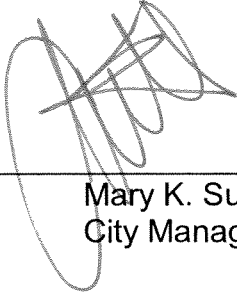


**OCTOBER 10, 2011 CITY COUNCIL AGENDA
CERTIFICATION**

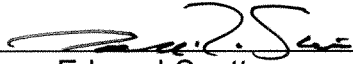
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated October 10, 2011. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



Mary K. Suhm
City Manager

9/29/11

Date



Edward Scott
City Controller

9/29/11

Date

RECEIVED

2011 SEP 30 PM 3:08

CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

October 10, 2011

DATE

(FOR GENERAL INFORMATION AND RULES OF COURTESY PLEASE SEE OPPOSITE SIDE.)

(LA INFORMACIÓN GENERAL Y REGLAS DE CORTESÍA QUE DEBEN OBSERVARSE
DURANTE LAS ASAMBLEAS DEL CONSEJO MUNICIPAL APARECEN EN EL LADO OPUESTO, FAVOR DE LEERLAS.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

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

Rules of Courtesy

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

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

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

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaidía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner CityCable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

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

Reglas de Cortesia

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

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

**AGENDA
CITY COUNCIL MEETING
MONDAY, OCTOBER 10, 2011
ORDER OF BUSINESS**

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

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

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 34

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 35 - 39

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 40 - 50

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.

AGENDA
CITY COUNCIL MEETING
OCTOBER 10, 2011
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the September 28, 2011 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a five-year service contract for Help Desk support services - CompuCom Systems, most advantageous proposer of nine - Not to exceed \$8,769,728 - Financing: Current Funds (subject to annual appropriations)
3. Authorize a three-year master agreement for the purchase of hot mix asphalt and cold patch materials - Austin Asphalt, L.P. in the amount of \$6,142,438, Unique Paving Materials in the amount of \$1,412,740, APAC-Texas, Inc. in the amount of \$407,330 and International Roadway Research in the amount of \$2,103, lowest responsible bidders of six - Total not to exceed \$7,964,611 - Financing: Current Funds (\$6,903,226) and Water Utilities Current Funds (\$1,061,385)

CONSENT AGENDA (Continued)**Business Development & Procurement Services** (Continued)

4. Authorize Supplemental Agreement No. 1 to increase the professional services contract with Grant Thornton LLP for audit services of the City's financial operations and grant activities for fiscal year ending September 30, 2010 through September 30, 2012 - Not to exceed \$473,900, from \$2,606,890 to \$3,080,790 - Financing: Current Funds (\$429,000) (subject to annual appropriations) and Vickery Meadows TIF District Funds (\$44,900)

City Attorney's Office

5. Authorize payment of annual software maintenance in support of the CityLaw Law Office Management System, a performance-based tracking system from Cycom Data Systems, Inc., for the period November 1, 2011 through October 31, 2012 - Not to exceed \$54,329 - Financing: Current Funds (subject to appropriations)
6. Authorize a professional services contract with Exam Works, Inc. to provide the City of Dallas with independent review services to assist in evaluating medical and health related claims for accuracy and legitimacy - Not to exceed \$50,000 - Financing: Current Funds

Convention and Event Services

7. Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation and Love Field Airport Modernization Corporation - Financing: No cost consideration to the City

Office of Financial Services

8. Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to the Airports Council International - North America in the amount of \$55,000, Dallas Regional Mobility Coalition in the amount of \$37,500, National Association of Clean Water Agencies in the amount of \$28,250, National League of Cities in the amount of \$34,607, North Central Texas Regional Certification Agency in the amount of \$36,180, North Central Texas Council of Governments in the amount of \$120,053, North Texas Commission in the amount of \$54,096, Regional Public Works Program in the amount of \$40,955, Regional Storm Water Management Program of North Central Texas in the amount of \$32,999, The Steering Committee of Cities Served by Oncor in the amount of \$132,000, Texas Coalition of Cities For Utility Issues in the amount of \$53,000, Texas Municipal League in the amount of \$48,293, United States Conference of Mayors in the amount of \$40,235, Water Environment Research Foundation in the amount of \$78,552, and Water Research Foundation in the amount of \$224,060 - Total not to exceed \$1,015,780 - Financing: Current Funds (\$555,964), Stormwater Drainage Management Current Funds (\$73,954), Aviation Current Funds (\$55,000) and Water Utilities Current Funds (\$330,862)

CONSENT AGENDA (Continued)**Office of Management Services**

9. Authorize a personal services contract with Jesse Romero for state legislative services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$15,000 - Financing: Current Funds
10. Authorize a personal services contract with Kwame Walker for state legislative services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$45,000 - Financing: Current Funds
11. Authorize a personal services contract with Randy C. Cain for state legislative services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$75,000 - Financing: Current Funds
12. Authorize a professional services contract with HillCo Partners, LLC for state legislative information and related services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$75,000 - Financing: Water Utilities Current Funds

**Trinity River Corridor Project
Legislative Services**

Note: Item Nos. 13 and 14
must be considered collectively.

13. * Authorize a personal services contract with Hector Alcalde for legislative services regarding the Trinity River Corridor Project for the period October 1, 2011 through September 30, 2012 - Not to exceed \$73,800 - Financing: Current Funds
14. * Authorize a personal services contract with Paul Schlesinger for legislative services regarding the Trinity River Corridor Project for the period October 1, 2011 through September 30, 2012 - Not to exceed \$43,650 - Financing: Current Funds
15. Authorize a professional services contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period October 1, 2011 through September 30, 2012 - Not to exceed \$160,000 - Financing: Current Funds

Park & Recreation

16. Authorize a contract for construction of a loop trail at Elmwood Parkway from Elmwood Parkway to Illinois Avenue - RoeschCo Construction, Inc., best value proposer of ten - Not to exceed \$443,000 - Financing: 2006 Bond Funds
17. Authorize a contract for a pedestrian bridge replacement, fencing, and an 8-foot-wide loop trail at Tommie M. Allen Park located at 7071 Bonnie View Road - Northstar Construction, Inc., best value proposer of five - Not to exceed \$414,200 - Financing: 2006 Bond Funds

CONSENT AGENDA (Continued)**Park & Recreation** (Continued)

18. Authorize **(1)** a contract for construction of surface parking lots and a vehicular connector at the Dallas Arboretum located at 8525 Garland Road with Turner Construction Company; and **(2)** assign management of the contract to the Dallas Arboretum and Botanical Society - Turner Construction Company, best value proposer of six - Not to exceed \$3,511,642 - Financing: 2006 Bond Funds
19. Authorize an increase in the contract with Speed Fab-Crete Corporation for exterior painting of the gym, and cleaning and repairing the HVAC units at Ridgewood/Belcher Recreation Center located at 6818 Fisher Road - Not to exceed \$38,150, from \$616,859 to \$655,009 - Financing: 2006 Bond Funds
20. Authorize Supplemental Agreement No. 1 to the professional services contract with BA Group, LLC dba Armstrong Berger for architectural, engineering, and landscape design services for an addition of a service building at Robert E. Lee Park located at 3400 Turtle Creek Boulevard - Not to exceed \$11,615, from \$26,625 to \$38,240 - Financing: 2006 Bond Funds
21. Authorize Supplemental Agreement No. 1 to the professional services contract with McCarthy Architecture, Inc. for additional services to include code research, accessibility assessment and civil surveying of the pavilion project for submission of a separate building permit at Stevens Park Golf Course Clubhouse located at 1005 North Montclair Avenue - Not to exceed \$14,750, from \$12,450 to \$27,200 - Financing: 2006 Bond Funds

Police

22. Authorize **(1)** the Dallas Police Department to receive funds in the amount of \$594,000 from various federal and state law enforcement agencies to be used for overtime for investigative services (list attached); **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$171,963; and **(3)** execution of the grant agreements - Total not to exceed \$765,963 - Financing: Current Funds (\$594,000 to be reimbursed by various federal and state law enforcement agencies)

Public Works Department

23. Authorize an Interlocal Agreement with the City of Plano for a demonstration project to determine condition on several Plano city streets using Dallas' pavement management system process and equipment - Revenue \$6,405
24. Authorize a service agreement with ONCOR Electric Delivery for installation and connection of twenty-seven historical style street light standards on Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$44,682 - Financing: 2003 Bond Funds

CONSENT AGENDA (Continued)**Public Works Department (Continued)**

25. Authorize a contract with Austin Filter Systems, Inc., lowest responsible bidder of seven, for the construction of erosion control improvements for five projects (list attached) - Not to exceed \$965,529 - Financing: 2006 Bond Funds (\$855,571) and Water Utilities Capital Improvement Funds (\$109,958)
26. Authorize contracts for the purchase and installation of furniture for the new White Rock Hills Branch Library located at 9150 Ferguson Road - WRG, LLC dba Workplace Resource Group in the amount of \$98,820 and Putsi, Inc. dba Cultural Surroundings in the amount of \$59,879 - Total not to exceed \$158,699 - Financing: 2006 Bond Funds
27. Authorize an increase in the construction contract with Lee Lewis Construction, Inc. for waterproofing, structural, mechanical, electrical, plumbing, and interior finish changes to the construction of the Upper Level D Meeting Rooms at the Dallas Convention Center - Not to exceed \$355,453, from \$13,760,383 to \$14,115,836 - Financing: 2009 Convention Center Revenue Bonds
28. Authorize **(1)** an increase in the construction contract with J.C. Commercial, Inc. for the Snow and Ice Removal Facility at Dallas Love Field and to extend the contract for additional work related to environmental, life and safety issues for this facility in the amount of \$329,672, from \$3,577,277 to \$3,906,949; and **(2)** an increase in appropriations in the amount of \$345,672 in the Aviation Capital Construction Fund for construction, testing, commissioning and other contract administration costs - Not to exceed \$329,672 - Financing: Aviation Capital Construction Funds
29. Authorize Supplemental Agreement No. 2 to the professional services contract with Metropolitan Infrastructure, PLLC for additional design and survey services for wastewater main relocation and hydraulic analysis for culvert design for Street Petition Group II (list attached) - Not to exceed \$36,145, from \$527,700 to \$563,845 - Financing: 2006 Bond Funds (\$27,805) and Water Utilities Capital Improvement Funds (\$8,340)
30. Authorize Supplemental Agreement No. 4 to the professional services contract with Burgess & Niple, Inc. for the engineering design of subsurface utilities to accommodate a new bridge over the Able Sump, traffic signal improvements, and lighting to improve pedestrian safety for Cadiz Street from Riverfront Boulevard to South Lamar Street - Not to exceed \$39,091, from \$358,313 to \$397,404 - Financing: 2006 Bond Funds
31. Authorize Supplemental Agreement No. 4 to the professional services contract with Michael Baker, Jr., Inc. for additional engineering design and survey services necessary for the realignment of Troy Street in Phase II of the Spring Avenue Redevelopment Project - Not to exceed \$31,172, from \$609,249 to \$640,421 - Financing: 2006-07 Community Development Block Grant Reprogramming No. 2 Funds (\$26,568) and Water Utilities Capital Improvement Funds (\$4,604)

CONSENT AGENDA (Continued)

Water Utilities

- 32. Authorize a contract for the construction of major maintenance at the Elm Fork Water Treatment Plant - Eagle Contracting, LP, lowest responsible bidder of four - Not to exceed \$15,195,000 - Financing: Water Utilities Capital Improvement Funds
- 33. Authorize a professional services contract with Carollo Engineers, Inc. to provide engineering services associated with solids handling improvements at the Central Wastewater Treatment Plant and the Southside Wastewater Treatment Plant - Not to exceed \$1,173,802 - Financing: Water Utilities Capital Improvement Funds
- 34. Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional construction services required for the Dewatering Facility at the Southside Wastewater Treatment Plant - Not to exceed \$421,367, from \$39,129,700 to \$39,551,067 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

- 35. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

ITEMS FOR FURTHER CONSIDERATION

City Attorney's Office

- 36. Authorize Supplemental Agreement No. 1 to the law firm of Munck Carter, LLP for additional legal services necessary to represent the City in the lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P - Not to exceed \$325,000, from \$25,000 to \$350,000 - Financing: Current Funds

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

Home Depot Amendment

Note: Item Nos. 37, 38 and 39 must be considered collectively.

