimate, then the respective law firm shall submit, in writing, for the City Attorney’s review and approval, a revised estimate of the total hourly fees, expenses and costs expected to be incurred. The City shall not be liable for payment of any amounts exceeding the approved estimate unless such additional amounts have been authorized pursuant to a revised estimate approved by the City Attorney. Failure of the respective law firm to notify the City, in writing, within five (5) business days of reaching 75% of the approved estimate amount as specified above, shall constitute a waiver of the respective Disclosure Counsel’s or Co-Disclosure Counsel’s right to compensation for any portion of the total hourly fees, expenses and costs that exceed the approved estimate amount.

2. Fees for Disclosure Counsel and Co-Disclosure Counsel Services (“Disclosure Services”) in connection with a proposed sale of City bonds shall be contingent upon the sale and delivery of the City’s bonds and shall be payable solely from bond proceeds. Disclosure Services shall include, but not be limited to the following in connection with the authorization, issuance, sale or delivery of municipal securities:
 - reviewing and assisting in the preparation of the preliminary and final official statements and other disclosure documents necessary or appropriate to the issuance;
 - analyzing the requirements of SEC Rule 15c2-12, including available exemptions therefrom, preparing the continuing disclosure agreement and providing advice and assistance to the City in filing its Annual Information Statement and other filings, as necessary, to comply with SEC Rule 15c 2-12(b)(5);
 - reviewing the City’s audited year-end financial statements and obligations and reviewing the City’s web site and other publications relating to the City’s financial condition and outstanding and proposed bond issues, and presentations to rating agencies;

Attachment I

- consulting with and advising City officials and staff, financial advisors, bond counsel, underwriters and underwriters' counsel, as necessary or appropriate regarding their disclosure obligations under federal securities law including attendance at city council meetings and briefings identified as relating to disclosure obligations;
- analyzing and advising City staff on any disclosure issues or regulatory changes arising under federal securities law, including assistance in evaluating the materiality of such issues as well as assisting City staff in monitoring disclosure requirements to help staff ensure timely and complete disclosures;
- performing due diligence and preparing the SEC 10(b)(5) opinion relating to the disclosure documents, assisting in the performance of any necessary due diligence investigation, including attending city council meetings and briefings or being available for due diligence calls or meetings, as appropriate;
- participating, when requested, in activities associated with presenting information to rating agencies, potential investors, and/or credit enhancement providers relating to legal issues affecting the City's public finance transactions;
- consulting and advising the City regarding compliance with the City's continuing disclosure agreements when advised of facts that may require disclosure, as well as review of filings by the City on EMMA including the City's CAFR;
- assisting City staff in documenting and updating internal written policies and procedures with respect to disclosure activities, including both initial offering documents and ongoing disclosure obligations.

All fees for Disclosure Services are set forth below:

- (a) ANDREWS KURTH LLP ("AK"). Contingent fees for Disclosure Services in connection with a proposed issuance of City bonds shall be:
- (1) Payable at an hourly rate not to exceed \$300.00 per hour for partners with hourly fees scaled down from \$300.00 for Junior Partners, Senior Associates, Associates and paralegals for Disclosure Services rendered in connection with the issuance, sale, and delivery of the City bonds, plus
 - (2) An additional fee of \$0.20 per \$1,000* in aggregate principal amount of each series of obligations actually delivered shall be payable upon provision at closing of a negative assurance letter regarding the City's disclosure in customary form reasonably satisfactory to the City. Such fee shall not exceed 70% of the additional fee charged by bond counsel or \$0.315 per \$1,000 of increment of bonds when Disclosure Counsel and Co-Disclosure Counsel's fees are aggregated.

Attachment I

- (b) GONZALEZ SAGGIO & HARLAN LLP (“GSH”). Contingent fees for Disclosure Services in connection with a proposed issuance of City bonds shall be:
- (1) Payable at an hourly rate not to exceed \$300.00 per hour for partners with hourly fees scaled down from \$300.00 for Junior Partners, Senior Associates, Associates and paralegals for Disclosure Services rendered in connection with the issuance, sale, and delivery of the City bonds, plus
 - (2) An additional fee of \$0.115 per \$1,000* in aggregate principal amount of each series of obligations actually delivered shall be payable upon provision at closing of a negative assurance letter regarding the City’s disclosure in customary form reasonably satisfactory to the City. Such fee shall not exceed 70% of the additional fee charged by bond counsel or \$0.315 per \$1,000 of increment of bonds when Disclosure Counsel and Co-Disclosure Counsel’s fees are aggregated.
3. In addition to the above Disclosure Services, AK and GSH shall be available to provide services at the same hourly rates noted above as directed by the City Attorney that may include similar projects outside of the issuance of bonds such as training for City staff and City Council with respect to disclosure rules, regulations and responsibilities and such other matters listed in the RFQ.

*Note: The split between AK and GSH’s additional fee per \$1,000 of increment of bonds shall be negotiated between the firms and the total rate submitted must be comparable to our current bond counsel rate but shall not exceed 70% of the amount the City currently pays its bond counsel. The current rate for bond counsel is \$0.45 per \$1,000 of increment of bonds. Accordingly, the total additional fee for Disclosure Services shall not exceed 70% of that amount or \$0.315 per \$1,000 of increment of bonds. For example, since the split negotiated between AK and GSH is 63.7%/36.3%, the additional fee per \$1,000 is limited to approximately \$0.20/\$0.115 per \$1,000 of increment of bonds between AK and GSH, respectively.

Attachment I

ADDENDUM ITEM # 12

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 12, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
City Manager's Office

CMO: Warren M.S. Ernst, 670-3491
A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

A resolution endorsing the agreement with the U. S. Department of Housing and Urban Development (HUD) executed by the City Manager on Wednesday, November 5, 2014, resolving the issues raised by HUD's regional office of Fair Housing and Equal Opportunity on November 22, 2013 - Financing: No cost consideration to the City

BACKGROUND

In 2010, 1600 Pacific Building, L.P., filed a complaint with HUD alleging that the City discriminated under Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) when the City declined to fund proposed redevelopment of the building at 1600 Pacific. The developer claimed that the City was not in compliance with the Rehabilitation Act of 1973, Civil Rights Act of 1964, and the Housing and Community Development Act. In response to the complaint, HUD's regional office of Fair Housing and Equal Opportunity (FHEO) began an investigation of the City. On November 22, 2013, the regional office issued a Letter of Findings of Non-Compliance to the City.

On January 9, 2014, the City responded with a 59-page letter and one hundred exhibits (including more than 1,000 pages of evidence supporting the City's arguments). The City's reply challenged the facts, findings, and concerns of the letter, pointed out errors and omissions, and rejected HUD's conclusions. The City's response included a request that HUD's national FHEO staff review the regional office's findings.

After considering the City's reply and request for review, HUD's Office of Fair Housing and Equal Opportunity determined that at least some of the regional office's findings were incorrect. The City strongly believes that all of HUD's findings are incorrect, and the agreement executed on November 5, 2014, absolves the City of wrongdoing.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on November 5, 2014.

FISCAL INFORMATION

No cost consideration to the City.

November 12, 2014

WHEREAS, in 2010, 1600 Pacific Building, L.P., filed a complaint with the U. S. Department of Housing and Urban Development (HUD) alleging that the City: (1) discriminated against it in violation of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) when the City declined to fund proposed redevelopment of the building at 1600 Pacific Avenue; and (2) was not in compliance with the Rehabilitation Act of 1973, the Civil Rights Act of 1964, and the Housing and Community Development Act; and,

WHEREAS, in response to the complaint, HUD's regional office of Fair Housing and Equal Opportunity (FHEO) issued a Letter of Findings of Non-Compliance to the City on November 22, 2013; and,

WHEREAS, on January 9, 2014, the City responded with a letter challenging all the facts, findings, and concerns of the letter and rejected HUD's conclusions; and,

WHEREAS, after considering the City's reply and request for review, HUD's Office of Fair Housing and Equal Opportunity determined that at least some of the regional office's findings were incorrect; and,

WHEREAS, the City strongly believes that all of HUD's findings are incorrect, but also believes that it is in the best interests of the City to resolve the matter without further administrative delay or risk of litigation; and,

WHEREAS, the City and HUD entered into an agreement on November 5, 2014; **Now, Therefore,**

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

Section 1. That the City Council hereby endorses the agreement with HUD, executed by the City Manager on Wednesday, November 5, 2014, pursuant to Administrative Action No. 14-6945, resolving the issues raised by HUD's regional office of Fair Housing and Equal Opportunity on November 22, 2013.

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

ADDENDUM ITEM # 13

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 12, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution designating absences by Mayor Pro Tem Tennell Atkins, Councilmember Scott Griggs, Councilmember Dwaine R. Caraway, Councilmember Jennifer S. Gates and Councilmember Sandy Greyson 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.

November 12, 2014

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) 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, Mayor Pro Tem Tennell Atkins, Councilmember Scott Griggs, Councilmember Dwaine R. Caraway, Councilmember Jennifer S. Gates and Councilmember Sandy Greyson 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 in Exhibit A; **Now, Therefore,**

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

November 12, 2014

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 Mayor Pro Tem Tennell Atkins, Councilmember Scott Griggs, Councilmember Dwaine R. Caraway, Councilmember Jennifer S. Gates and Councilmember Sandy Greyson 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 Mayor Pro Tem Tennell Atkins, Councilmember Scott Griggs, Councilmember Dwaine R. Caraway, Councilmember Jennifer S. Gates and Councilmember Sandy Greyson 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 absences by Mayor Pro Tem Tennell Atkins, Councilmember Scott Griggs, Councilmember Dwaine R. Caraway, Councilmember Jennifer S. Gates and Councilmember Sandy Greyson as described in Exhibit A, were for "official city business," and no further city council action or approval of those minutes is required.

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

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

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE	MEETING(S) MISSED	ABSENCE TYPE
Scott Griggs	Attended a meeting with a developer regarding a project in his district	City Hall	10/6/2014	Representing District 1	Economic Development Committee	Absent
Scott Griggs	Attended a meeting with a developer regarding a project in his district	City Hall	10/6/2014	Representing District 1	Housing Committee	Absent
Tennell Atkins	Attended the SOC-3 Groundbreaking for the DART Blue Line at UNT-Dallas whereby he delivered closing remarks	UNT - Dallas Dallas, TX	10/6/2014	Representing District 8	Budget, Finance & Audit Committee	Absent
Jennifer S. Gates	Attended a city-called press conference on Ebola developments	Dallas, TX	10/6/2014	Representing District 13	Budget, Finance & Audit Committee	Absent
Scott Griggs	Attended a meeting with a constituent regarding the Dallas Executive Airport	Dallas, TX	10/13/2014	Representing District 1	Public Safety Committee	Absent
Scott Griggs	Speaker at a business lunch at the Stemmons Corridor Business Association	Dallas, TX	10/27/2014	Representing District 1	Public Safety Committee	Absent
Sandy Greyson	Attended an awards luncheon	Dallas, TX	10/27/2014	Representing the City of Dallas	Public Safety Committee	Absent
Dwaine R. Caraway	Conducting city business	City Hall	11/3/2014	Representing District 3	Housing Committee	Absent more than 50%

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 12, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Court & Detention Services

CMO: Jeanne Chipperfield, 670-7804
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract, with three one year renewal options, for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations - Gila LLC dba Municipal Services Bureau, most advantageous proposer of seven – Estimated Annual Revenue: \$4,257,000

BACKGROUND

This item was placed on the addendum due to item being remanded on the October 22, 2014 Council Agenda meeting to be briefed to full Council on November 5, 2014.