- 37. * Authorize an amendment to the City of Dallas Public/Private Partnership Program Guidelines and Criteria, pursuant to the Property Redevelopment and Tax Abatement Act (V.T.C.A., Tax Code, Chapter 312), governing tax abatement agreements and other City incentives intended to promote private investment, tax base growth and job creation to include the authority to administer and to accept resources from other political subdivisions of the state to administer our economic development program in accordance with the Local Government Code Chapter 380.001(b)(2) and (3) - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

Home Depot Amendment (Continued)

Note: Item Nos. 37, 38 and 39 must be considered collectively.

- 38. * Authorize an amendment to the development agreement with PR Crow I-20 II, LP and Home Depot pursuant to Resolution No. 11-1190, previously approved on April 27, 2011, to: **(1)** increase the grant from \$2,475,000 to \$3,775,000 to reflect the County's contribution to the project and allow the receipt and disbursement of funds pursuant to Public Private Program Guidelines and Criteria from Dallas County; and **(2)** extend the completion date from March 31, 2012 to August 31, 2012 - Financing: No cost consideration to the City

- 39. * Authorize an amendment to Resolution No. 11-1192, previously approved on April 27, 2011, to: **(1)** authorize the installation and procurement of a traffic signal at the intersection of Kestrel and Daniieldale Road; and **(2)** rescind the authority to install and procure a traffic signal at the intersection of Polk and Daniieldale Road - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

- 40. A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new Subdistrict within Planned Development District No. 619 for mixed uses on the northeast corner of Elm Street and North Griffin Street
Recommendation of Staff: Approval, subject to a development plan and conditions
Z101-269(WE)

- 41. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, west of Parry Avenue
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions
Z101-287(MG)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**ZONING CASES - CONSENT (Continued)

42. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 786 for MU-3 Mixed Use District uses on the southeast corner of SMU Boulevard and Worcola Street
Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions
Z101-296(MW)
43. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Permit for the sale and service of alcoholic beverages in conjunction with a restaurant with a drive-through or drive-in on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south side of East R.L. Thornton Freeway (I-30), west of Buckner Boulevard
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a three-year with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions
Z101-306(MW)
44. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of Walnut Hill Lane and Marsh Lane
Recommendation of Staff and CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z101-307(WE)
45. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the southeast corner of Samuell Boulevard and North Jim Miller Road
Recommendation of Staff: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions
Z101-310(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**ZONING CASES - CONSENT (Continued)

46. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1761 for a handicapped group dwelling unit on property zoned an R-7.5(A) Single Family District on the north side of Kirkley Street, west of Teague Drive
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions
Z101-313(MW)
47. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the southeast corner of C.F. Hawn Freeway (U.S. 175) and South Belt Line Road
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z101-317(MG)
48. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-through or drive-in on property zoned a CS Commercial Service District with a D-1 District Overlay on the south line of South Belt Line Road, east of Kleberg Road
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z101-320(MG)
49. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1454 for a detached non-premise sign (billboard) use on property zoned an MU-1(SAH) Mixed Use District on the northeast corner of Interstate 635 (LBJ Freeway) and Meandering Way
Recommendation of Staff and CPC: Approval for a ten-year period, subject to conditions
Z101-322(CH)
50. A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District on property zoned a CS Commercial Service District on the west line of Brockbank Drive, between Bynum Avenue and Lombardy Lane
Recommendation of Staff and CPC: Approval
Z101-327(WE)

Various Federal and State Law Enforcement Agencies for FY 2011-12
Agenda Item #22

Federal Agencies

Federal Bureau of Investigation

United States Customs

United States Marshals Service

Immigration and Naturalization Services

Drug Enforcement Agency

Bureau of Alcohol, Tobacco, and Firearms

Department of the Treasury-Internal Revenue Service

Secret Services

State Agencies

Department of Public Safety

NOTE: Agencies listed are recurring. Other agencies may be involved on occasion.

Interlocal Agreement for the City of Plano Demonstration Project
 Agenda Item #23

<u>Street Name</u>	<u>From</u>	<u>To</u>
Amazon Drive	Sabine Street	Columbia Place
Brazos Trail	Sabine Street	Columbia Place
Callaway Drive	Sabine Street	Columbia Place
Columbia Place	15th Street	West Park Boulevard
Coit Road	121	George Bush Turnpike
Danube Lane	Sabine Street	Columbia Place
Daventry Lane	West Park Boulevard	Keystone Drive
Gansett Drive	Lafayette Drive	Pantigo Drive
Geneva Lane	Rio Grande Drive	Columbia Place
Huron Trail	Rio Grande Drive	Columbia Place
Keystone Drive	Seminary Drive	Pantigo Drive
Lafayette Drive	Templehill Drive	Gansett Drive
Newton Drive	Custer Road	Seminary Drive
Pantigo Drive	Vantage Drive	Keystone Drive
Rio Grande Drive	15th Street	West Park Boulevard
Sabine Street	Amazon Drive	Tawakoni Lane
Sacramento Terrace	Rio Grande Drive	Columbia Place
Seminary Drive	Keystone Drive	Vantage Drive
Tawakoni Lane	Rio Grande Drive	Columbia Place
Templehill Drive	Lafayette Drive	Rio Grande Drive
Vantage Drive	Seminary Drive	Pantigo Drive
Victoria Way	15th Street	Tawakoni Lane

Erosion Control Improvements
Agenda Item #25

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
4518 Dove Creek Way	5	\$117,338.00
3417 Holliday Drive	3	\$149,126.00
3429 Holliday Drive	3	\$154,193.00
3509 Holliday Drive	3	\$197,312.00
3529 Holliday Drive	3	\$347,560.00

October 10, 2011

13

Street Petition Group II
Agenda Item #29

Location

Council District

Westmount Avenue from Avon Street to Fort Worth Avenue

3

Woodway Drive from Fountaindale Drive to Dead-End

8

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

October 10, 2011

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PUBLIC MEETINGS FOR OCTOBER 1 - OCTOBER 15, 2011

Tuesday, October 4, 2011

Civil Service Board (**Cancelled**)

8:30 a.m.

City Hall Suite 1C-South

AGENDA DATE October 10, 2011

ITEM	IND									
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
1			All	V	NA	NA	NA	NA	Approval of Minutes of September 28, 2011 City Council Meeting	
2			N/A	C	PBD, CIS	\$8,769,727.80	100.00%	23.80%	Authorize a five-year service contract for Help Desk support services	
3			All	C	PBD, PKR, STS, TWM, WTR	\$7,964,611.00	74.04%	6.52%	Authorize a three-year master agreement for the purchase of hot mix asphalt and cold patch materials	
4			N/A	C	PBD, ECO, CON	\$473,900.00	93.92%	34.20%	Authorize Supplemental Agreement No. 1 to increase the professional services contract with Grant Thornton LLP for audit services of the City's financial operations and grant activities for fiscal year ending September 30, 2010 through September 30, 2012	
5			N/A	C	ATT	\$54,329.00	0.00%	0.00%	Authorize payment of annual software maintenance in support of the CityLaw Law Office Management System, a performance-based tracking system from Cycom Data Systems, Inc., for the period November 1, 2011 through October 31, 2012	
6			N/A	C	ATT	\$50,000.00	NA	NA	Authorize a professional services contract with Exam Works, Inc. to provide the City of Dallas with independent review services to assist in evaluating medical and health related claims for accuracy and legitimacy	
7			2, 14	C	CES, AVI	NC	NA	NA	Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation and Love Field Airport Modernization Corporation	
8			N/A	C	OFS	\$1,015,779.40	NA	NA	Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services	
9			All	C	MGT, IGS	\$15,000.00	NA	NA	Authorize a personal services contract with Jesse Romero for state legislative services for the period October 1, 2011 through September 30, 2012	
10			All	C	MGT, IGS	\$45,000.00	NA	NA	Authorize a personal services contract with Kwame Walker for state legislative services for the period October 1, 2011 through September 30, 2012	
11			All	C	MGT, IGS	\$75,000.00	NA	NA	Authorize a personal services contract with Randy C. Cain for state legislative services for the period October 1, 2011 through September 30, 2012	
12			All	C	MGT, IGS	\$75,000.00	NA	NA	Authorize a professional services contract with HillCo Partners, LLC for state legislative information and related services for the period October 1, 2011 through September 30, 2012	
13			All	C	MGT, IGS	\$73,800.00	NA	NA	Trinity River Corridor Project Legislative Services: Authorize a personal services contract with Hector Alcalde for legislative services regarding the Trinity River Corridor Project for the period October 1, 2011 through September 30, 2012	
14			All	C	MGT, IGS	\$43,650.00	NA	NA	Trinity River Corridor Project Legislative Services: Authorize a personal services contract with Paul Schlesinger for legislative services regarding the Trinity River Corridor Project for the period October 1, 2011 through September 30, 2012	
15			All	C	MGT, IGS	\$160,000.00	NA	NA	Authorize a professional services contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period October 1, 2011 through September 30, 2012	
16			1	C	PKR	\$443,000.00	18.06%	74.04%	Authorize a contract for construction of a loop trail at Elmwood Parkway from Elmwood Parkway to Illinois Avenue	
17			8	C	PKR	\$414,200.00	3.38%	25.11%	Authorize a contract for a pedestrian bridge replacement, fencing, and an 8-foot-wide loop trail at Tommie M. Allen Park located at 7071 Bonnie View Road	
18			9	C	PKR	\$3,511,642.00	53.93%	25.11%	Authorize a contract for construction of surface parking lots and a vehicular connector at the Dallas Arboretum located at 8525 Garland Road with Turner Construction Company; and assign management of the contract to the Dallas Arboretum and Botanical Society	
19			9	C	PKR	\$38,149.72	72.26%	30.16%	Authorize an increase in the contract with Speed Fab-Crete Corporation for exterior painting of the gym, and cleaning and repairing the HVAC units at Ridgewood/Belcher Recreation Center located at 6818 Fisher Road	
20			14	C	PKR	\$11,615.00	100.00%	5.54%	Authorize Supplemental Agreement No. 1 to the professional services contract with BA Group, LLC dba Armstrong Berger for architectural, engineering, and landscape design services for an addition of a service building at Robert E. Lee Park located at 3400 Turtle Creek Boulevard	
21			3	C	PKR	\$14,750.00	100.00%	29.04%	Authorize Supplemental Agreement No. 1 to the professional services contract with McCarthy Architecture, Inc. for additional services to include code research, accessibility assessment and civil surveying of the pavilion project for submission of a separate building permit at Stevens Park Golf Course located at 1005 North Montclair Avenue	

AGENDA DATE October 10, 2011

ITEM #	OK	IND	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
22				All	C	POL	\$765,963.00	NA	NA	Authorize the Dallas Police Department to receive funds from various federal and state law enforcement agencies to be used for overtime for investigative services; a City contribution of pension and Federal Insurance Contribution Act costs; and execution of the grant agreements
23				Outside	C	PWT	REV \$6,404.80	NA	NA	Authorize an Interlocal Agreement with the City of Plano for a demonstration project to determine condition on several Plano city streets using Dallas' pavement management system process and equipment
24				2, 14	C	PWT	\$44,681.10	NA	NA	Authorize a service agreement with ONCOR Electric Delivery for installation and connection of twenty-seven historical style street light standards on Greenville Avenue from Alta Avenue to Bell Avenue
25				3, 5	C	PWT, TWM, WTR	\$965,529.00	1.35%	14.81%	Authorize a contract with Austin Filter Systems, Inc., lowest responsible bidder of seven, for the construction of erosion control improvements for five projects
26				7	C	PWT, LIB	\$158,698.73	100.00%	62.27%	Authorize contracts for the purchase and installation of furniture for the new White Rock Hills Branch Library located at 9150 Ferguson Road
27				2	C	PWT, CES	\$355,453.00	65.06%	31.72%	Authorize an increase in the construction contract with Lee Lewis Construction, Inc. for waterproofing, structural, mechanical, electrical, plumbing, and interior finish changes to the construction of the Upper Level D Meeting Rooms at the Dallas Convention Center
28				14	C	PWT, AVI	\$329,672.00	34.27%	34.08%	Authorize an increase in the construction contract with J.C. Commercial, Inc. for the Snow and Ice Removal Facility at Dallas Love Field and to extend the contract for additional work related to environmental, life and safety issues for this facility
29				3, 8	C	PWT, WTR	\$36,145.00	100.00%	100.00%	Authorize Supplemental Agreement No. 2 to the professional services contract with Metropolitan Infrastructure, PLLC for additional design and survey services for wastewater main relocation and hydraulic analysis for culvert design for Street Petition Group II
30				2	C	PWT	\$39,090.80	100.00%	44.25%	Authorize Supplemental Agreement No. 4 to the professional services contract with Burgess & Niple, Inc. for the engineering design of subsurface utilities to accommodate a new bridge over the Able Sump, traffic signal improvements, and lighting to improve pedestrian safety for Cadiz Street from Riverfront Boulevard to South Lamar Street
31				7	C	PWT, HSG, WTR	\$4,604.00	36.84%	52.73%	Authorize Supplemental Agreement No. 4 to the professional services contract with Michael Baker, Jr., Inc. for additional engineering design and survey services necessary for the realignment of Troy Street in Phase II of the Spring Avenue Redevelopment Project
32				Outside	C	WTR	\$15,195,000.00	37.88%	22.86%	Authorize a contract for the construction of major maintenance at the Elm Fork Water Treatment Plant
33				7, 8	C	WTR	\$1,173,802.00	97.71%	25.84%	Authorize a professional services contract with Carollo Engineers, Inc. to provide engineering services associated with solids handling improvements at the Central Wastewater Treatment Plant and the Southside Wastewater Treatment Plant
34				8	C	WTR	\$421,366.55	0.00%	24.99%	Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional construction services required for the Dewatering Facility at the Southside Wastewater Treatment Plant
35				N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
36				N/A	I	ATT	\$325,000.00	NA	NA	Authorize Supplemental Agreement No. 1 to the law firm of Munck Carter, LLP for additional legal services necessary to represent the City in the lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P
37				All	I	ECO	NC	NA	NA	Home Depot Amendment: Authorize an amendment to the City of Dallas Public/Private Partnership Program Guidelines and Criteria, pursuant to the Property Redevelopment and Tax Abatement Act (V.T.C.A., Tax Code, Chapter 312), governing tax abatement agreements and other City incentives intended to promote private investment, tax base growth and job creation to include the authority to administer and to accept resources from other political subdivisions of the state to administer our economic development program in accordance with the Local Government Code Chapter 380.001(b)(2) and (3)
38				All	I	ECO	NC	NA	NA	Home Depot Amendment: Authorize an amendment to the development agreement with PR Crow I-20 II, LP and Home Depot pursuant to Resolution No. 11-1190, previously approved on April 27, 2011, to: increase the grant from \$2,475,000 to \$3,775,000 to reflect the County's contribution to the project and allow the receipt and disbursement of funds pursuant to Public Private Program Guidelines and Criteria from Dallas County; and extend the completion date from March 31, 2012 to August 31, 2012

AGENDA DATE October 10, 2011

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
39			All	I	ECO	NC	NA	NA	Home Depot Amendment: Authorize an amendment to Resolution No. 11-1192, previously approved on April 27, 2011 to: authorize the installation and procurement of a traffic signal at the intersection of Kestrel and Danieldale Road; and rescind the authority to install and procure a traffic signal at the intersection of Polk and Danieldale Road
40			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new Subdistrict within Planned Development District No. 619 for mixed uses on the northeast corner of Elm Street and North Griffin Street
41			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, west of Parry Avenue
42			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 786 for MU-3 Mixed Use District uses on the southeast corner of SMU Boulevard and Worcola Street
43			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Permit for the sale and service of alcoholic beverages in conjunction with a restaurant with a drive-through or drive-in on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south side of East R.L. Thornton Freeway (I-30), west of Buckner Boulevard
44			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of Walnut Hill Lane and Marsh Lane
45			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the southeast corner of Samuell Boulevard and North Jim Miller Road
46			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1761 for a handicapped group dwelling unit on property zoned an R-7.5(A) Single Family District on the north side of Kirkley Street, west of Teague Drive
47			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the southeast corner of C.F. Hawn Freeway (U.S. 175) and South Belt Line Road
48			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-through or drive-in on property zoned a CS Commercial Service District with a D-1 District Overlay on the south line of South Belt Line Road, east of Kleberg Road
49			11	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1454 for a detached non-premise sign (billboard) use on property zoned an MU-1(SAH) Mixed Use District on the northeast corner of Interstate 635 (LBJ Freeway) and Meandering Way
50			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District on property zoned a CS Commercial Service District on the west line of Brockbank Drive, between Bynum Avenue and Lombardy Lane

TOTAL \$43,064,159.10

AGENDA ITEM # 2

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a five-year service contract for Help Desk support services - CompuCom Systems, most advantageous proposer of nine - Not to exceed \$8,769,728 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This service contract will provide the City with Help Desk and desktop support services from CompuCom Systems. CompuCom Systems has been the provider of these services to the City for the last 5 years. During the original 60 month agreement CompuCom Systems has consistently met, and in many areas exceeded, contractual service level agreements for Desktop Support Services. Currently, CompuCom Systems handles approximately 3,500 calls per month to the Communication and Information Services Help Desk. Sixty percent of calls are closed at the time of the first call, thus reducing employee computer related downtime.

CompuCom Systems will continue to provide advanced services for the desktop computing environment in the form of remote-control support, additional software management via automated “push” technology and additional support where needed in extreme circumstances such as disaster relief (hurricanes and tornados) and large events such as the Super Bowl. The City will have access to real time reporting, access to incident tracking software, and automated customer satisfaction surveys.

This contract includes additional support such as:

- Preventative maintenance for Dallas Fire-Rescue stations
- Project support for new software installations such as the new Records Management System
- Computer image management for the many different platforms that exist in the City

BACKGROUND (Continued)

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

- Park & Recreation Services (1)
- Dallas Police Department (1)
- Dallas Water Utilities (1)
- Communication and Information Services (2)
- Business Development & Procurement Services (2)*

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

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

- | | |
|---|-----|
| ● Cost | 30% |
| ● Service Offering | 30% |
| ● Customer References | 15% |
| ● Business Inclusion & Development Plan | 15% |
| ● Quality of Response | 10% |

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 234 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 9, 2010, City Council authorized Supplemental Agreement No. 1 to the service contract for Help Desk support by Resolution No.10-1468.

On February 22, 2006, City Council authorized a sixty-month service contract for the privatization of the Help Desk support by Resolution No. 06-0623.

On February 13, 2006, the Finance, Audit and Accountability Committee was briefed.

FISCAL INFORMATION

\$8,769,727.80 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

234 - 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.

ETHNIC COMPOSITION

CompuCom Systems

White Male	444	White Female	250
Black Male	103	Black Female	81
Hispanic Male	56	Hispanic Female	27
Other Male	43	Other Female	16

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1007 and were opened on July 22, 2010. 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>	<u>Amount</u>
*CompuCom Systems	7171 Forest Ln. Dallas, TX 75230	82.46	\$8,769,727.80
Buchanan Technologies	125 E. John Carpenter Fwy. Irving, TX 75062	73.57	\$10,831,930.44
SHI International Corporation	33 Knightsbridge Rd. Piscataway, NJ 08854	73.26	\$15,732,540.00
Unisys Corporation	11720 Plaza America Dr. Tower III Reston, VA 20190	72.01	\$12,081,084.20

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
En Pointe Global Services, LLC	18701 S. Figueroa St. Gardena, CA 90248	71.20	\$6,849,000.00
Dell Marketing L.P.	2300 W. Plano Pkwy. Plano, TX 75075	69.44	\$12,346,200.80
International Business Machines Corporation	1503 LBJ Freeway Dallas, TX 75234	66.04	\$9,582,960.00
ITS InfoCom, LLC	3002 Century Dr. Rowlett, TX 75088	65.01	\$8,520,450.00
AT&T Corporation	208 S. Akard St. 16th Floor Dallas, TX 75202	52.86	\$11,885,160.00

OWNER

CompuCom Systems

James W. Dixon, President
Jeffrey E. Frick, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract for Help Desk support services - CompuCom Systems, most advantageous proposer of nine - Not to exceed \$8,769,728 - Financing: Current Funds (subject to annual appropriations)

CompuCom Systems is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$8,769,728.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$8,769,728.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
RightStaff, Inc.	WFWB48027Y0112	\$2,087,195.21	23.80%
Total Minority - Local		\$2,087,195.21	23.80%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$2,087,195.21	23.80%	\$2,087,195.21	23.80%
Total	\$2,087,195.21	23.80%	\$2,087,195.21	23.80%

October 10, 2011

WHEREAS, on February 22, 2006, City Council authorized a sixty-month service contract for the privatization of the Help Desk support by Resolution No. 06-0623; and

WHEREAS, on June 9, 2010, City Council authorized Supplemental Agreement No. 1 to the service contract for Help Desk support by Resolution No.10-1468; and

WHEREAS, the City of Dallas previously executed a Service Contract with CompuCom Systems and such Service Contract either has recently expired or will expire soon; and

WHEREAS, the City of Dallas recently held a competitive procurement process for Help Desk support services and the most advantageous proposal was determined to be CompuCom Systems; and

WHEREAS, the City of Dallas and CompuCom Systems agree that it is most efficient and effective to apply the similar terms and conditions to the future periods Help Desk support services through Supplemental Agreement No. 3.

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 CompuCom Systems (259774) for Help Desk support services for a term of five years in an amount not to exceed \$8,769,727.80, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to CompuCom Systems shall be based only on the amount of the services directed to be performed by the City and properly performed by CompuCom Systems under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$8,769,727.80 (subject to annual appropriations).

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

AGENDA ITEM # 3

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Park & Recreation
Street Services
Trinity Watershed Management
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Paul D. Dyer, 670-4071
Forest E. Turner, 670-3390
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of hot mix asphalt and cold patch materials - Austin Asphalt, L.P. in the amount of \$6,142,438, Unique Paving Materials in the amount of \$1,412,740, APAC-Texas, Inc. in the amount of \$407,330 and International Roadway Research in the amount of \$2,103, lowest responsible bidders of six - Total not to exceed \$7,964,611 - Financing: Current Funds (\$6,903,226) and Water Utilities Current Funds (\$1,061,385)

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide hot mix asphalt and cold patch material for Street Services, Water Utilities and Park and Recreation departments to conduct permanent pavement and temporary roadway repairs. The hot mix asphalt product is used by Street Services for street and alley repairs including potholes, level-ups and full-depth repairs throughout the City. Water Utilities uses the material for street and alley repair after a water main or water line break. Park and Recreation uses asphalt material to repair hike and bike trails, service drives, curbs and speed bumps in parks throughout the City and Fair Park. The hot mix asphalt material is delivered to the job-site and immediately applied to the surface.

BACKGROUND (Continued)

Street Services will utilize the asphalt materials to repair approximately 30,000 potholes, over 400 lane miles of asphalt streets, and alleys each year. Additionally, Street Services recycles approximately 30% of the old asphalt excavated during repairs and uses it as base material supporting the new street surface. High performance cold patch is an asphalt product that can be used in inclement weather and can be stored at City facilities for maintenance use. The high performance cold patch product is used to repair potholes and other street repair needs. Additionally, it is also used when asphalt plants are down and hot-mix asphalt is unavailable.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing; this bid resulted in a 1.5% increase over comparable unit prices for the bid awarded in 2009.

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 232 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 12, 2009, City Council authorized a twenty-four-month master agreement for hot mix asphalt and cold patch material for the repair of streets, alleys, and sidewalks by Resolution No. 09-1884.

On December 13, 2006, City Council authorized a twenty-four-month master agreement for hot mix asphalt and cold patch material for the repair of streets, alleys, and sidewalks by Resolution No. 06-3391.

FISCAL INFORMATION

\$6,903,226.00 - Current Funds

\$1,061,385.00 - Water Utilities Current Funds

M/WBE INFORMATION

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

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

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

ETHNIC COMPOSITION

Austin Asphalt, L.P.

White Male	328	White Female	40
Black Male	49	Black Female	3
Hispanic Male	467	Hispanic Female	7
Other Male	16	Other Female	5

Unique Paving Materials

White Male	20	White Female	9
Black Male	3	Black Female	1
Hispanic Male	1	Hispanic Female	1
Other Male	1	Other Female	0

APAC-Texas, Inc.