This service contract will provide collection services for delinquent fines and fees for violations of City ordinances, traffic and state laws excluding parking violations.

Court and Detention Services is responsible for the collection and processing of fines and fees associated with Class C misdemeanor and civil violations enforced within the City limits. Cases which are unresolved and become delinquent are assigned to a private vendor for collection. This service contract will enable the department to continue timely collection of delinquent amounts for traffic, ordinance and state law violations.

Per State law Gila LLC dba Municipal Services Bureau will receive a 30% add-on commission which is paid by the defendant on cases originating on or after June 18, 2003. No commission will be paid on cases preceding that date, in accordance with current interpretation of state law. Gila LLC dba Municipal Services Bureau's proposal brings the highest net revenue to the City of the seven vendors submitting proposals.

A four member evaluation committee was selected from the following departments:

- Court and Detention Services (2)
- Water Utilities (1)
- Business Development and Procurement Services (1)*

BACKGROUND (Continued)

*Business Development and Procurement Services only evaluated the proposed revenue.

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

- Revenue Value 40%
- Plan to Resolve Challenging Cases in Portfolio 25%
- Relevant Experience 25%
- Client References 10%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 308 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2012, City Council authorized Supplemental Agreement No. 2 to exercise the first renewal option to extend the term of the service contract, with a minimum annual guarantee, for the collection of delinquent fines and fees for City ordinance, traffic and state law violations, excluding parking violations, for the period August 1, 2012 through July 31, 2013 by Resolution No. 12-1618.

On May 20, 2013, the Budget, Finance & Audit Committee was briefed via memorandum.

On June 12, 2013, City Council authorized Supplemental Agreement No. 3 to exercise the second renewal option to extend the term of the service contract, with a minimum annual guarantee, for the collection of delinquent fines and fees for City ordinance, traffic and state law violations, excluding parking violations, for the period August 1, 2013 through July 31, 2014 by Resolution No. 13-0940.

On October 13, 2014, the Public Safety Committee is scheduled to be briefed.

On October 22, 2014, this item was remanded by City Council for briefing on November 5, 2014.

FISCAL INFORMATION

\$4,257,000.00 - Estimated Annual Revenue

M/WBE INFORMATION

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

308 - 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

Gila LLC dba Municipal Services Bureau

White Male	31	White Female	40
Black Male	14	Black Female	77
Hispanic Male	41	Hispanic Female	113
Other Male	5	Other Female	15

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1404 and were opened on February 6, 2014. This service contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Gila LLC dba Municipal Services Bureau	8325 Tuscany Way Building 4 Austin, TX 78754	88%
GC Services Limited Partnership	6330 Gulfton Houston, TX 77081	58%

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
Linebarger Goggan Blair & Sampson, LLP Company	2777 N. Stemmons Freeway Suite 1000 Dallas, TX 75207	57%
Pioneer Credit Recovery, Inc.	26 Edward Street Arcade, NY 14009	45%
Penn Credit Corporation	916 S. 14 th Street Harrisburg, PA 17104	50%
AllianceOne Receivables Management, Inc.	6565 Kimball Drive Suite 200 Gig Harbor, WA 98335	44%
Ability Recovery Services, LLC	One Montage Road Moosic, PA 18507	Non-Responsive**

**Ability Recovery Services, LLC was deemed non-responsive due to not meeting specifications.

OWNER

Gila LLC dba Municipal Services Bureau

Bruce Cummings, Chief Executive Officer
Michael E. Epstein, Chief Financial Officer

November 12, 2014

WHEREAS, on June 27, 2012, City Council authorized Supplemental Agreement No. 2 to exercise the first renewal option to extend the term of the service contract, with a minimum annual guarantee, for the collection of delinquent fines and fees for City ordinance, traffic and state law violations, excluding parking violations, for the period August 1, 2012 through July 31, 2013 by Resolution No. 12-1618; and,

WHEREAS, on June 12, 2013, City Council authorized Supplemental Agreement No. 3 to exercise the second renewal option to extend the term of the service contract, with a minimum annual guarantee, for the collection of delinquent fines and fees for City ordinance, traffic and state law violations, excluding parking violations, for the period August 1, 2013 through July 31, 2014 by Resolution No. 13-0940;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Gila LLC dba Municipal Services Bureau (348597) for the collection of delinquent fines and fees for violations of City ordinances, traffic, and state laws, excluding parking violations for a term of three years, with three one year renewal options, for the period January 1, 2015 through December 31, 2017, in an estimated annual revenue amount of \$4,257,000.00, upon approval as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to deposit all commissions received for the benefit of Gila LLC, dba Municipal Services Bureau into Fund 0614, Dept. CTS, Unit 1054. All other revenue received will be deposited into the General Fund 0001, Dept. CTS, Unit 1081 with the appropriate revenue source codes; Fund 0401, Dept. CTS, Unit 1063, Revenue Source 8033; Fund 0G88, Dept. CTS, Unit 1064, Revenue Source 8030; Fund 0396, Dept. CTJ, Unit 2159, Revenue Source 8040; Fund 0476, Dept. HOU, Unit 1042, Revenue Source 8037.

Section 3. That the City Controller is hereby authorized to disburse commission from Fund 0614, Dept. CTS, Unit 1054, Object Code 3099 to Gila LLC, dba Municipal Services Bureau, according to the terms of the contract.

Section 4. That the 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 # 15

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 12, 2014
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34 P

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the northwest side of Kimsey Drive, northeast of Maple Avenue and a resolution accepting deed restrictions volunteered by the applicant

Recommendation of Staff and CPC: Approval with deed restriction volunteered by the applicant

Z134-292(OTH)

FILE NUMBER: Z134-292(OTH)

DATE FILED: July 17, 2014

LOCATION: Northwest side of Kimsey Drive, northeast of Maple Avenue

COUNCIL DISTRICT: 2

MAPSCO: 34-P

SIZE OF REQUEST: ±7,500 square feet

CENSUS TRACT: 4.06

OWNER/APPLICANT: Madison Kimsey Ltd.

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District.

SUMMARY: The applicant proposes to develop the property, a 7,500-square-foot lot with a duplex unit and is volunteering deed restrictions to prohibit multifamily uses on the property.

CPC RECOMMENDATION: Approval with deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval with deed restrictions volunteered by the applicant.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning district will be consistent with the existing development in the surrounding area. The property is only one lot between an existing single family dwelling unit and an office/showroom/warehouse. The proposed development will be a smooth transition into a more dense development allowed by the property in PD No. 907 which allows for a denser townhouse development. Even though staff is supporting the request, it is important to note that the proposed zoning district will make the property adjacent to the south a nonconforming structure due to the setbacks required for a non-residential development adjacent to a residential zoning district. In the event that the property owner of the adjacent property wants to make an addition to the existing structure, the owner will have to comply with Code requirements, and might need to go to the Board of Adjustment to request either a special exception or a variance, depending on the type of development the owner wants to do. Staff believes this area is in transition to residential districts, thus the recommendation for approval.
2. *Traffic impact* – The proposed development does not have direct access to a major thoroughfare and will have small impact on the existing street system. The number of trips generated by a residential district differ from the number of trips generated by a use permitted in the Industrial Research District
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas!* Comprehensive Plan states that this area is within the Campus Building Block. The requested zoning district and proposed development are consistent with the Campus Building Block.

Zoning History:

1. **Z123-339** On Wednesday, March 26, 2014, the City Council approved Planned Development District No. 907 for MF-2(A) Multifamily District on property located on the northwest side of Kimsey Drive, northeast of Maple Avenue.
2. **Z112-228** On Wednesday, August 22, 2012, the City Council approved a WR-5 Walkable Urban Residential District on property zoned an MU-2 Mixed Use District on property located on the east corner of Maple Avenue and Bomar Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Kimsey Drive	Local	50 feet

Surrounding Land Uses:

	Zoning	Land Use
Site	IR	Undeveloped
North	IR, CS, MU-2	Single family and Office/showroom/warehouse
East	IR	Single family
South	PD No. 907, IR	Undeveloped & Single Family
West	MU-2	Multifamily & undeveloped

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Campus Block.

The Campus Building Block focuses on areas around large master-planned educational, institutional or business facilities outside the Downtown. The University of North Texas campus was the motivating factor for creating this Building Block, although other examples exist, such as the areas around the Southwestern Medical District, the Baylor University Medical Center, the Veterans Administration Hospital and Pinnacle Park. Campus Building Blocks often act as smaller versions of a complete community and include a range of single-family and multifamily housing for students, employees and visitors. A variety of offices, shops, services and open space should exist to support the major campus employer and area residents. Over time, areas such as UNT can take on a "university town" feel as they mature. All Campus Building Block areas should have convenient transit options as an integral component. Economic development efforts should capitalize on the spin-off employment opportunities generated by the primary employers.

The requested zoning district and proposed development are consistent with the Campus Building Block and provides for a variety of housing options.

Land Use Compatibility:

The property is a single 7,500 square feet lot located between an existing single family dwelling unit and an office/showroom/warehouse. The applicant is proposing to develop the property with a duplex unit. The applicant is volunteering deed restrictions to limit the development of the property by prohibiting multifamily uses. The deed restrictions are offered with the intention of protecting the adjacent single family residential uses from a higher density development.

The proposed zoning district, if approved by the City Plan Commission, will make the structure located on the south side of the property a non-conforming structure. This means, that in the event that the property owner sales or decides to make an addition to the existing structure, the owner will have to comply with Code requirements or go to the Board of Adjustment to request a variance or a special exception, whichever is needed. In essence, the approval of this request will be a detriment to the property owner of the adjacent property to the south of the subject property.

Kimsey Drive is developed with a mix of light industrial/office, office/showroom warehouse uses and single family residential uses. The proposed development will be a smooth transition into the development allowed by the property within PD No. 907 which allows for a denser townhouse development. The site is in close proximity to the Inwood DART rail station. Although over a 1.5-mile walking distance, it is a plus for higher density development and the proposed use for the site. The proximity of the DART rail station and the UT Southwestern campus are creating the need for additional housing options.