White Male	68	White Female	13
Black Male	36	Black Female	1
Hispanic Male	92	Hispanic Female	5
Other Male	1	Other Female	1

International Roadway Research

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

BID INFORMATION

The following bids were received from solicitation numbers BA1117 and BA1130 and were opened on July 7, 2011 and August 25, 2011, respectively. This master agreement is being awarded to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Austin Asphalt, L.P.	6330 Commerce Dr. Irving, TX 75063	Multiple Groups
*Unique Paving Materials	3993 E. 93rd St. Cleveland, OH 44105	Multiple Groups
*APAC-Texas, Inc.	2121 Irving Blvd. 1795 S. Highway 101 Bridgeport, TX 76426	Multiple Groups
*International Roadway Research	14702 Marine Rd. Humble, TX 77396	Multiple Groups
Seaboard Asphalt Products Company	3601 Fiarfield Rd. Baltimore, MD 21226	Multiple Groups
Cold Mix Manufacturing Corporation	120-30 28th Ave. Flushing, NY 11354	Multiple Groups

OWNERS

Austin Asphalt, L.P.

Jim Andoga, President
Tim Creson, Vice President

Unique Paving Materials

Michael Pemberton, President
Donna Letizia, Vice President

APAC-Texas, Inc.

Stephen R. Koonce, President
Steve Millington, Secretary

OWNERS (Continued)

International Roadway Research

William Yost, President
Linda Trahan, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of hot mix asphalt and cold patch materials - Austin Asphalt, L.P. in the amount of \$6,142,438, Unique Paving Materials in the amount of \$1,412,740, APAC-Texas, Inc. in the amount of \$407,330 and International Roadway Research in the amount of \$2,103, lowest responsible bidders of six - Total not to exceed \$7,964,611 - Financing: Current Funds (\$6,903,226) and Water Utilities Current Funds (\$1,061,385)

Austin Asphalt, L.P. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor. APAC-Texas, Inc, Unique Paving Materials and International Roadway Research are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use the following sub-contractors.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$5,896,740.48	74.04%
Total non-local contracts	\$2,067,870.52	25.96%
TOTAL CONTRACT	\$7,964,611.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Statewide Trucking Corporation	WFDB49545Y0612	\$445,697.52	7.56%
Total Minority - Local		\$445,697.52	7.56%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Eagle Aggregate Transportation	WFDB47098Y1111	\$73,319.40	3.55%
Total Minority - Non-local		\$73,319.40	3.55%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$445,697.52	7.56%	\$519,016.92	6.52%
Total	\$445,697.52	7.56%	\$519,016.92	6.52%

October 10, 2011

WHEREAS, on December 13, 2006, City Council authorized a twenty-four-month master agreement for hot mix asphalt and cold patch material for the repair of streets, alleys, and sidewalks by Resolution No. 06-3391; and

WHEREAS, on August 12, 2009, City Council authorized a twenty-four-month master agreement for hot mix asphalt and cold patch material for the repair of streets, alleys, and sidewalks by Resolution No. 09-1884;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of hot mix asphalt and cold patch materials is authorized with Austin Asphalt, L.P. (VS000000215) in the amount of \$6,142,438.00, Unique Paving Materials (341227) in the amount of \$1,412,740.00, APAC-Texas, Inc. (004204) in the amount of \$407,330.00 and International Roadway Research (VS0000035570) in the amount of \$2,103.00, for a term of three years in a total amount not to exceed \$7,964,611.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for hot mix asphalt and cold patch materials. If a written contract is required or requested for any or all purchases of hot mix asphalt and cold patch materials under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$7,964,611.00.

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.

AGENDA ITEM # 4

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services
Office of Economic Development
City Controller's Office

CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to increase the professional services contract with Grant Thornton LLP for audit services of the City's financial operations and grant activities for fiscal year ending September 30, 2010 through September 30, 2012 - Not to exceed \$473,900, from \$2,606,890 to \$3,080,790 - Financing: Current Funds (\$429,000) (subject to annual appropriations) and Vickery Meadows TIF District Funds (\$44,900)

BACKGROUND

This contract amendment authorizes a \$473,900 additional payment for the unforeseen incremental audit effort required to audit programs funded through stimulus funds. City Charter, Chapter III, Section 19, requires an annual independent audit of the City's books of account, records, and transactions by a certified public accountant. The Single Audit Act of 1996, as amended, also requires an audit of grantees who have received federal grants exceeding certain thresholds.

Grant Thornton LLP entered into a contract with the City to provide audit services for fiscal years 2010, 2011 and 2012 as approved by City Council on August 25, 2010, with two one-year renewal options for fiscal years 2013 and 2014.

In 2009, the City was awarded \$64,241,049 in federal funds in accordance with the American Recovery and Reinvestment Act (ARRA). ARRA requires stimulus funds be audited in accordance with the Office of Management and Budget (OMB) Circular A-133 grant compliance audit which will be performed by Grant Thornton LLP. During 2010, the City expended approximately \$23,850,000 of stimulus funds. This resulted in the City having a total of seventeen major programs required to be audited in each of fiscal years 2010, 2011 and 2012, versus nine in fiscal year 2009. In addition, the City is required to have an audit performed for the Vickery Meadows tax increment financing district in fiscal years 2010, 2011 and 2012.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 3, 2011, the Budget, Finance and Audit Committee is scheduled to be briefed.

On August 25, 2010, City Council authorized a three-year professional service contract, with two one-year renewal options, for audit of the City's financial operations and grant activities for fiscal years ending September 30, 2010 through September 30, 2012, by Resolution No. 10-2109.

FISCAL INFORMATION

\$429,000.00 – Current Funds (subject to annual appropriations)
\$ 44,900.00 – Vickery Meadow TIF District Funds

ETHNIC COMPOSITION

Grant Thornton, LLP

White Male	92	White Female	89
Black Male	3	Black Female	14
Hispanic Male	15	Hispanic Female	9
Other Male	9	Other Female	18

OWNER

Grant Thornton, LLP

Stephen M. Chipman, Chief Executive Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to increase the professional services contract with Grant Thornton LLP for audit services of the City's financial operations and grant activities for fiscal year ending September 30, 2010 through September 30, 2012 - Not to exceed \$473,900, from \$2,606,890 to \$3,080,790 - Financing: Current Funds (\$429,000) (subject to annual appropriations) and Vickery Meadows TIF District Funds (\$44,900)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$445,100.00	93.92%
Non-local contracts	\$28,800.00	6.08%
TOTAL THIS ACTION	\$473,900.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Owens & Thurman P.C.	BFMB50388Y0912	\$28,800.00	6.47%
Logan & Associates	BMDB50096Y0812	\$28,800.00	6.47%
Hopkins & Associates	BMMB49360N0612	\$28,800.00	6.47%
Total Minority - Local		\$86,400.00	19.41%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Serna & Company	HMMB49058N0412	\$28,800.00	100.00%
Total Minority - Non-local		\$28,800.00	100.00%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$57,600.00	12.15%	\$526,840.20	17.10%
Hispanic American	\$28,800.00	6.08%	\$263,420.10	8.55%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$28,800.00	6.08%	\$263,420.10	8.55%
Total	\$115,200.00	24.31%	\$1,053,680.40	34.20%

October 10, 2011

WHEREAS, the annual independent audit of the City of Dallas financial operations and the audit of the City's grant funds (Single Audit) is required; and

WHEREAS, on August 25, 2010, City Council authorized a three-year professional service contract, with two one-year renewal options, for audit of the City's financial operations and grant activities for fiscal year ending September 30, 2010 through September 30, 2012, by Resolution No. 10-2109; and

WHEREAS, the actual hours incurred by Grant Thornton LLP to complete the audits will exceed the original estimates due to eight additional major grants and one additional tax increment financing district audit.

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the professional services contract with Grant Thornton LLP (VS0000007921) for audit services of the City's financial operations and grant activities for fiscal year ending September 30, 2010 through September 30, 2012 in an amount not to exceed \$473,900.00, increasing the contract amount from \$2,606,890.00 to \$3,080,790.00.

Section 2. That the City Controller is authorized to disburse funds from the following appropriations, in an amount not to exceed \$473,900.00:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>Amount</u>	<u>FY</u>	<u>Encumbrance</u>
0048	ECO	P470	3070	\$ 34,900.00	2011	BMSCCOAUDIT11
0001	BMS	1138	3070	\$279,000.00	2011	BMSCCOAUDIT11
0048	ECO	P470	3070	\$ 10,000.00	2012	BMSCCOAUDIT12
0001	BMS	1138	3070	\$150,000.00	2012	BMSCCOAUDIT12

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

AGENDA ITEM # 5

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

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

MAPSCO: N/A

SUBJECT

Authorize payment of annual software maintenance in support of the CityLaw Law Office Management System, a performance-based tracking system from Cycom Data Systems, Inc., for the period November 1, 2011 through October 31, 2012 - Not to exceed \$54,329 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The CityLaw Law Office Management System is the information management software used by the City Attorney's Office. The system does the following activities:

- Stores pleadings, emails, contracts, letters, memos, ordinances, resolutions, and other documents for cases and assignments.
- Tracks lawsuits and claims from filing to disposition.
- Records basic case information including case status, parties, witnesses, financial information and opposing attorneys.
- Produces case calendars, dockets, case logs, and master staff calendars.
- Captures and tracks costs for outside counsel, experts, departmental staff, general expenses, settlements, and awards.
- Identifies and locates files, documents, and attorney work product.
- Generates reports regarding lawsuits, claims, assignments, workloads, timekeeping and expenditures.

The purchase and maintenance agreement provides maintenance and support of the CityLaw system, including periodic software upgrades and remote assistance upon payment of an annual fee.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an agreement to purchase software licenses, training and professional support services for a performance-based tracking system from Cycom Data Systems, Inc., through the Texas Building and Procurement Commission for the Catalog Information Systems Vendor cooperative purchasing program on September 27, 2006, by Resolution No. 06-2588.

Authorized annual software maintenance in support of the CityLaw performance-based tracking system from Cycom Data Systems, Inc. for the period November 1, 2007 through October 31, 2008 on January 9, 2008, by Resolution No. 08-0131.

Authorized Supplemental Agreement No. 1 to the CityLaw Law Office Management System purchase and maintenance agreement, for additional maintenance and support for the period beginning as of May 1, 2009 through October 31, 2010 on August 12, 2009, by Resolution No. 09-1893.

Authorized payment of annual software maintenance in support of the CityLaw performance-based tracking system from Cycom Data Systems, Inc., for the period November 1, 2010 through October 31, 2011 on December 8, 2010, by Resolution No. 10-2990.

Council will be briefed by memorandum concerning this item.

FISCAL INFORMATION

\$54,329.00 - Current Funds (subject to appropriations)

M/WBE INFORMATION

See attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize payment of annual software maintenance in support of the CityLaw Law Office Management System, a performance-based tracking system from Cycom Data Systems, Inc., for the period November 1, 2011 through October 31, 2012 - Not to exceed \$54,329 - Financing: Current Funds (subject to appropriations)

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$54,329.00	100.00%
TOTAL THIS ACTION	\$54,329.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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

October 10, 2011

WHEREAS, on September 27, 2006, pursuant to Resolution No. 06-2588, the City Council authorized the purchase of software licenses, training and professional support services for the CityLaw Law Office Management system and performance-based tracking system for municipal law offices from Cycom Data Systems, Inc. through the Texas Building and Procurement Commission for the Catalog Information Systems Vendor cooperative purchasing program in an amount not to exceed \$259,800.00; and

WHEREAS, on January 9, 2008, pursuant to Resolution No. 08-0131, the City Council authorized payment of the annual maintenance and support fee for the CityLaw system to Cycom Data Systems, Inc., for services for the period November 1, 2007 through October 31, 2008, in an amount not to exceed \$45,468.00 increasing the amount of the agreement from \$259,800.00 to \$305,268.00; and

WHEREAS, on February 12, 2009, pursuant to Administrative Action No. 09-0369, the City authorized funding for the maintenance and support of the CityLaw system, in an amount not to exceed \$23,467.50 for services for a six-month period beginning November 1, 2008 through April 30, 2009 increasing the amount of the agreement, as supplemented, from \$305,268.00 to \$328,735.50; and

WHEREAS, on August 12, 2009, pursuant to Resolution No. 09-1893, the City Council authorized Supplemental Agreement No. 1 to the CityLaw Law Office Management System purchase and maintenance agreement with Cycom Data System, Inc., in an amount not to exceed \$72,748.50, which authorized maintenance and support of the CityLaw system for the period May 1, 2009 to October 31, 2010, increasing the amount of the agreement, as supplemented, from \$328,735.50 to \$401,484.00; and

WHEREAS, on December 8, 2010, pursuant to Resolution No. 10-2990, the City Council authorized payment of annual software maintenance in support of the CityLaw performance-based tracking system from Cycom Data Systems, Inc., for the period November 1, 2010 through October 31, 2011, in an amount not to exceed \$51,745.00, increasing the amount of the agreement from \$401,484.00 to \$453,229.00; and

WHEREAS, the purchase and maintenance agreement provides that Cycom Data Systems, Inc., will provide maintenance and support of the CityLaw system, including periodic software upgrades and remote assistance and support, upon payment of an annual fee by the City; and

WHEREAS, additional maintenance and support of the CityLaw system is necessary for the City Attorney's Office to receive the benefits of the system. **Now, Therefore,**

October 10, 2011

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

Section 1. That the City Manager is hereby authorized to pay the annual maintenance and support fee for the CityLaw performance-based tracking system to Cycom Data Systems, Inc., in an amount not to exceed \$54,329.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to Cycom Data Systems, Inc., an amount not to exceed \$54,329.00, from Fund 0001, Department ATT, Unit 1307, Obj. 3070, Encumbrance No. ATT389011B168, Vendor No. VS0000011684, (subject to appropriations).

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

AGENDA ITEM # 6

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

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

MAPSCO: N/A

SUBJECT

Authorize a professional services contract with Exam Works, Inc. to provide the City of Dallas with independent review services to assist in evaluating medical and health related claims for accuracy and legitimacy - Not to exceed \$50,000 - Financing: Current Funds

BACKGROUND

Exam Works, Inc. provides, through an extensive network of contracted credentialed physicians, a portfolio of independent medical examination and review services for a wide range of insurance lines including bodily injury, automobile, workers compensation, disability, and federal insurance programs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed by memorandum concerning this item.

FISCAL INFORMATION

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

\$50,000.00 - Current Funds

M/WBE INFORMATION

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

ETHNIC COMPOSITION

Exam Works, Inc.

Hispanic Female	24	Hispanic Male	2
Black Female	2	Black Male	0
Other Female	0	Other Male	0
White Female	11	White Male	7

OWNER

Exam Works, Inc.

Israel Garza, General Manager

October 10, 2011

WHEREAS, the City of Dallas requires independent review services to assist in evaluating medical-related claims for accuracy and legitimacy; and,

WHEREAS, the review services of Exam Works, Inc. are needed by the City; **Now, Therefore,**

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

Section 1. That the City Manager is hereby authorized to enter into a professional services contract with Exam Works, Inc. to provide the City of Dallas with independent review services in an amount not to exceed \$50,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to Exam Works, Inc. an amount not to exceed \$50,000.00, from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389011J214, Vendor No. VS0000066197.

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.

AGENDA ITEM # 7

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Convention and Event Services
Aviation

CMO: Ryan S. Evans, 670-3314
A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation and Love Field Airport Modernization Corporation - Financing: No cost consideration to the City

BACKGROUND

Effective July 19, 2011, Ryan Evans changed roles from First Assistant City Manager to Assistant City Manager responsible for Convention & Event Services. Mr. Evans serves as President of the Dallas Convention Center Hotel Development Corporation. Jody Puckett served as a board member of the Dallas Convention Center Hotel Development Corporation.

The City Manager recommends the following individuals to replace Mr. Evans and Ms. Puckett:

Forest Turner - as President of the Dallas Convention Center Hotel Development Corporation
Shelia Robinson - as board member of the Dallas Convention Center Hotel Development Corporation

Additionally, Ryan Evans served as President of the Love Field Modernization Corporation and Dan Weber served as board member of the Love Field Modernization Corporation.

The City Manager recommends the following individuals to replace Mr. Evans and Mr. Weber:

Forest Turner - as President of the Love Field Modernization Corporation
Shelia Robinson - as board member of the Love Field Modernization Corporation

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 14, 2010, by Resolution No. 10-0918 City Council replaced Frank Poe with Al (Alberto) Rojas to serve as Secretary of the Dallas Convention Center Hotel Development Corporation.

On February 10, 2010, by Resolution No. 10-0454 Council replaced Shelia Robinson with Jo M. (Jody) Puckett to serve as a board member of the Dallas Convention Center Hotel Development Corporation.

FISCAL INFORMATION

No cost consideration to the City.

October 10, 2011

WHEREAS, pursuant to the articles of incorporation, upon the recommendation of the City Manager, authorize the City Council to approve the changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation and the Love Field Airport Modernization Corporation.

Now Therefore,

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

Section 1. That Forest Turner replaces Ryan Evans as President of the Dallas Convention Center Hotel Development Corporation and as President of the Love Field Modernization Corporation.

Section 2. That Shelia Robinson replaces Jody Puckett as a board member of the Dallas Convention Center Hotel Development Corporation and replaces Dan Weber as a board member of the Love Field Modernization Corporation.

Section 3. 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.

AGENDA ITEM # 8

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to the Airports Council International - North America in the amount of \$55,000, Dallas Regional Mobility Coalition in the amount of \$37,500, National Association of Clean Water Agencies in the amount of \$28,250, National League of Cities in the amount of \$34,607, North Central Texas Regional Certification Agency in the amount of \$36,180, North Central Texas Council of Governments in the amount of \$120,053, North Texas Commission in the amount of \$54,096, Regional Public Works Program in the amount of \$40,955, Regional Storm Water Management Program of North Central Texas in the amount of \$32,999, The Steering Committee of Cities Served by Oncor in the amount of \$132,000, Texas Coalition of Cities For Utility Issues in the amount of \$53,000, Texas Municipal League in the amount of \$48,293, United States Conference of Mayors in the amount of \$40,235, Water Environment Research Foundation in the amount of \$78,552, and Water Research Foundation in the amount of \$224,060 - Total not to exceed \$1,015,780 - Financing: Current Funds (\$555,964), Stormwater Drainage Management Current Funds (\$73,954), Aviation Current Funds (\$55,000) and Water Utilities Current Funds (\$330,862)

BACKGROUND

Arrangements with these professional organizations provide the City of Dallas an avenue for greater communication and cooperation with other municipalities and government entities, access to research and information of benefit to the City, as well as providing consultation with other agencies on the needs of the region, state and nation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Current Funds - \$555,964

Stormwater Drainage Management Current Funds – \$73,954

Aviation Current Funds - \$55,000

Water Utilities Current Funds - \$330,861.40

ETHNIC COMPOSITION

Airports Council International - North America

Hispanic Female	2	Hispanic Male	0
Black Female	7	Black Male	1
White Female	14	White Male	10
Other Female	0	Other Male	0

Dallas Regional Mobility Coalition

Hispanic Female	0	Hispanic Male	1
Black Female	0	Black Male	0
White Female	5	White Male	28
Other Female	1	Other Male	0

National Association of Clean Water Agencies

Hispanic Female	2	Hispanic Male	1
Black Female	1	Black Male	0
White Female	21	White Male	20
Other Female	2	Other Male	1

National League of Cities

Hispanic Female	2	Hispanic Male	2
Black Female	26	Black Male	8
White Female	39	White Male	25
Other Female	4	Other Male	0

North Central Texas Regional Certification Agency

Hispanic Female	1	Hispanic Male	3
Black Female	6	Black Male	4
White Female	4	White Male	3
Other Female	0	Other Male	0

ETHNIC COMPOSITION (Continued)

North Central Texas Council of Governments

Hispanic Female	21	Hispanic Male	10
Black Female	29	Black Male	11
White Female	120	White Male	94
Other Female	13	Other Male	9

North Texas Commission

Hispanic Female	2	Hispanic Male	2
Black Female	3	Black Male	4
White Female	19	White Male	54
Other Female	0	Other Male	5

Regional Public Works Program (NCTCOG)

Hispanic Female	21	Hispanic Male	10
Black Female	29	Black Male	11
White Female	120	White Male	94
Other Female	13	Other Male	9

Regional Storm Water Management Program of North Central Texas (NCTCOG)

Hispanic Female	21	Hispanic Male	10
Black Female	29	Black Male	11
White Female	120	White Male	94
Other Female	13	Other Male	9

Texas Coalition of Cities For Utility Issues

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

Texas Municipal League

Hispanic Female	1	Hispanic Male	1
Black Female	2	Black Male	0
White Female	18	White Male	6
Other Female	0	Other Male	0

ETHNIC COMPOSITION (continued)

The Steering Committee of Cities Served by Oncor

Ethnic Composition not available - staffed by volunteers

United States Conference of Mayors

Hispanic Female	0	Hispanic Male	1
Black Female	12	Black Male	6
White Female	9	White Male	9
Other Female	1	Other Male	1

Water Environment Research Foundation

Hispanic Female	0	Hispanic Male	0
Black Female	2	Black Male	0
White Female	15	White Male	9
Other Female	1	Other Male	1

Water Research Foundation

Hispanic Female	3	Hispanic Male	1
Black Female	1	Black Male	0
White Female	23	White Male	10
Other Female	0	Other Male	1

October 10, 2011

WHEREAS, arrangements with professional organizations provide the City of Dallas access to research and information of benefit to the City, enhanced communication with other municipalities, opportunities for information exchange and professional development, as well as effective lobbying on matters of municipal interest; and

WHEREAS, the City of Dallas continues to benefit through its relationships with these professional organizations;

Now Therefore,

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

Section 1. That the City of Dallas continue arrangements with the organizations listed below for fiscal year 2011-12 for the annual fees specified.

Section 2. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$55,000 from Fund 0130, Dept. AVI, Unit 7710, Object 3340, Encumbrance CT AVI7710E016-1, Vendor 221216, for payment of annual fees for the Airports Council International - North America.

Section 3. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$34,607 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1201, Vendor 077705, for payment of annual fees for the National League of Cities.

Section 4. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$120,053 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1202 Vendor 265554, for payment of annual fees for the North Central Texas Council of Governments.

Section 5. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$48,293 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1203, Vendor 079714, for payment of annual fees for the Texas Municipal League.

Section 6. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$40,235 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1204, Vendor 203839, for payment of annual fees for the United States Conference of Mayors.

Section 7. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$53,000 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1205 Vendor 354776, for payment of annual fees for the Texas Coalition of Cities for Utility Issues.

October 10, 2011

Section 8. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$132,000 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1206 Vendor 264729, for payment of annual fees for the Steering Committee of Cities Served by Oncor.

Section 9. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$36,180 from Fund 0001, Dept. POM, Unit. 1267, Object 3340, Encumbrance CT NCTRCA2012, Vendor 239882, for payment of annual fees for the North Central Texas Regional Certification Agency.

Section 10. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$224,059.50 from Fund 0100, Dept. DWU, Unit 7015, Object 3340, Encumbrance CT DWU7015A1201, Vendor VC0000008752, for payment of annual fees for the Water Research Foundation.

Section 11. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$28,250 from Fund 0100, Dept. DWU, Unit 7015, Object 3340, Encumbrance CT DWU7015A1202, Vendor 237920, for payment of annual fees for the National Association of Clean Water Agencies.

Section 12. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$78,551.90 from Fund 0100, Dept. DWU, Unit 7015, Object 3340, Encumbrance CT DWU7015A1203, Vendor 333952, for payment of annual fees for the Water Environment Research Foundation.

Section 13. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$54,096 from Fund 0001, Dept. ECO, Unit 1164, Object 3340 Encumbrance CT ECO121164K021, Vendor 193362, for payment of annual fees for the North Texas Commission.

Section 14. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$37,500 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT DRMC1991A001, Vendor 265046, for payment of annual fees for the Dallas Regional Mobility Coalition.

Section 15. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$32,999 from Fund 0061, Dept. SDM, Unit 4908, Object 3340, Encumbrance CT SDM4908BM01, Vendor 066264, for payment of annual fees for the Regional Storm Water Management Program of North Central Texas.

Section 16. That the City Controller is hereby authorized to commit and disburse an amount not to exceed \$40,955 from Fund 0061, Dept. SDM, Unit 4791, Object 3070, Encumbrance CT SDM124940A001, Vendor 066264, for payment of annual fees for the Regional Public Works Program.