The property is adjacent to a single family to the northeast, and to an office/showroom/warehouse to the southwest, and multifamily to the west. Other development in the surrounding area comprises of single family residential uses and undeveloped land, multifamily uses of what previously was a mix of light and heavy industrial (inside) uses with scattered single-family uses. The surrounding area is experiencing a series of zoning changes and development of residential uses to satisfy the needs of the area due to the proximity to the DART rail Station and UT Southwestern campus. Staff supports the applicant's request.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
IR Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
Proposed							
MF-2(A) Multifamily	15'	15'	Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family

Parking:

Pursuant to the Dallas Development Code, off-street and loading required parking must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

Landscaping:

Landscaping of the property must be provided in accordance with Article X of the Dallas Development Code.

CPC ACTION – October 23, 2014

Motion: It was moved to recommend **approval** of an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the northwest side of Kimsey Drive, northeast of Maple Avenue.

Maker: Murphy
Second: Ridley
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Rodgers, Culbreath, Shidid,
Bagley, Lavallaisaa, Tarpley, Shellene,
Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Anantasomboon
Vacancy: 0

Notices: Area: 200 Mailed: 19
Replies: For: 1 Against: 0

Speakers: None

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF _____)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, _____, a _____ ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the _____ Survey, Abstract No. _____, City Block _____, City of Dallas ("City"), County, Texas, and being that same tract of land conveyed to the Owner by _____, by deed dated _____, and recorded in Volume _____, Page _____, in the Deed Records of _____ County, Texas, and being more particularly described as follows:

[Insert property description]

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The following use is not permitted: Multifamily uses.

III.

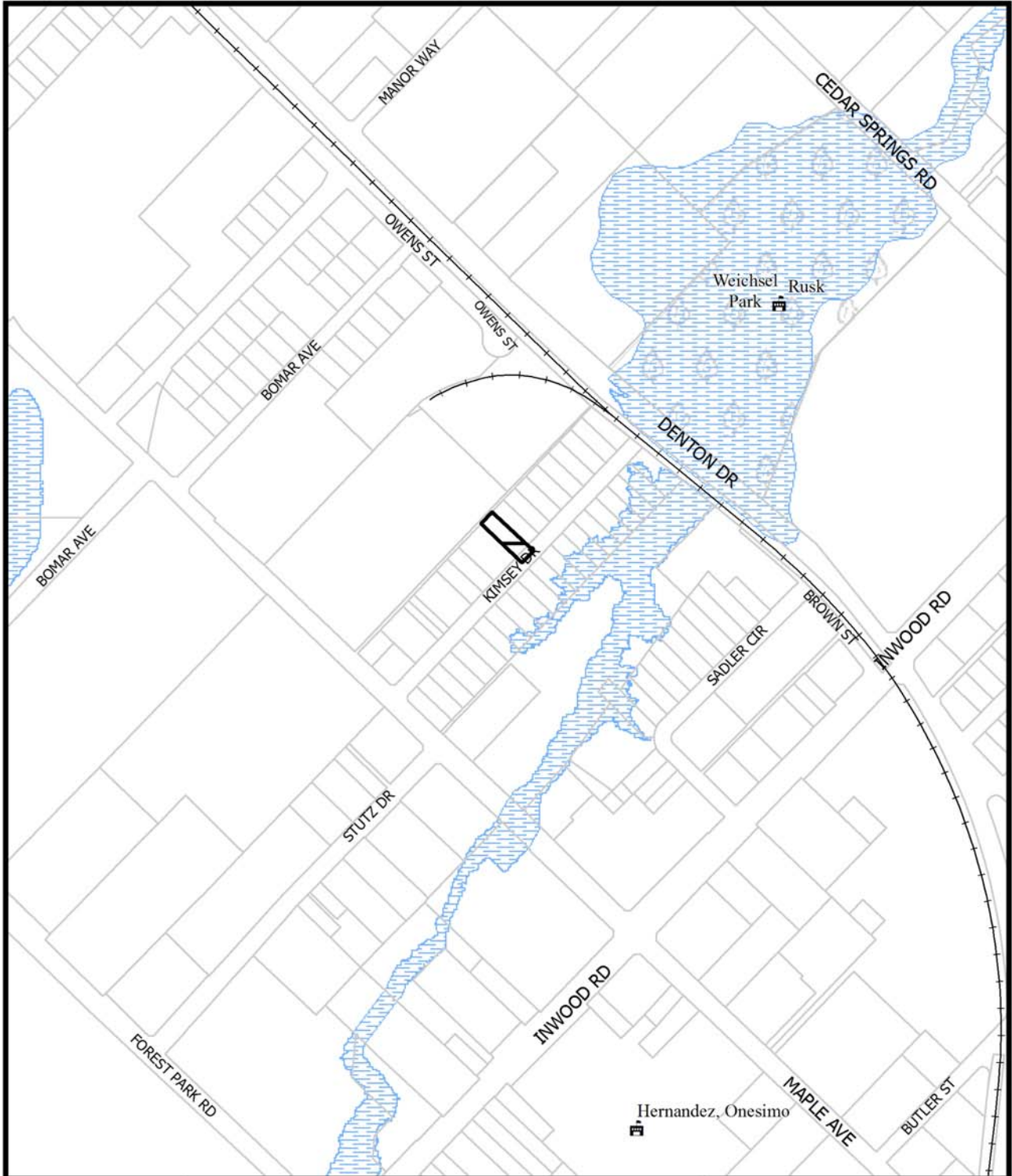
These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the

Z134-292(OTH)

Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.



1:4,800

VICINITY MAP

Case no: Z134-292

Date: 10/7/2014

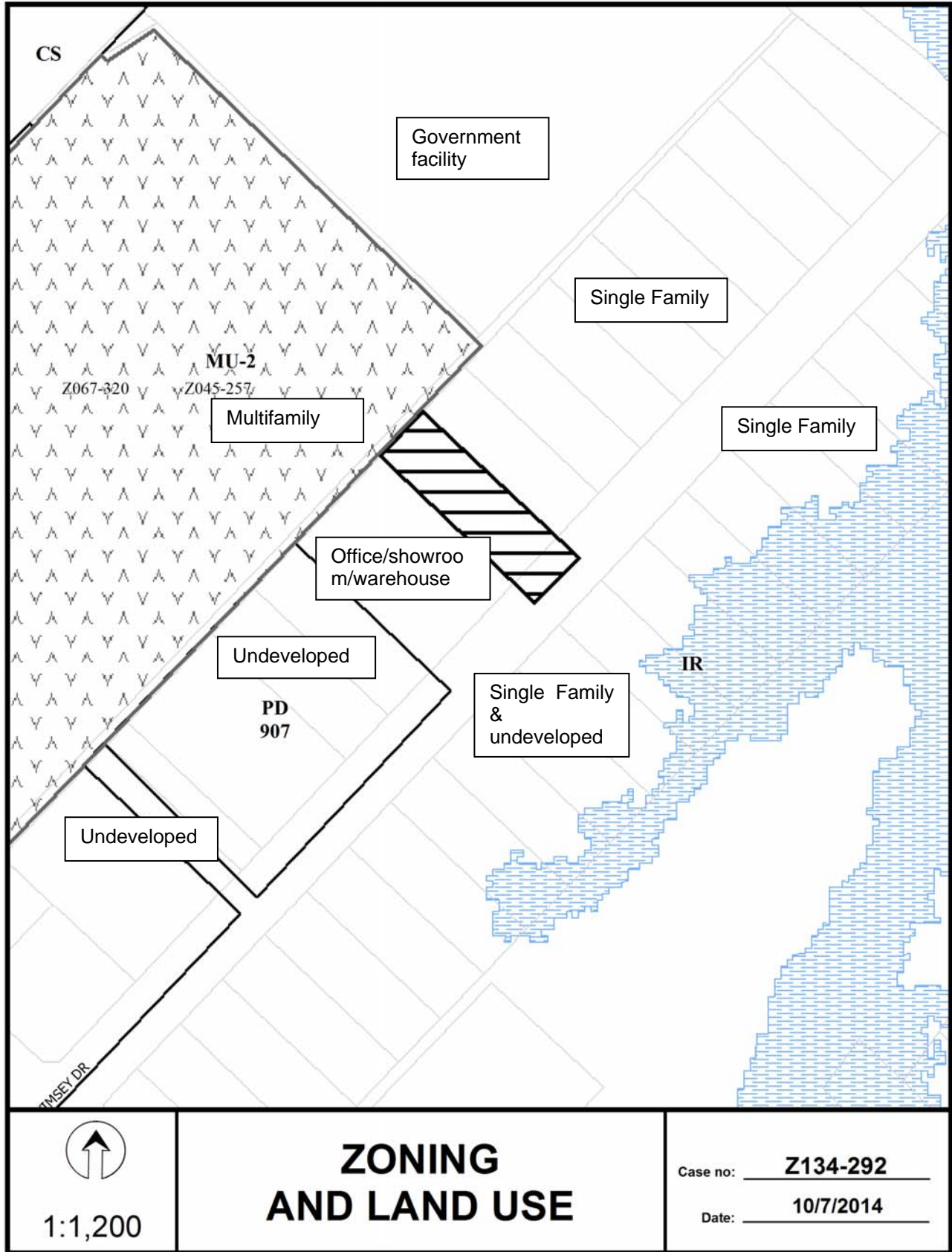


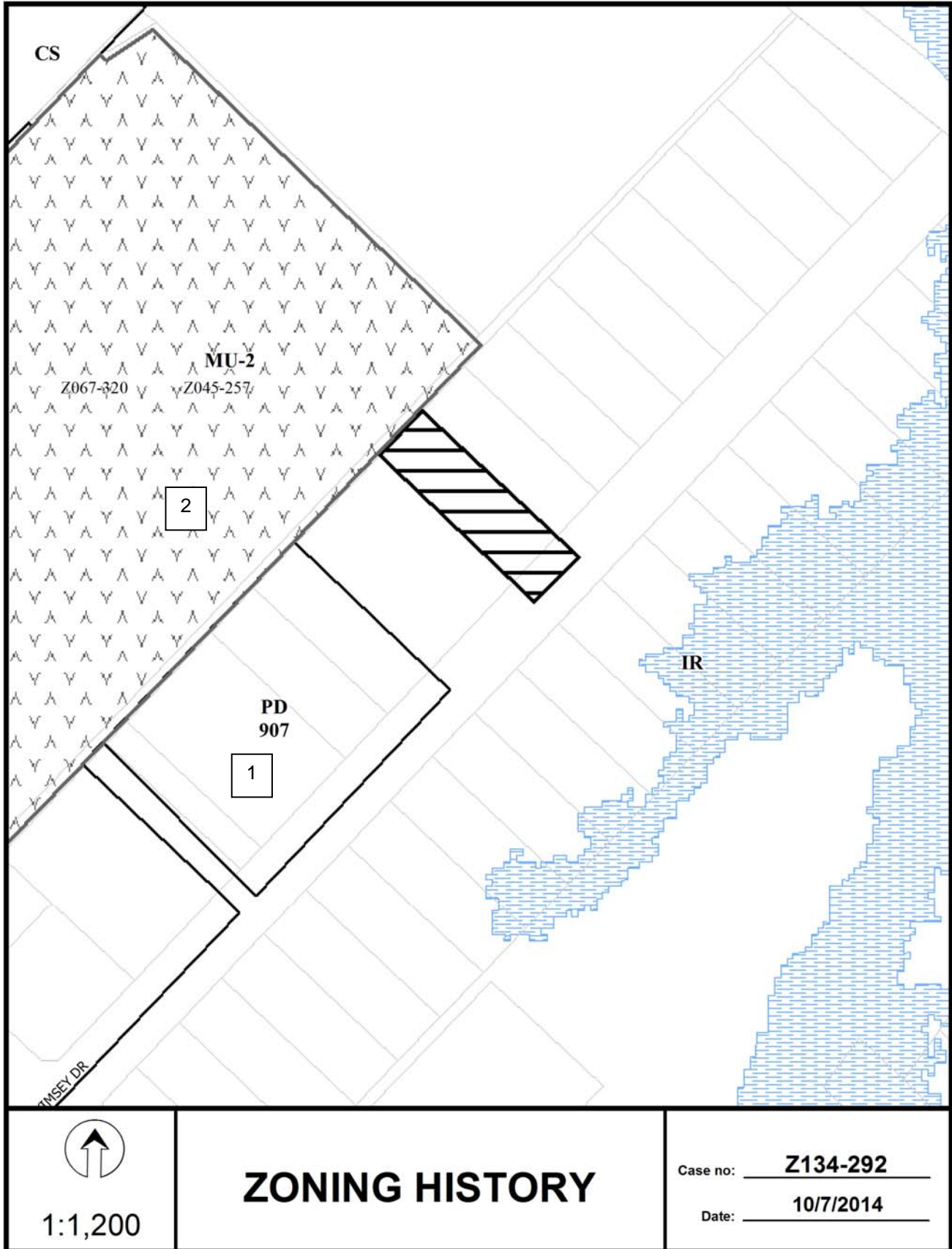
1:1,200

AERIAL MAP

Case no: Z134-292

Date: 10/7/2014





CPC RESPONSES



<u>19</u>	Property Owners Notified (22 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>10/23/2014</u>	Date

Z134-292
CPC



1:1,200

10/22/2014

Reply List of Property Owners***Z134-292******19 Property Owners Notified 1 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1 2523	KIMSEY DR	MADISON KIMSEY LTD
	2 2602	KIMSEY DR	PERKINS JANIE L
	3 2606	KIMSEY DR	COPELAND D K
	4 2610	KIMSEY DR	MADISON KIMSEY TLD
	5 2614	KIMSEY DR	SOLIS MARTHA M
	6 2618	KIMSEY DR	HEED CYNTHIA LOUISE
	7 2622	KIMSEY DR	MARTINEZ ALEXANDER C &
	8 2626	KIMSEY DR	RODRIGUEZ JUAN &
	9 2702	KIMSEY DR	PATTERSON DAVID C ETAL
	10 2706	KIMSEY DR	PORTILLO SOCORRO H LIFE ESTATE
	11 2623	KIMSEY DR	ARTEAGA JUAN M & GLAFIRA
	12 2627	KIMSEY DR	ALDAPE GABRIELA
O	13 2703	KIMSEY DR	2703 KIMSEY LLC
	14 2707	KIMSEY DR	SMITH EDGAR LEE
	15 2711	KIMSEY DR	PECINA DAGOBERTO &
	16 2611	KIMSEY DR	WINE MAISON LLC
	17 6008	MAPLE AVE	AMLI 6008 MAPLE AVENUE LLC
	18 5760	MAPLE AVE	ADLER PROPERTY CO LLP
	19 6025	OWENS ST	CALVARY BEN

ADDENDUM ITEM # 16

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 12, 2014
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 6 H

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned a CR Community Retail District, northwest of the intersection of Hines Place and Harry Hines Boulevard
Recommendation of Staff and CPC: Approval
Z134-328(CG)

FILE NUMBER: Z134-328(CG) **DATE FILED:** September 4, 2014

LOCATION: Northwest of the intersection of Hines Place and Harry Hines Boulevard

COUNCIL DISTRICT: 2 **MAPSCO:** 6-H

SIZE OF REQUEST: ± 0.56 acres **CENSUS TRACT:** 100.00

APPLICANT/ OWNER: Andrews Harry Hines Triangle LTD

REPRESENTATIVE: Michael R. Coker Company

REQUEST: An application for a CS Commercial Service District on property zoned a CR Community Retail District.

SUMMARY: The purpose of this request is to be compatible with the zoning districts north of the subject site and to develop it with similar land uses. The request site is developed with a one-story, 4,402-square-foot building where the primary use is for inspections, sale of new and used tires and mechanical work. The applicant's request will allow for vehicle or engine repair or maintenance along with more intense uses that would be compatible with existing land uses immediately adjacent to the subject site.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

Staff recommends denial based upon:

1. *Performance impacts upon surrounding property* – The proposed CS Commercial Service District would not adversely impact adjacent uses. The uses to the north, east, south and west are compatible with the light industrial, commercial, restaurant, office, personal service, and auto-related uses that are more suitable along this area of Harry Hines Boulevard.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the existing roadway system can support the requested zoning.
3. *Comprehensive Plan or Area Plan Conformance* – The proposed request lies within the Business Centers or Corridors Building Block as depicted in the forwardDallas! Comprehensive Plan. With the subject site bordered immediately to the north and east with commercial uses and south and west with light industrial uses, the requested commercial zoning would be consistent with the comprehensive plan.

Zoning History: There have been no recent zoning cases in close proximity to the subject site.

Land Use:

	Zoning	Land Use
Site	CR	Auto-related
North	CS, R-7.5(A)	Office, commercial & personal service
South	IR	Vacant parcels, light industrial
East	CS	Restaurant, convenience store, auto-related & personal service
West	IR	Light industrial & commercial

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Harry Hines Blvd.	Major Arterial	100 ft.	100 ft.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has determined that the surrounding street system can accommodate the request.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in a Business Centers or Corridors Building Block.

This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the North Park Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along Highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

STAFF ANALYSIS:

Land Use Compatibility: The site is zoned a CR Community Retail District where the scale of the development is at an intensity that is more compatible with the requested CS Commercial Service uses. The applicant is currently operating an auto-related use that is adjacent to commercial service and light industrial uses that would allow uses that complement those uses that are not permitted under the existing CR use classification.

The requested CS Commercial Service District provides for the development of commercial and business serving uses that may involve outside storage, service, or display, which is appropriate at this location.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		<u>Density</u>	<u>Height</u>	<u>Lot Coverage</u>	<u>Special Standards</u>	<u>PRIMARY Uses</u>
	<u>Front</u>	<u>Side/Rear</u>					
CR - existing Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office
CS - proposed Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

Landscaping: Any additional development will be in accordance with Article X requirements, as amended.

Z134-328(CG)

CPC MINUTES – October 23, 2014

Z134-328(CG)

Planner: Carrie Gordon

Motion: It was moved to recommend **approval** of a CS Commercial Service District on property zoned a CR Community Retail District, northwest of the intersection of Hines Place and Harry Hines Boulevard.

Maker: Murphy
Second: Ridley
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Rodgers, Culbreath, Shidid, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Anantasomboon
Vacancy: 0

Notices: Area: 200 Mailed: 24
Replies: For: 4 Against: 0

Speakers: None



1:4,800

VICINITY MAP

Case no: Z134-328

Date: 9/30/2014



1:2,400

AERIAL MAP

Case no: Z134-328

Date: 9/30/2014

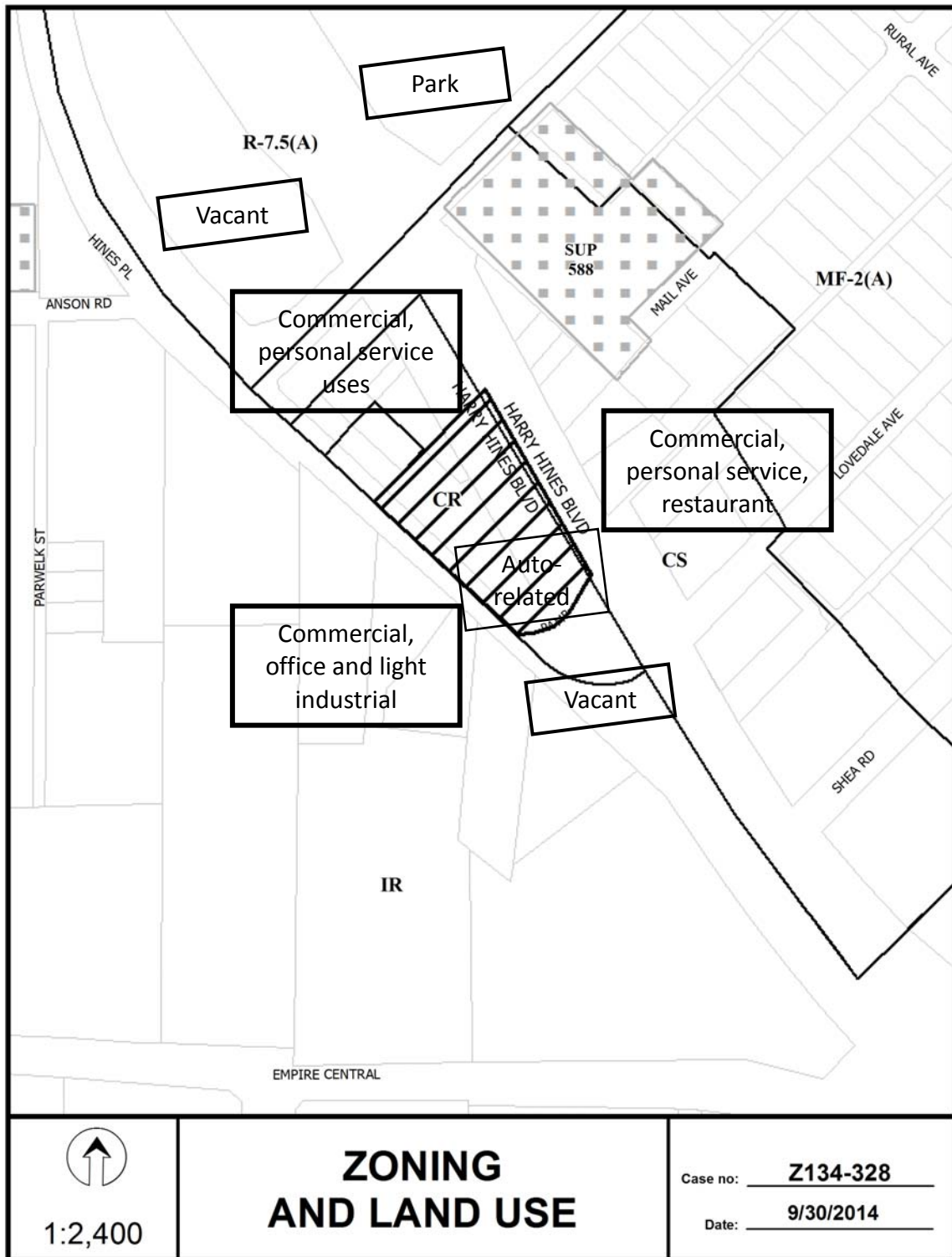


1:2,400

ZONING MAP

Case no: Z134-328

Date: 9/30/2014



CPC RESPONSES



10/22/2014

Reply List of Property Owners**Z134-328****24 Property Owners Notified 4 Property Owners in Favor 0 Property Owners Opposed**