October 10, 2011

Section 17. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

DISTRIBUTION:

Office of Financial Services
Aviation
Business Development & Procurement Services
Office of Economic Development
Public Works & Transportation
Trinity Watershed Management
Water Utilities

AGENDA ITEM # 9

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Management Services
Intergovernmental Services

CMO: Jeanne Chipperfield, 670-7804
Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize a personal services contract with Jesse Romero for state legislative services for the period October 1, 2011 through September 30, 2012 – Not to exceed \$15,000 – Financing: Current Funds

BACKGROUND

Jesse Romero has represented the City of Dallas before the State Legislature and various state agencies during the last three legislative sessions (2007, 2009 and 2011).

Mr. Romero monitors state action affecting cities, working with State Legislators and the Governor’s Office to advance City interests and priorities.

The scope of services for this contract will include:

- Representation before state agencies and legislators
- Monitoring 82nd and interim state legislative and committee activities as requested by the City Council, City Manager and City Attorney.
- Assistance with special projects as requested.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Jesse Romero for FY2007-08 on August 24, 2007, by Administrative Action No. 07-2872.

Authorized an extension to the contract with Jesse Romero for FY2008 on October 2, 2008, by Administrative Action No. 08-2956.

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

Briefed the Legislative Ad Hoc Committee on November 3, 2008, and the Committee recommended approval.

Authorized a contract with Jesse Romero for FY2008-09 on December 2, 2008, by Administrative Action No. 08-3266.

Briefed the Legislative Ad Hoc Committee on October 6, 2009 and the Committee recommended approval.

Authorized a contract with Jesse Romero for FY2009-10 on October 6, 2009, by Administrative Action No. 09-2465.

Briefed the Legislative Ad Hoc Committee on October 5, 2010.

Authorized a contract with Jesse Romero for FY2010-2011 on October 13, 2010, by Resolution No 10-2577.

FISCAL INFORMATION

\$15,000.00 – Current Funds

October 10, 2011

WHEREAS, Jesse Romero has represented the City of Dallas before the State Legislature and various state agencies during the last three state legislative sessions; and

WHEREAS, on August 24, 2007, Administrative Action No. 07-2872 authorized a contract with Jesse Romero for FY2007-08; and

WHEREAS, on October 2, 2008, Administrative Action No. 08-2956 authorized an extension of FY2008 contract with Jesse Romero for FY2008-09; and

WHEREAS, on December 2, 2008, Administrative Action No. 08-3266 authorized a contract with Jesse Romero for FY2008-09; and

WHEREAS, on October 6, 2009, Administrative Action No. 09-2465 authorized a contract with Jesse Romero for FY2009-10; and

WHEREAS, on October 13, 2010, Administrative Action No. 10-2577 authorized a contract with Jesse Romero for FY2010-2011; and

WHEREAS, Jesse Romero uses resources to monitor and influence legislation for the City of Dallas during the state legislative session and throughout the interim; and

WHEREAS, Jesse Romero assists the City Attorney's Office with various legislator and staff requests and works closely with the Texas Municipal League on issues of importance to the City of Dallas;

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Jesse Romero to provide state legislative services from October 1, 2011 through September 30, 2012 in an amount not to exceed \$15,000.00.

SECTION 2. That the City Controller is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$15,000.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, Encumbrance No. JR12BMS1978, Vendor No. 0000005104.

SECTION 3. 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.

AGENDA ITEM # 10

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Management Services
Intergovernmental Services

CMO: Jeanne Chipperfield, 670-7804
Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize a personal services contract with Kwame Walker for state legislative services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$45,000 - Financing: Current Funds

BACKGROUND

Kwame Walker represents governmental entities and corporations before the State Legislature including, but not limited to, Boehringer Ingelheim Pharmaceuticals, Consumer Healthcare Products Association, the National Safety Commission, Texas Association of Local Health Officials, and the Texas Strategy Group, the Texas Municipal League, the American Heart Association, Career Colleges and Schools of Texas, Community Financial Services of America, the Texas Group, Waste Control Specialists, and the Texas State Troopers Association. Mr. Walker has also represented the City of Dallas during the last six legislative sessions (2001, 2003, 2005, 2007, 2009 and 2011).

The scope of services for this contract will include:

- Conduct necessary research, information gathering, and other supporting activities.
- Review, analyze and monitor interim committee activities as requested by the City Attorney.
- Study and recommend legislative initiatives for the 82nd State Legislative Session.
- Draft legislation for early filing and throughout the session to assure that the City's needs are met.
- Arrange for bill sponsors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the Legislative Ad-Hoc Committee on October 3, 2006 and the Committee recommended approval.

Authorized a contract with Kwame Walker for FY 2006-2007 on October 25, 2006, by Resolution No. 06-2972.

Briefed the Quality of Life and Government Services Committee on September 24, 2007.

Authorized a contract with Kwame Walker for FY 2007-2008 on September 26, 2007, by Resolution No. 07-2761.

Briefed the Legislative Ad Hoc Committee on November 3, 2008.

Authorized a contract with Kwame Walker for FY 2008-2009 on November 10, 2008, by Resolution No. 08-3062.

Briefed the Legislative Ad Hoc Committee on October 6, 2009.

Authorized a contract with Kwame Walker for FY2009-2010 on October 28, 2009, by Resolution No. 09-2629.

Briefed the Legislative Ad Hoc Committee on October 5, 2010.

Authorized a contract with Kwame Walker for FY2010-2011 on October 13, 2010, by Resolution No. 10-2578.

FISCAL INFORMATION

\$45,000.00 - Current Funds

October 10, 2011

WHEREAS, the City of Dallas needs representation in Austin to monitor interim committee activities and to recommend and draft legislation to assure that the City's needs are met during the State Legislative session; and

WHEREAS, on October 25, 2006, Resolution No. 06-2972 authorized a contract with Kwame Walker for FY 2006-2007; and

WHEREAS, on September 26, 2007, Resolution No. 07-2761 authorized a contract with Kwame Walker for FY 2007-2008; and

WHEREAS, on October 3, 2008, Administrative Action No. 08-2958 extended FY2007-2008 contract with Kwame Walker to November 2008; and

WHEREAS, on November 10, 2008, Resolution No. 08-3062 authorized a contract with Kwame Walker for FY 2008-2009; and

WHEREAS, on October 28, 2009, Resolution 09-2629 authorized a contract with Kwame Walker for FY 2009-2010; and

WHEREAS, on October 13, 2010, Resolution 10-2578 authorized a contract with Kwame Walker for FY 2010-2011; and

WHEREAS, Kwame Walker has represented the City of Dallas before the State Legislature and various state agencies during the last five state legislative sessions; and

WHEREAS, Kwame Walker uses substantial resources to monitor and influence legislation for the City of Dallas during the state legislative session and throughout the interim; and

WHEREAS, Kwame Walker assists the City Attorney's Office with various legislator and staff requests and works closely with the Texas Municipal League on issues of importance to the City of Dallas;

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Kwame Walker for state legislative services from October 1, 2011 through September 30, 2012.

October 10, 2011

SECTION 2. That the City Controller is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$45,000.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, Encumbrance No. KW12BMS1978, Vendor No. 354093.

SECTION 3. 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.

AGENDA ITEM # 11

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Management Services
Intergovernmental Services

CMO: Jeanne Chipperfield, 670-7804
Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize a personal services contract with Randy C. Cain for state legislative services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$75,000 - Financing: Current Funds

BACKGROUND

Randy Cain has represented the City of Dallas before the State Legislature and various state agencies during the last nine legislative sessions (1995, 1997, 1999, 2001, 2003, 2005, 2007, 2009, and 2011).

Mr. Cain operates an Austin office which monitors state action affecting cities, working with State Legislators and the Governor's Office to advance City interests and priorities.

The scope of services for this contract will include:

Representation before state agencies and legislators.

Monitoring 82nd and interim state legislative and committee activities as requested by the City Council, City Manager and City Attorney.

Assistance with special projects as requested.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contact with Randy C. Cain for FY 2005-2006 on October 26, 2005, by Resolution No. 05-3047.

Briefed the Legislative Ad Hoc Committee on October 3, 2006, and the Committee recommended approval.

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

Authorized a contract with Randy C. Cain for FY2006-2007 on October 25, 2006, by Resolution No. 06-2970.

Briefed the Quality of Life and Government Services Committee on September 24, 2007, and the Committee recommended approval.

Authorized contract with Randy C. Cain for FY2007-2009 on September 26, 2007, by Resolution No. 07-2762.

Briefed the Legislative Ad Hoc Committee on November 3, 2008, and the Committee recommended approval.

Authorized a contract with Randy Cain for FY2008-2009 on November 10, 2008, by Resolution No. 08-3063.

Briefed the Legislative Ad Hoc Committee on October 6, 2009, and the Committee recommended approval.

Authorized a contract with Randy C. Cain for FY2009-2010 on October 28, 2009, by Resolution No. 09-2630.

Briefed the Legislative Ad Hoc Committee on October 5, 2010.

Authorized a contract with Randy C. Cain for FY2010-2011 on October 13, 2010, by Resolution No. 10-2576.

FISCAL INFORMATION

\$75,000.00 – Current Funds

October 10, 2011

WHEREAS, Randy C. Cain has represented the City of Dallas before the State Legislature and various state agencies during the last nine state legislative sessions; and

WHEREAS, on October 26, 2005, Resolution No. 05-3047 authorized a contract with Randy C. Cain for FY 2005-2006; and

WHEREAS, on October 25, 2006, Resolution No. 06-2970 authorized a contract with Randy C. Cain for FY 2006-2007; and

WHEREAS, on September 26, 2007, Resolution No. 07-2762 authorized a contract with Randy C. Cain for FY 2007-2008; and

WHEREAS, on October 3, 2008, Administrative Action No. 08-2954 extended FY 2007-2008 contact with Randy C. Cain to November 30, 2008; and

WHEREAS, on November 10, 2008, Resolution No. 08-3063 authorized a contract with Randy C. Cain for FY 2008-2009; and

WHEREAS, on October 28, 2009, Resolution No. 09-2628 authorized a contract with Randy C. Cain for FY2009-2010; and

WHEREAS, on October 13, 2010, Resolution No. 10-2576 authorized a contract with Randy C. Cain for FY2010-2011; and

WHEREAS, Randy C. Cain uses substantial resources to monitor and influence legislation for the City of Dallas during the state legislative session and throughout the interim; and

WHEREAS, Randy C. Cain assists the City Attorney's Office with various legislator and staff requests and works closely with the Texas Municipal League on issues of importance to the City of Dallas; **NOW, THEREFORE,**

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Randy C. Cain to provide state legislative services from October 1, 2011 through September 30, 2012 in an amount not to exceed \$75,000.00.

SECTION 2. That the City Controller is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$75,000.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, Encumbrance No. RC12BMS1978, Vendor No. 513298.

October 10, 2011

SECTION 3. 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.

AGENDA ITEM # 12

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Management Services
Intergovernmental Services

CMO: Jeanne Chipperfield, 670-7804
Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize a professional services contract with HillCo Partners, LLC for state legislative information and related services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$75,000 - Financing: Water Utilities Current Funds

BACKGROUND

Water and wastewater will continue to be an important legislative issue during the interim legislative session of the Texas State Legislature. Water and wastewater is critical to the quality of life and economic vitality of the City.

HillCo Partners, LLC, a well respected firm with offices in Austin and Washington, D.C., provided the City with legislative consulting and related services during the 82nd Session of the Texas State Legislature and during the interim.

The firm will provide the City with advice, legal analysis and advocacy services to achieve the City Council's designated legislative objectives in connection with water and wastewater issues. These include, but are not limited to, protecting water sources, revenue streams, permitting authority, and home rule authority.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the Legislative Ad-Hoc Committee on October 3, 2006 and the Committee recommended approval.

Briefed the Dallas City Council in Closed Session on October 18, 2006.

Authorized a contract with HillCo Partners, LLC for FY 2006-2007 on October 25, 2006, by Resolution No. 06-2974.

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

Briefed the Quality of Life and Government Services Committee on September 24, 2007.

Authorized a contract with HillCo Partners, LLC for FY2007-2008 on September 26, 2007, by Resolution No. 07-2760.

Briefed to the Legislative Ad Hoc Committee on November 3, 2008.

Authorized contract with HillCo Partners, LLC for FY 2008-2009 on November 10, 2008, by Resolution No. 08-3061.

Briefed the Legislative Ad Hoc Committee on October 6, 2009.