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	7407	HARRY HINES BLVD TAKSH MUSTAFA ZAKI
O	2	7401	HARRY HINES BLVD ANDREWS HARRY HINES
	3	7310	HARRY HINES BLVD MIDBELT PROPERTIES LP
	4	7408	HARRY HINES BLVD STRATTIN MARIA C
	5	7307	HINES PL SABOUR SHAKYB
O	6	7418	HINES PL HIGH STONE LLC
	7	7322	HINES PL SQUID 4 REAL ESTATE LLC
	8	7425	HARRY HINES BLVD HIGHSTONE LLC
O	9	7415	HARRY HINES BLVD ANDREWS HARRY HINES
O	10	7304	HARRY HINES BLVD MIDBELT PROPERTIES LP
	11	7412	HARRY HINES BLVD KANG SOOK HEE &
	12	7406	HARRY HINES BLVD STRATTIN MARIA C
	13	7400	HARRY HINES BLVD RAOUFPOUR SAADAT K
	14	7318	HARRY HINES BLVD STRATTIN MARIA C
	15	7322	HARRY HINES BLVD STRATTIN MARIA C
	16	2114	ANSON RD NORTH TEXAS DIST COUNCIL
	17	7307	HINES PL SABOUR SHAKYB
	18	7319	HINES PL FELDER NEIL
	19	7411	HINES PL PUBLIC IND PPTY CO INC
	20	7301	HINES PL PETTIGREW WILLIAM E &
	21	7217	HARRY HINES BLVD FGR LTD
	22	1849	EMPIRE CENTRAL VIBRIO PROPERTIES I LP
	23	7419	HARRY HINES BLVD HIGH STONE LLC
	24	7320	HINES PL SQUID 4 REAL ESTATE LLC

ADDENDUM ITEM # 17

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 12, 2014
COUNCIL DISTRICT(S): 6
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 44 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IM Industrial Manufacturing District on the north line of Vantage Street, west of Wycliff Avenue
Recommendation of Staff and CPC: Approval
Z134-324(AF)

ACM: Ryan S. Evans

FILE NUMBER: Z134-324(AF) **DATE FILED:** August 29, 2014

LOCATION: North line of Vantage Street, west of Wycliff Avenue

COUNCIL DISTRICT: 6 **MAPSCO:** 44-B

SIZE OF REQUEST: Approx. 0.48 acres **CENSUS TRACT:** 100.00

APPLICANT/ OWNER: Jarrett Ouellette

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for an MU-3 Mixed Use District on property zoned an IM Industrial Manufacturing District.

SUMMARY: The applicant is proposing to create a mixed use building that has residential units. Once integrated, the building would be separated into four suites that would be made up of an office/showroom/warehouse, general merchandise, and two residential units.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

DESIGNATED ZONING CASE

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

1. *Performance impacts upon surrounding property* – The proposed use allows for the integration of a new use within an area that is predominantly light industrial. The integration of the residential units are expected to have a smooth transition into the neighborhood due to the fact that: a) the intensity of the industrial uses within the area is not very high; and b) the residential units will serve to maintain the existing character and overall design of the surrounding uses and existing infrastructure.
2. *Traffic impact* – The proposed rezoning does not have direct access to a major thoroughfare and will have small impact on the existing street system due to the size of the parcel.
3. *Comprehensive Plan or Area Plan Conformance* – The requested land use change is currently in compliance with the overall vision for the area that is depicted in the *Forward Dallas!* plan, which is to create an urban-mixed use area that allows for a variety of mixed uses to be comingled.

Zoning History:

<u>File No.</u>	<u>Request, Disposition, and Date</u>
1. Z123-126	On February 27, 2014, City Council approved an application for an MU-1 Mixed Use District on property zoned an IR Industrial Research District. The intention of the applicant was to redevelop the site with a maximum of three live/work spaces.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Vantage Street	Minor Arterial	80'

Land Use:

	Zoning	Land Use
Site	IR	Industrial
Northeast	IR	Industrial
Southeast	IR	Industrial
Southwest	IR	Industrial
Northwest	IR	Industrial

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The Plan identifies the request site as being in the Urban Mixed-Use building block.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The request site is located in an area that serves as a major hub for industrial use and within a three-quarter of a mile to a major transit hub, the Medical Center Transit Center. The applicant proposes to allow for residential units to be located on premise. The applicant’s request is in compliance with the goals and policies in the *forwardDallas! Comprehensive Plan*.

The site is located within the Stemmons Corridor-Southwestern Medical District Area which currently has an area plan in place that provides a strategic plan of action to accommodate for the approx. 56,000 new jobs and the 22,000 households that are envisioned to grow over the new few decades. Integrating residential uses in this area is consistent with the projections for the area.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

URBAN DESIGN ELEMENT

GOAL 5.1 Promote a sense of place, safety and walkability

Policy 5.1.3: Encourage complementary building height, scale, design and character.

ECONOMIC ELEMENT

GOAL 2.2: Engage in Strategic Economic Development

Policy 2.2.1: Focus economic development efforts on revitalization of the Trinity River Corridor

ENVIRONMENT ELEMENT

GOAL 6.3 Improve Energy Efficiency and Air Quality

Policy 6.3.3 Limit vehicle miles traveled.

STAFF ANALYSIS:

Land Use Compatibility:

The subject site currently contains a 10,800 square foot office building. According to Dallas County and City of Dallas records, the building was originally constructed to accommodate light industrial in 1964. The building is currently divided into four suites and all have an office/showroom/warehouse certificate of occupancy.

The intention of the application is to allow for residential units to be included into the building to create a four suite divided building that houses an office/showroom/warehouse, general merchandise, and two residential units.

The request site is surrounded by warehouse/light industrial to the north, east, south, and west.

Along the west side of the site, is the Trinity Strand Trail. This is a project consists of 2.5 miles of concrete trail along the old Trinity River channel, traveling from the intersection of Oak Lawn Avenue and Stemmons Freeway to Farrington Street. This path winds through the Dallas Design District and extends near the Southwestern Medical District.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
IR Industrial Research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
Proposed							
MU-3 Mixed Use District	Min. front yard is: 15'	20'	No maximum dwelling unit density	Max. structure height is: 270 feet	80%	Min. Lot: 1,000 sq. ft	High density retail, office, hotel and/or multifamily residential uses in combination on single or contiguous building sites

Landscaping: No new development is proposed by this application as the existing buildings will be renovated. Therefore, the landscaping requirements of Article X of the Dallas Development Code will not be triggered.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has determined that the proposed request will not have a negative impact on the surrounding street system.

CPC ACTION – October 23, 2014

Motion: It was moved to recommend **approval** of an MU-3 Mixed Use District on property zoned an IM Industrial Manufacturing District on the north line of Vantage Street, west of Wycliff Avenue.

Maker: Murphy
Second: Ridley
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Rodgers, Culbreath, Shidid,
Bagley, Lavallaisaa, Tarpley, Shellene, Schultz,
Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Anantasomboon
Vacancy: 0

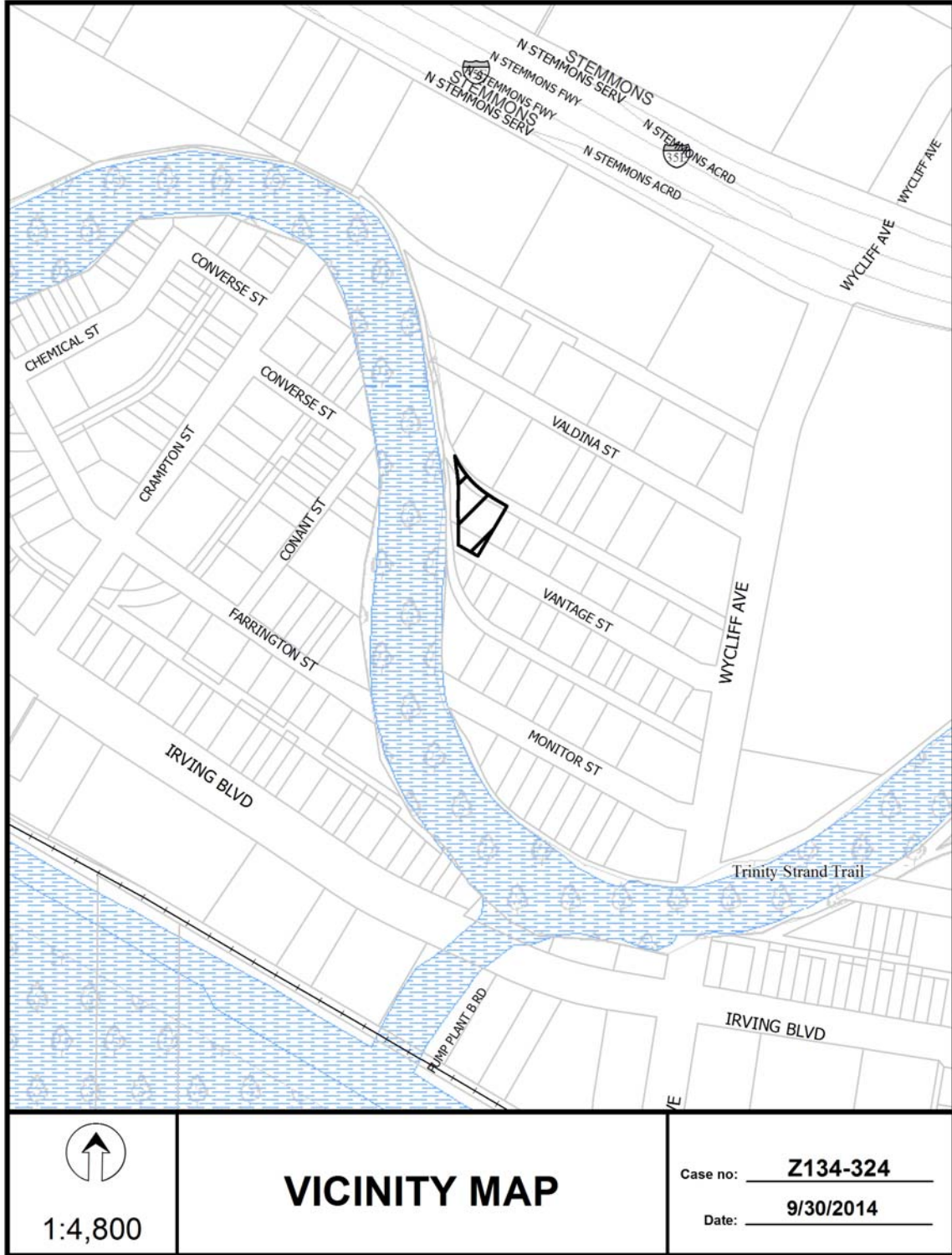
Notices: Area: 200 Mailed: 13
Replies: For: 0 Against: 0

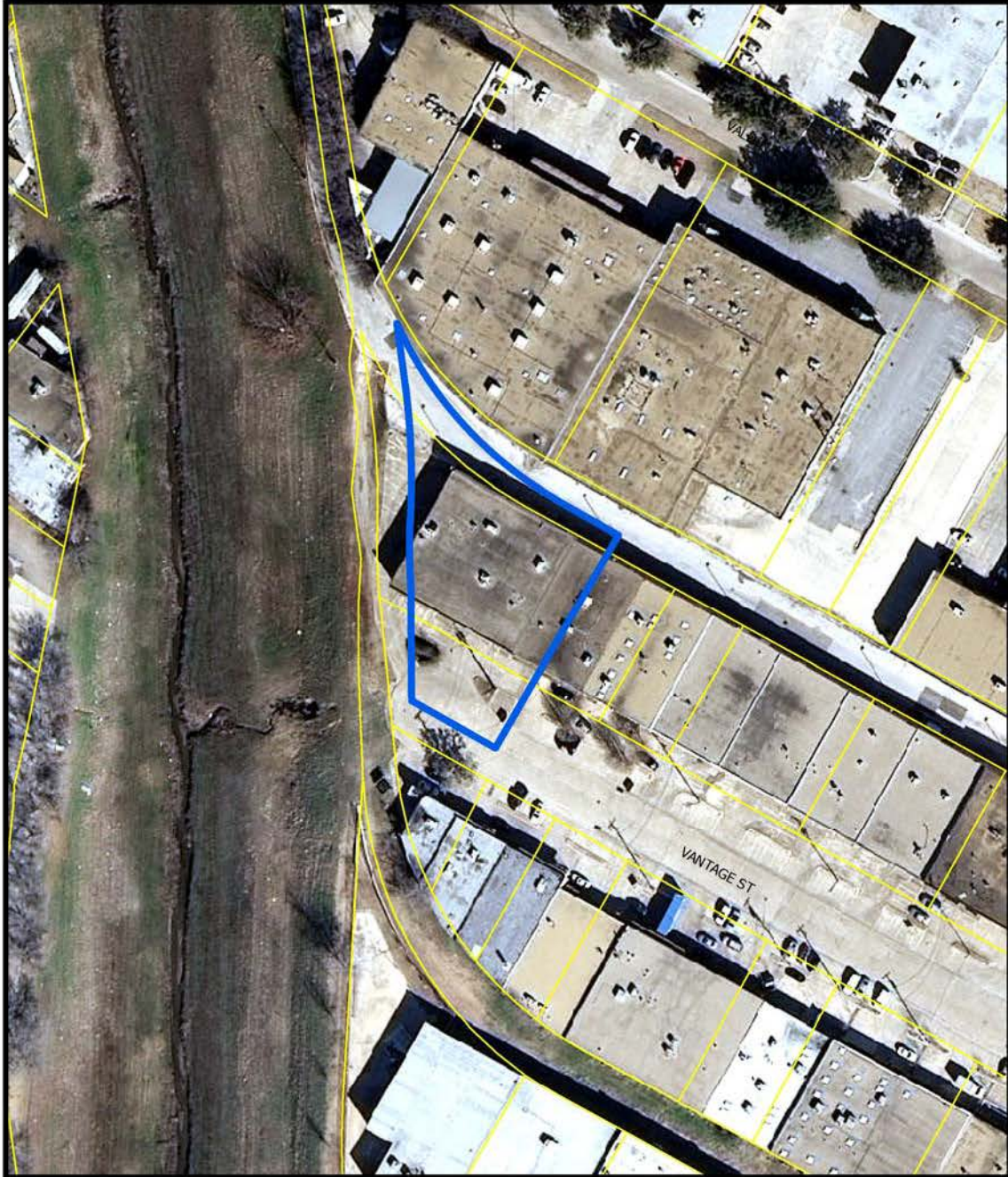
Speakers: None

Z134-324(AF)

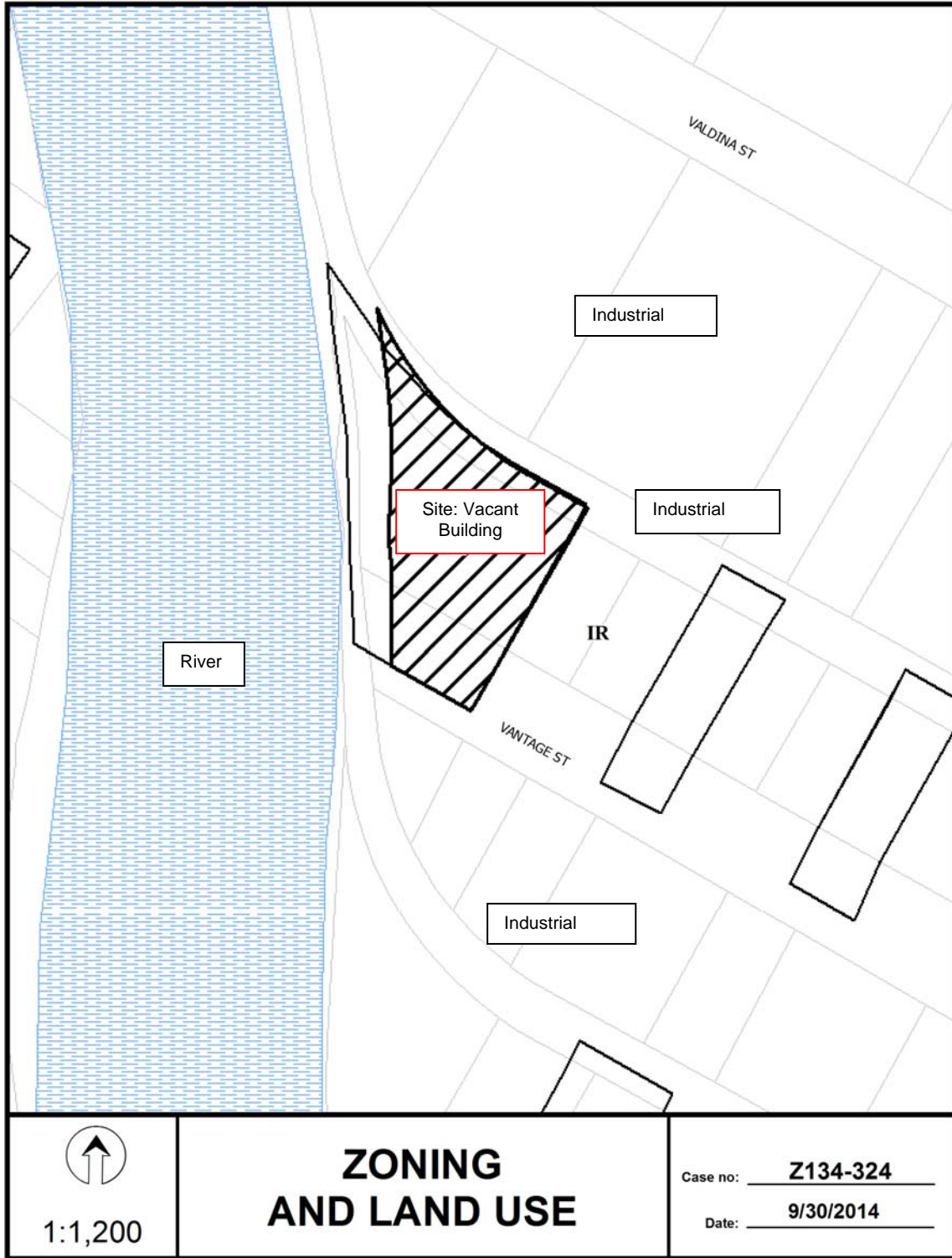
Partners/Principals/Officers:

Jarrett Ouelette, Sole Owner





 1:1,200	AERIAL MAP	Case no: <u> Z134-324 </u> Date: <u> 9/30/2014 </u>
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10/22/2014

Reply List of Property Owners

Z134-324

13 Property Owners Notified

0 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2200	VALDINA ST	ANATOLE PARTNERS
2	2292	VANTAGE ST	OUELLETTE JARRETT
3	2253	VALDINA ST	DDB PPTIES LLC
4	2335	VALDINA ST	COMMERCIAL ART SERVICES
5	2270	VANTAGE ST	WTHW LTD
6	2267	VANTAGE ST	MAGDALIN & THONTON LLC
7	2323	VALDINA ST	COMMERICAL ART SVCS INC
8	2284	VANTAGE ST	SHURPA DALLAS PROPERTIES TRST
9	2280	VANTAGE ST	DUDNEY 2560 IRVING LLC
10	2273	VANTAGE ST	BATES & MYERS JV # 7 PS
11	2281	VANTAGE ST	VANTAGE STREET LLC
12	2285	VANTAGE ST	PAYLESS ENVELOPES INC
13	2288	MONITOR ST	BELLOW D INV LTD

ADDENDUM ITEM # 18

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 12, 2014
COUNCIL DISTRICT(S): 6
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District south of Lupo Drive, between Memphis Street and Vicksburg Street
Recommendation of Staff and CPC: Approval
Z134-331(AF)

ACM: Ryan S. Evans

FILE NUMBER: Z134-331(AF) **DATE FILED:** September 5, 2014

LOCATION: South of Lupo Drive, between Memphis Street and Vicksburg Street

COUNCIL DISTRICT: 6 **MAPSCO:** 34-W

SIZE OF REQUEST: Approx. 0.83 acres **CENSUS TRACT:** 100.00

APPLICANT/ OWNER: ENB/JKO Ventures LLC

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District.