Authorized the contract with HillCo Partners, LLC for FY 2009-2010 on October 28, 2009, by Resolution No. 09-2627.

Briefed the Legislative Ad Hoc Committee on October 5, 2010.

Authorized the contract with HillCo Partners, LLC for FY 2010-2011 on October 13, 2010, by Resolution No. 10-2575.

FISCAL INFORMATION

\$75,000.00 – Water Utilities Current Funds

October 10, 2011

WHEREAS, the Dallas City Council finds that there are many items brought before the Legislature of the State of Texas that may directly affect the public health, safety or welfare of the residents of the City of Dallas; and

WHEREAS, the Dallas City Council further finds that there is a need to inform the Legislature of the State of Texas on proposed or needed state legislation necessary for or detrimental to the protection of the public health, safety and welfare of the residents of the City of Dallas; and

WHEREAS, the Dallas City Council also finds that many state agencies of the State of Texas propose and pass rules that directly affect the public health, safety and welfare of the residents of the City of Dallas; and

WHEREAS, the Dallas City Council believes that there is a need to inform the state agencies on proposed or needed rules necessary for, or detrimental to the public, health, safety or welfare of the residents of the City of Dallas; and

WHEREAS, on October 25, 2006, Resolution No. 06-2974 authorized a contract with HillCo Partners, LLC for FY 2006-2007; and

WHEREAS, on September 26, 2007, Resolution No. 07-2760 authorized a contract with HillCo Partners, LLC for FY 2007-2008; and

WHEREAS, on October 3, 2008, Administrative Action No. 08-2959 extended the FY2007-2008 contract with HillCo Partners LLC to November 30, 2008; and

WHEREAS, on November 10, 2008, Resolution No. 08-3061 authorized a contract with HillCo Partners, LLC for FY 2008-2009; and

WHEREAS, on October 28, 2009, Resolution No. 09-2627 authorized a contract with HillCo Partners, LLC for FY 2009-2010; and

WHEREAS, on October 13, 2010, Resolution No. 10-2575 authorized a contract with HillCo Partners, LLC for FY 2010-2011; and

WHEREAS, the Dallas City Council finds it to be a public purpose and in the best interest of the residents of the City of Dallas to engage the services of HillCo Partners, LLC to inform the Legislature and state agencies of its views on either pending legislation or rules that could or would affect the public health, safety or welfare of the residents of the City of Dallas;

October 10, 2011

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a professional services contract with HillCo Partners, LLC to provide state legislative information and related services for the period October 1, 2011 through September 30, 2012 in an amount not to exceed \$75,000.00.

SECTION 2. That the City Controller is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$75,000.00 from Fund 0100, Department DWU, Unit 7015, Object Code 3070, Encumbrance No. DWU7015A1206, Vendor No. VS0000014218.

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

AGENDA ITEMS # 13,14

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Management Services
Intergovernmental Services

CMO: Jeanne Chipperfield, 670-7804
Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Trinity River Corridor Project Legislative Services

- * Authorize a personal services contract with Hector Alcalde for legislative services regarding the Trinity River Corridor Project for the period October 1, 2011 through September 30, 2012 - Not to exceed \$73,800 - Financing: Current Funds
- * Authorize a personal services contract with Paul Schlesinger for legislative services regarding the Trinity River Corridor Project for the period October 1, 2011 through September 30, 2012 - Not to exceed \$43,650 - Financing: Current Funds

BACKGROUND

The Trinity River Corridor Project is broad in scope and requires extensive interface with officials at both the federal and state levels. In order to successfully achieve the legislative initiatives required for the project, the City benefits from a liaison in Washington with expertise in specific areas and singular focus on the project.

Hector Alcalde and Paul Schlesinger have represented the City in Washington for the last ten years. They have extensive knowledge, background and contacts in the field of transportation and infrastructure and Army Corps of Engineers' projects. In addition, they have excellent working relationships with the leadership of key Congressional Committees.

Hector Alcalde and Paul Schlesinger provide the City with advice, assistance and advocacy services to achieve the City Council's designated legislative objectives in connection with the Trinity River Corridor Project, especially in the areas of flood control and transportation. To date, they have worked to secure over \$212 million for the Trinity River Corridor Project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Hector Alcalde for FY 2006-2007 on October 25, 2006, by Resolution No. 06-3009.

Authorized a contract with Paul Schlesinger for FY 2006-2007 on October 25, 2006, by Resolution No. 06-3010.

Briefed the Quality of Life and Government Services Committee on September 24, 2007.

Authorized a contract with Hector Alcalde for FY 2007-2008 on September 26, 2007, by Resolution No. 07-2764.

Authorized a contract with Paul Schlesinger for FY 2007-2008 on September 26, 2007, by Resolution No. 07-2765.

Briefed the Legislative Ad Hoc Committee on November 3, 2008.

Authorized a contract with Hector Alcalde for FY 2008-2009 on November 10, 2008, by Resolution No. 08-3064.

Authorized a contract with Paul Schlesinger for FY 2008-2009 on November 10, 2008, by Resolution No. 08-3065.

Briefed the Legislative Ad Hoc Committee on October 6, 2009.

Authorized a contract with Hector Alcalde for FY 2009-2010 on October 28, 2009, by Resolution No. 09-2630.

Authorized a contract with Paul Schlesinger for FY 2009-2010 on October 28, 2009, by Resolution No. 09-2631.

Briefed the Legislative Ad Hoc Committee on October 5, 2010.

Authorized a contract with Hector Alcalde for FY 2010-2011 on October 13, 2010, by Resolution No. 10-2579.

Authorized a contract with Paul Schlesinger for FY 2010-2011 on October 13, 2010, by Resolution No. 10-2580.

FISCAL INFORMATION

\$117,450.00 - Current Funds

October 10, 2011

WHEREAS, The Trinity River Corridor Project is broad in scope and requires extensive interface with officials at both the federal and state levels; and

WHEREAS, on October 25, 2006, Resolution No. 06-3009 authorized a contract with Hector Alcalde for FY 2006-2007; and

WHEREAS, on September 26, 2007, Resolution No. 07-2764 authorized a contract with Hector Alcalde for FY 2007-2008; and

WHEREAS, on March 18, 2008, Administrative Action No. 08-0956 increased the FY 2007-2008 contract amount with Hector Alcalde to \$73,800.00; and

WHEREAS, on November 10, 2008, Resolution No. 08-3064 authorized a contract with Hector Alcalde for FY 2008-2009; and

WHEREAS, on October 28, 2009, Resolution No. 09-2630 authorized a contract with Hector Alcalde for FY 2009-2010; and

WHEREAS, on October 13, 2010, Resolution No. 10-2579 authorized a contract with Hector Alcalde for FY 2010-2011; and

WHEREAS, the City of Dallas has initiated a multi-year plan for the Trinity River, providing flood protection, recreational opportunities, economic development and transportation; and

WHEREAS, many of the federal legislative initiatives associated with the project must occur in a timely manner in order to avoid delays in the project; and

WHEREAS, in order to successfully achieve the legislative initiatives required by the project, the City would benefit from a liaison in Washington with expertise in specific areas and singular focus on the project; and

WHEREAS, Hector Alcalde has extensive knowledge, background and contacts in the field of transportation and infrastructure and Army Corps of Engineers' water projects;

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Hector Alcalde for legislative services regarding the Trinity River Corridor Project from October 1, 2011 through September 30, 2012.

October 10, 2011

SECTION 2. That the City Controller is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$73,800.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, Encumbrance No. HA12BMS1978, Vendor No. 338625.

SECTION 3. 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.

October 10, 2011

WHEREAS, The Trinity River Corridor Project is broad in scope and requires extensive interface with officials at both the federal and state levels; and

WHEREAS, in order to successfully achieve the legislative initiatives required for the project, the City benefits from a liaison in Washington with expertise in specific areas and singular focus on the project; and

WHEREAS, on October 25, 2006, Resolution No. 06-3010 authorized a contract with Paul Schlesinger for FY 2006-2007; and

WHEREAS, on September 26, 2007, Resolution No. 07-2765 authorized a contract with Paul Schlesinger for FY 2007-2008; and

WHEREAS, on November 10, 2008, Resolution No. 08-3065 authorized a contract with Paul Schlesinger for FY 2008-2009; and

WHEREAS, on October 28, 2009, Resolution No. 09-2631 authorized a contract with Paul Schlesinger for FY 2009-2010; and

WHEREAS, on October 13, 2010, Resolution No. 10-2580 authorized a contract with Paul Schlesinger for FY 2011-2012; and

WHEREAS, the City of Dallas has initiated a multi-year plan for the Trinity River, providing flood protection, recreational opportunities, economic development and transportation; and

WHEREAS, many of the federal legislative initiatives associated with the project must occur in a timely manner in order to avoid delays in the project; and

WHEREAS, in order to successfully achieve the legislative initiatives required by the project, the City would benefit from a liaison in Washington with expertise in specific areas and singular focus on the project; and

WHEREAS, Paul Schlesinger has extensive knowledge, background and contacts in the fields of transportation and infrastructure and Army Corps of Engineers' water projects;

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Paul Schlesinger for legislative services regarding the Trinity River Corridor Project from October 1, 2011 through September 30, 2012.

October 10, 2011

SECTION 2. That the City Controller is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$43,650.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, Encumbrance No. PS12BMS1978, Vendor No. 338626.

SECTION 3. 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.

AGENDA ITEM # 15

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Management Services
Intergovernmental Services

CMO: Jeanne Chipperfield, 670-7804
Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize a professional services contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period October 1, 2011 through September 30, 2012 - Not to exceed \$160,000 - Financing: Current Funds

BACKGROUND

CapitalEdge Strategies, LLC has represented the City of Dallas in Washington, D.C. as part of the Texas Cities Legislative Coalition (TCLC) since 1987. Other participants in the Coalition include the cities of Arlington, Austin and Denton.

CapitalEdge Strategies, LLC, led by Barbara McCall, operates a Washington, D.C. office which monitors federal action affecting TCLC cities, working with the Texas Congressional delegation and the Executive Branch to advance City interests and priorities. In addition, the office works closely with national municipal organizations, including the National League of Cities (NLC), the U.S. Conference of Mayors (USCM), the International City-County Management Association (ICMA), and others to make sure they are aware of the City's positions and agendas.

Under the contract, CapitalEdge Strategies, LLC contacts City staff regularly, by telephone, through visits to Dallas, written reports, bulletins and memoranda. Briefings on federal issues are presented to Council members during meetings of the NLC, as well as at any other time requested by the City. Supplemental information necessary to understanding the effect and impact of federal legislation and regulations is also provided. Timely information about government grant programs, frequently based on personal contact with federal program managers, is sent directly to the appropriate staff to facilitate Dallas funding applications.

BACKGROUND (Continued)

The scope of services for this contract will include:

Representation before federal agencies and legislators

Monitoring specific legislation as requested by the City Council, City Manager and City Attorney

A weekly update of federal legislative and executive action tailored to the City's interests (The Washington Report)

Grant procurement information and assistance

Briefings at NLC meetings, and at any other time requested by the City

Working with other municipal associations - NLC, USCM, etc.

Assistance with special projects as requested

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the Legislative Ad-Hoc Committee on October 3, 2006 and Committee recommended approval.

Authorized a contract with Barbara T. McCall Associates, Inc., for FY 2006-2007 on October 25, 2006, by Resolution No. 06-2971.

Briefed the Quality of Life and Government Services Committee on September 24, 2007.

Authorized a contract with Barbara T. McCall Associates, Inc., for FY 2007-2008 on September 26, 2007, by Resolution No. 07-2759.

Briefed Legislative Ad Hoc Committee on November 3, 2008.

Authorized a contract with Barbara T. McCall Associates, Inc., for FY 2008-2009 on November 10, 2008, by Resolution No. 08-3060.

Briefed Legislative Ad Hoc Committee on October 6, 2009.

Authorized a contract with CapitalEdge Strategies, LLC on October 28, 2009, by Resolution No. 09-2626.

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

Briefed Legislative Ad Hoc Committee on October 5, 2010.

Authorized a contract with CapitalEdge Strategies, LLC on October 13, 2010, by Resolution No. 10-2574.