SUMMARY: The applicant is proposing to create a mixed use building that has residential units. Once integrated, the building would house an office/showroom/warehouse, general merchandise, and two residential units. The intention of the application is to divide the existing 12,000-square-foot building into four suites that would include office/showroom/warehouse, general merchandise, and two residential units.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

DESIGNATED ZONING CASE

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

1. *Performance impacts upon surrounding property* – The proposed use allows for the integration of a new use within an area that is predominantly light industrial. The integration of the residential units are expected to have a smooth transition into the neighborhood due to the fact that: a) the intensity of the industrial uses within the area is not very high; and b) the residential units will serve to maintain the existing character and overall design of the surrounding uses and existing infrastructure.
2. *Traffic impact* – The proposed rezoning does not have direct access to a major thoroughfare and will have small impact on the existing street system due to the size of the parcel.
3. *Comprehensive Plan or Area Plan Conformance* – The requested land use change is currently in compliance with the overall vision for the area that is depicted in the *Forward Dallas!* plan, which is to create an urban-mixed use area that allows for a variety of mixed uses to be comingled.

Zoning History:

<u>File No.</u>	<u>Request, Disposition, and Date</u>
1. Z134-128	On February 20, 2014 an application for an IM Industrial Manufacturing District on property zoned an IR Industrial Research District south of Burgess Boulevard and east of Iberia Avenue was denied without prejudice by the City Planning Commission .
2. Z123-346	On April 23, 2014 an Amendment to Specific Use Permit No. 1241 for a utility or government installation: 1) to allow for an amended site plan to reflect accurately the facilities and equipment that are on the property; and 2) to amend the landscape requirements and landscape plan due to a utility easement being located in the area designated for the plantings was approved.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Burgess Blvd	Minor Arterial	53.2'
Lupo Dr	Minor Arterial	58.1'
Memphis St	Minor Arterial	51.7'
Vicksburg St	Minor Arterial	52.8'

Land Use:

	Zoning	Land Use
Site	IR	Industrial: Vacant Building
Northeast	IR	Industrial
Southeast	IR	Industrial
Southwest	IR	Industrial
Northwest	IR	Industrial

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The Plan identifies the request site as being in the Urban Mixed-Use building block.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The request site is located in an area that serves as a major hub for industrial use and within close proximity of a major transit hub. The applicant proposes to allow for residential units to be located on premise. The applicant’s request is in compliance with the goals and policies in the *forwardDallas! Comprehensive Plan*.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

URBAN DESIGN ELEMENT

GOAL 5.1 Promote a sense of place, safety and walkability

Policy 5.1.3: Encourage complementary building height, scale, design and character.

STAFF ANALYSIS:

Land Use Compatibility:

The subject site contains a 12,000 square foot office building. According to Dallas County and City of Dallas records, the building was originally constructed to accommodate light industrial in 1967. The building is currently divided into three suites and all under one industrial certificate of occupancy.

The site is located within the Stemmons Corridor-Southwestern Medical District Area which currently has an area plan in place that provides a strategic plan of action to accommodate for the approx. 56,000 new jobs and the 22,000 households that are envisioned to grow over the new few decades. Integrating residential uses in this area is consistent with the projections for the area.

Development Standards:

District	Setbacks		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: IR Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Proposed MU-3	Min. front yard is: 15'	20'	No maximum dwelling unit density	Max. structure height is: 270 feet	80%	Min. Lot: 1,000 sq. ft	High density retail, office, hotel and/or multifamily residential uses in combination on single or contiguous building sites

Landscaping: No new development is proposed by this application as the existing buildings will be renovated. Therefore, the landscaping requirements of Article X of the Dallas Development Code will not be triggered.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

CPC ACTION – October 23, 2014

Motion: It was moved to recommend **approval** of an MU-3 Mixed Use District on property zoned an IR Industrial Research District, south of Lupo Drive, between Memphis Street and Vicksburg Street.

Maker: Murphy
Second: Ridley
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Rodgers, Culbreath, Shidid,
Bagley, Lavallaisaa, Tarpley, Shellene,
Schultz, Peadon, Murphy, Ridley, Abtahi

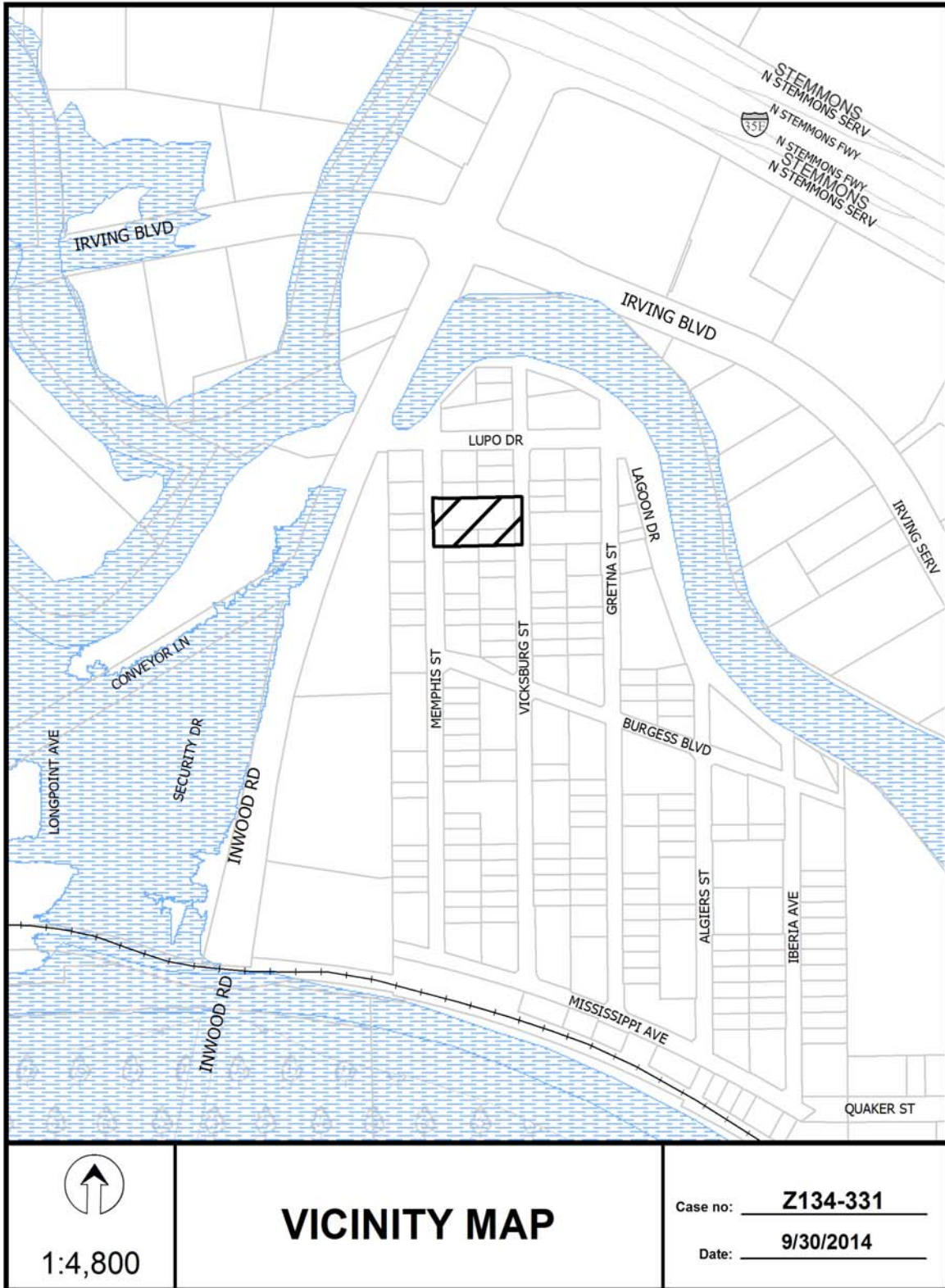
Against: 0
Absent: 1 - Anantasomboon
Vacancy: 0

Notices: Area: 200 Mailed: 27
Replies: For: 3 Against: 1

Speakers: None

Partners/Principals/Officers:

Jarett Ouellette, Managing Member
Eugene Braden, Managing Member



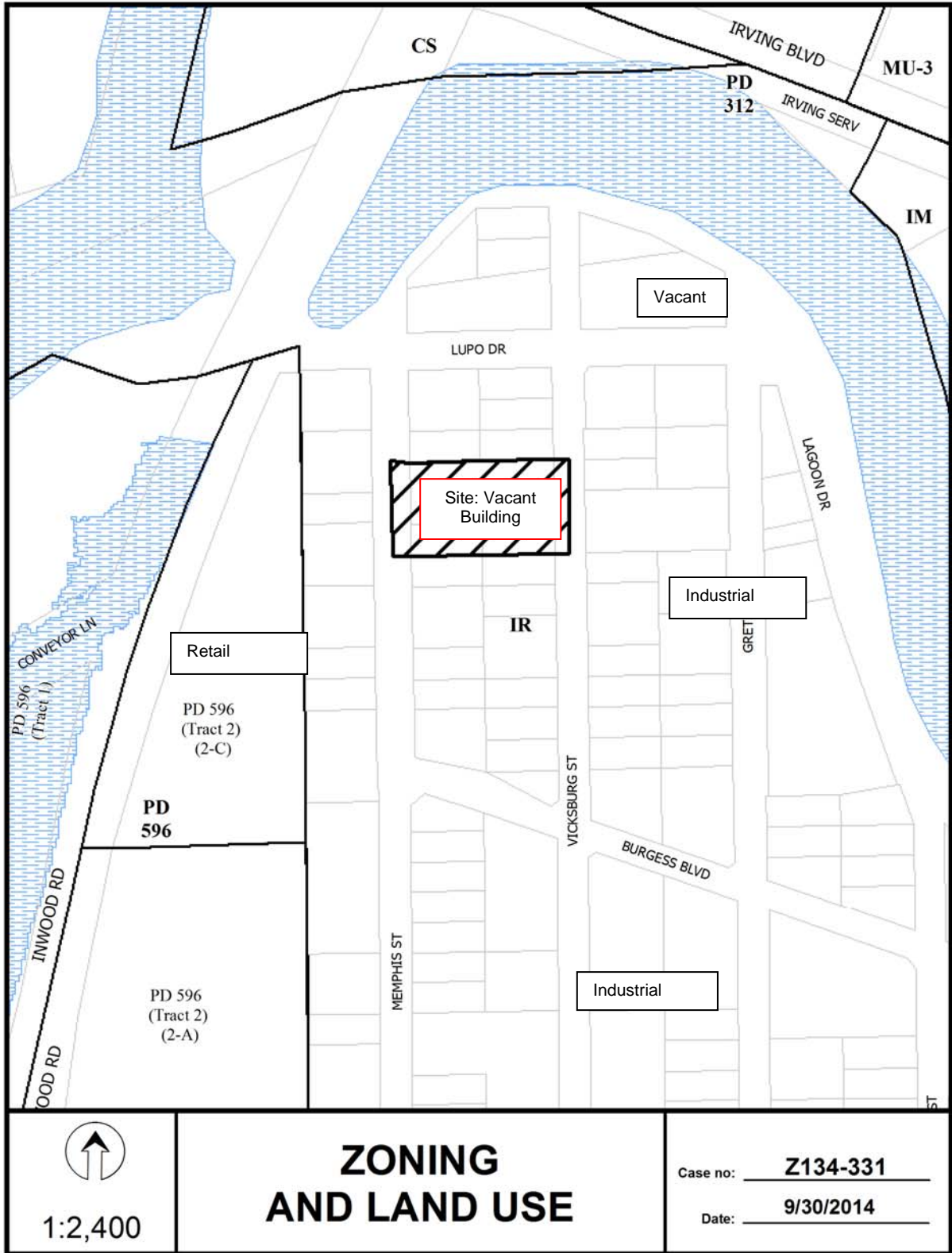


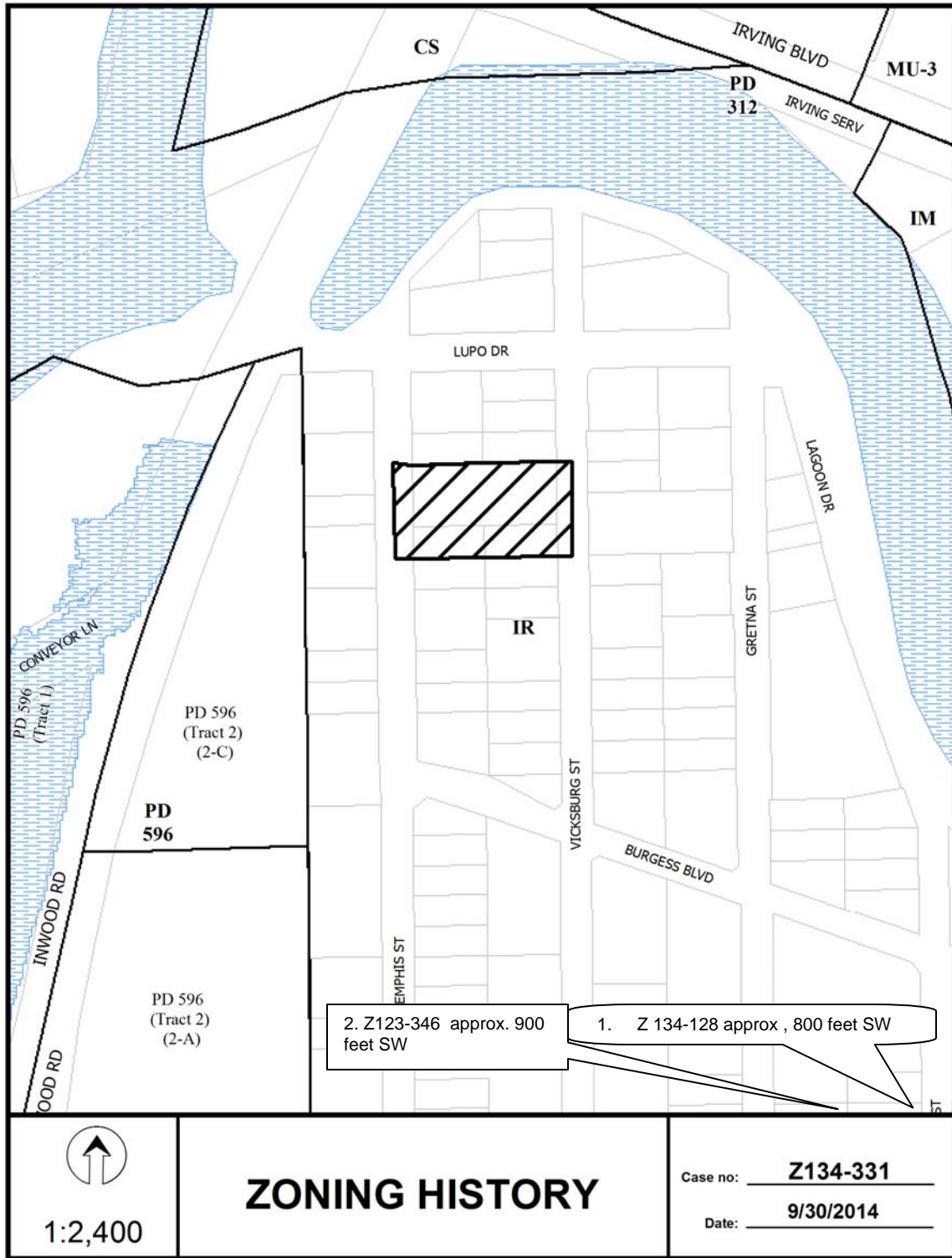
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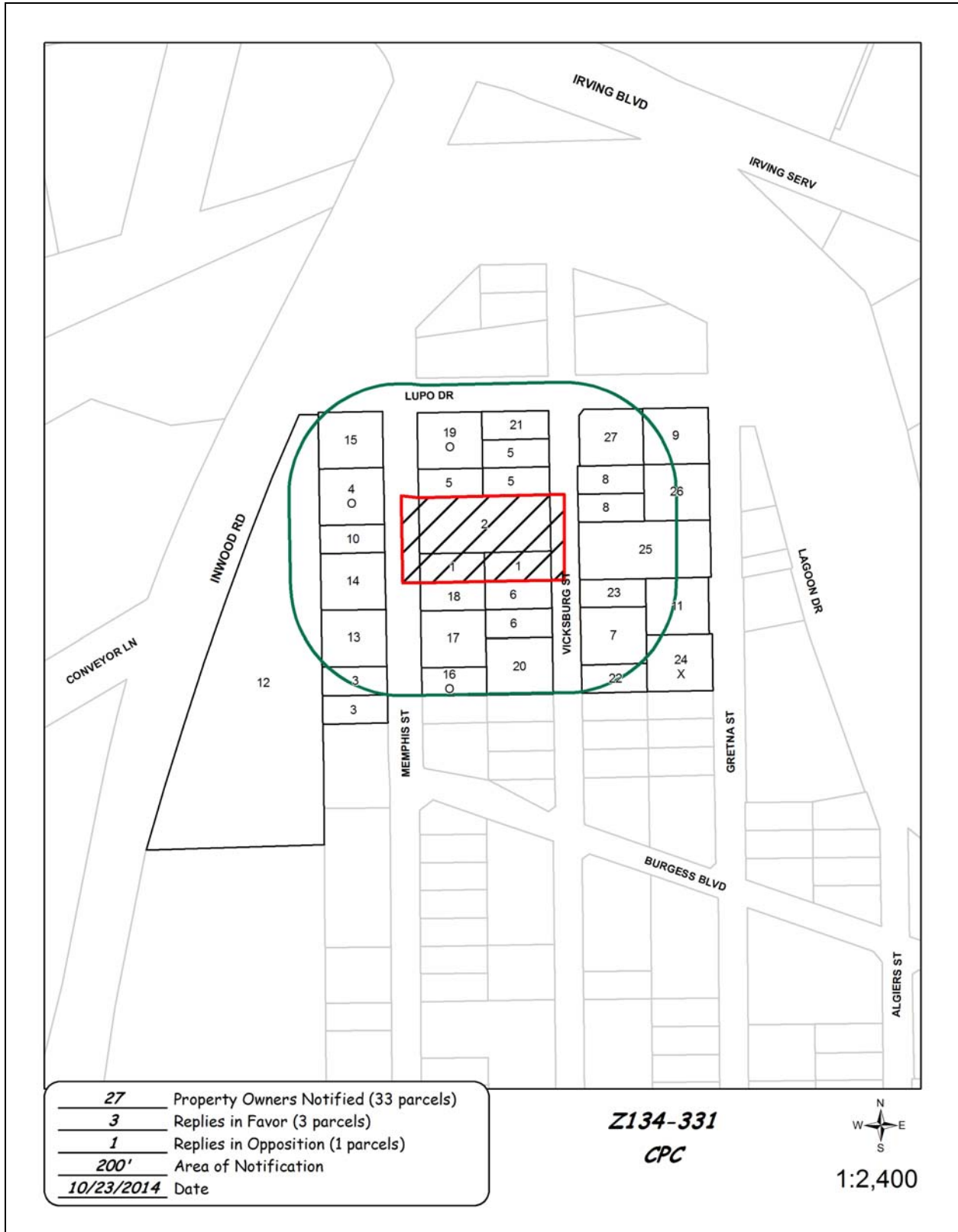
AERIAL MAP

Case no: Z134-331

Date: 9/30/2014







10/22/2014

Reply List of Property Owners**Z134-331****27 Property Owners Notified****3 Property Owners in Favor****1 Property Owners Opposed**

Reply	Label #	Address	Owner
	1	4826 MEMPHIS ST	TECHNICALLY SCOTTISH I LTD
	2	4832 MEMPHIS ST	TECHNICALLY SCOTTISH I LTD
	3	4805 MEMPHIS ST	UNOGU ISAAC
O	4	4839 MEMPHIS ST	MILBURN JEFFERY M
	5	4840 MEMPHIS ST	FERTITTA MARY E
	6	4831 VICKSBURG ST	1936 RASHEED LP
	7	4830 VICKSBURG ST	SOUTHERLAND GARY D
	8	4846 VICKSBURG ST	LERER STEPHEN A
	9	4881 GRETNA ST	FERGUSON WILLIAM M &
	10	4841 MEMPHIS ST	POTTER RICHARD J JR TESTAMENTARY TRUST
	11	4831 GRETNA ST	GRAHAM STEVE
	12	1328 INWOOD RD	VANTAGE PPTIES
	13	4813 MEMPHIS ST	GRAF JOYCE ANN &
	14	4827 MEMPHIS ST	POTTER RICHARD J JR TESTAMENTARY TRUST
	15	1000 LUPO DR	COLE CONSTANCE L
O	16	4812 MEMPHIS ST	FLY JOE W JR
	17	4816 MEMPHIS ST	FLY JOE W JR
	18	4824 MEMPHIS ST	MILBURN JEFFREY M
O	19	1100 LUPO DR	ANDERSON RANDALL E
	20	4819 VICKSBURG ST	RASHEED SHAMS
	21	1104 LUPO DR	GRAF JOYCE ANN &
	22	4820 VICKSBURG ST	SOUTHERLAND GARY D
	23	4834 VICKSBURG ST	HORTON BRUCE RAGSDALE
X	24	4829 GRETNA ST	FOSTER NOLAN CONST INC
	25	4838 VICKSBURG ST	LERER STEPHEN A
	26	4865 GRETNA ST	FERGUSON WM M

Z134-331(AF)

10/22/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4852 VICKSBURG ST	RUBIN CANDACE