FISCAL INFORMATION

\$160,000.00 - Current Funds

October 10, 2011

WHEREAS, there exists a need for the City to have reliable means of receiving information regarding pending federal legislative and executive action which may impact the City; and

WHEREAS, on October 26, 2005, Resolution No. 05-3048 authorized a contract with Barbara T. McCall Associates, Inc., for FY 2005-2006; and

WHEREAS, on October 25, 2006, Resolution No. 06-2971 authorized a contract with Barbara T. McCall Associates, Inc., for FY 2006-2007; and

WHEREAS, on September 26, 2007, Resolution No. 07-2759 authorized a contract with Barbara T. McCall Associates, Inc., for FY 2007-2008; and

WHEREAS, on October 3, 2008, Administrative Action # 08-2955 extended FY2007-2008 contract with Barbara T. McCall Associates, Inc. to November 30, 2008; and

WHEREAS, on November 10, 2008, Resolution No. 08-3060 authorized a contract with Barbara T. McCall Associates, Inc., for FY 2008-2009; and

WHEREAS, on October 28, 2009, Resolution No. 09-2626 authorized a contract with CapitalEdge Strategies, LLC, for FY2009-2010; and

WHEREAS, on October 13, 2010, Resolution No. 10-2574 authorized a contract with CapitalEdge Strategies, LLC, for FY2010-2011; and

WHEREAS, the City of Dallas with the participation of the cities of Arlington, Austin and Denton comprise the Texas Cities Legislative Coalition (TCLC); and

WHEREAS, CapitalEdge Strategies, LLC monitors federal legislation impacting the cities and works with the Texas Congressional delegation and the Executive Branch to advance City interests and priorities; and

WHEREAS, CapitalEdge Strategies, LLC works closely with national municipal organizations, including the National League of Cities, the U.S. Conference of Mayors, and the International City-County Management Association, and others to make sure they are aware of the City's positions and agendas; and

WHEREAS, CapitalEdge Strategies, LLC makes presentations to Councilmembers during the meetings of the National League of Cities as well as at any other time requested by the City; and

October 10, 2011

WHEREAS, CapitalEdge Strategies, LLC provides supplemental information necessary to understanding the effects and impacts of federal legislation and regulations; and

WHEREAS, CapitalEdge Strategies, LLC also provides timely information about government grant programs, frequently based on personal contact with federal program managers, and directly sends information to appropriate staff to facilitate Dallas funding applications;

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a professional services contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period October 1, 2011 through September 30, 2012.

SECTION 2. That the City Controller is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$160,000.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, Encumbrance No. BM12BM1978, Vendor No. VC0000008080.

SECTION 3. 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.

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): 1

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 54-N

SUBJECT

Authorize a contract for construction of a loop trail at Elmwood Parkway from Elmwood Parkway to Illinois Avenue - RoeschCo Construction, Inc., best value proposer of ten - Not to exceed \$443,000 - Financing: 2006 Bond Funds

BACKGROUND

This action will award a contract for construction of a loop trail at Elmwood Parkway from Elmwood Parkway to Illinois Avenue to RoeschCo Construction, Inc., best value proposer of ten, in an amount not to exceed \$443,000.

On June 23, 2011, ten proposals were received and it was determined that RoeschCo Construction, Inc., was the best value proposer. Proposals based on RFCSP are evaluated on pre-set criteria which includes 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 criteria.

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

<u>Rating Criteria</u>	<u>Value</u>
1. Proposed Construction Contract Award	45%
2. Qualifications/Experience/References for Prime Firm	20%
3. Subcontractor Experience	5%
4. Business Inclusion and Development Plan	15%
5. Financial Sufficiency	10%
6. Schedule/Time of Completion	<u>5%</u>
	100%

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2010
Completed Design	May 2011
Begin Construction	November 2011
Complete Construction	May 2012

PRIOR ACTION/REVIEW (Council, Boards Commissions)

The Park and Recreation Board authorized advertisement for a Request for Competitive Sealed Proposals on April 21, 2011.

The Park and Recreation Board authorized award of the contract on August 4, 2011.

FISCAL INFORMATION

2006 Bond Funds - \$443,000

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

RoeschCo Construction, Inc.

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

PROPOSAL INFORMATION

The following ten proposals with quotes were received and opened on June 23, 2011.

*Denotes successful proposer

<u>Proposers</u>	<u>Base Bid</u>	<u>Alternate Nos. 2 and 3**</u>	<u>Total Bid</u>	<u>Scores</u>
*RoeschCo Construction, Inc. 9801 Camfield Avenue, Suite 200 Frisco, TX	\$209,000.00	\$234,000.00	\$443,000.00	813
Wall Enterprises	\$175,950.00	\$258,100.00	\$434,050.00	799
The Fain Group, Inc.	\$159,100.00	\$221,300.00	\$380,400.00	787
C. Green Scaping, LP	\$197,897.50	\$236,843.50	\$434,741.00	745
Texas Standard Construction, Ltd.	\$200,000.00	\$216,000.00	\$416,000.00	698
Ken-Do Contracting, LP	\$182,920.46	\$256,208.34	\$439,128.80	685
Hasen Design Build and Development dba Hasen Construction Services	\$282,235.00	\$362,889.00	\$645,124.00	646
Northstar Construction, Inc.	\$233,400.00	\$430,000.00	\$663,400.00	604
Irricon Construction	\$208,815.00	\$232,903.00	\$441,718.00	551
RAMA Enterprises, LLC	\$447,500.00	\$340,000.00	\$787,500.00	460

**Alternate No. 2 - provides for construction of trail from end of Base Bid to Berkley Avenue.

**Alternate No. 3 - provides for construction of trail from end of Alternate No. 1 to corner of playground.

Note: The final offer from RoeschCo Construction, Inc. for Base Price and Alternate Nos. 2 and 3 was \$443,000.

OWNERS

RoeschCo Construction, Inc.

Marcie L. Roeschley, President
Sarah N. Roeschley, Vice President
Keith R. Roeschley, Secretary/Treasurer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for construction of a loop trail at Elmwood Parkway from Elmwood Parkway to Illinois Avenue - RoeschCo Construction, Inc., best value proposer of ten - Not to exceed \$443,000 - Financing: 2006 Bond Funds

RoeschCo Construction, Inc. is a non-local, 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	\$80,000.00	18.06%
Total non-local contracts	\$363,000.00	81.94%
TOTAL CONTRACT	\$443,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

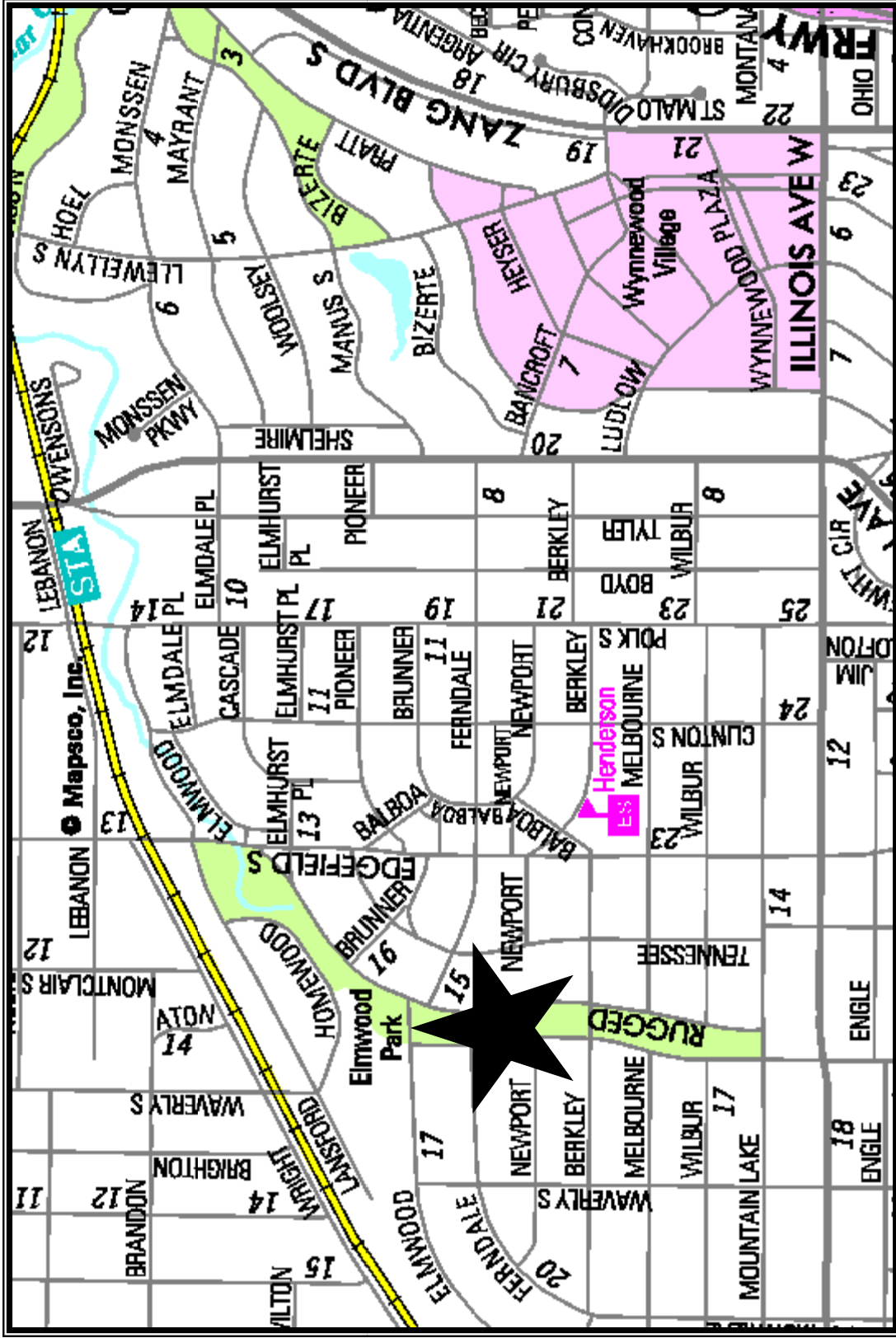
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Quick Set Concrete	HMDB4793Y0112	\$150,000.00	41.32%
RoeschCo Construction, Inc.	WFWB49529N0612	\$178,000.00	49.04%
Total Minority - Non-local		\$328,000.00	90.36%

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%	\$150,000.00	33.86%
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%	\$178,000.00	40.18%
Total	\$0.00	0.00%	\$328,000.00	74.04%

Elmwood Parkway

Council District 1



from Elmwood Boulevard and Rugged Drive

October 10, 2011

WHEREAS, on June 23, 2011, ten proposals were received for construction of a loop trail at Elmwood Parkway from Elmwood Parkway to Illinois Avenue; and

<u>Proposers</u>	<u>Base Bid</u>	<u>Alternate Nos. 2 and 3**</u>	<u>Total Bid</u>	<u>Scores</u>
RoeschCo Construction, Inc.	\$209,000.00	\$234,000.00	\$443,000.00	813
Wall Enterprises	\$175,950.00	\$258,100.00	\$434,050.00	799
The Fain Group, Inc.	\$159,100.00	\$221,300.00	\$380,400.00	787
C. Green Scaping, LP	\$197,897.50	\$236,843.50	\$434,741.00	745
Texas Standard Construction, Ltd.	\$200,000.00	\$216,000.00	\$416,000.00	698
Ken-Do Contracting, LP	\$182,920.46	\$256,208.34	\$439,128.80	685
Hasen Design Build and Development dba Hasen Construction Services	\$282,235.00	\$362,889.00	\$645,124.00	646
Northstar Construction, Inc.	\$233,400.00	\$430,000.00	\$663,400.00	604
Irricon Construction	\$208,815.00	\$232,903.00	\$441,718.00	551
RAMA Enterprises, LLC	\$447,500.00	\$340,000.00	\$787,500.00	460

**Alternate No. 2 - provides for construction of trail from end of Base Bid to Berkley Avenue.

**Alternate No. 3 - provides for construction of trail from end of Alternate No. 1 to corner of playground.

Note: The final offer from RoeschCo Construction, Inc. for Base Price and Alternate Nos. 2 and 3 was \$443,000.

WHEREAS, it has been determined that acceptance of the final and best offer from RoeschCo Construction, Inc., in an amount not to exceed \$443,000 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:

October 10, 2011

SECTION 1. That the City Manager is hereby authorized to enter into a contract with RoeschCo Construction, Inc. for construction of a loop trail at Elmwood Parkway from Elmwood Parkway to Illinois Avenue, in an amount not to exceed \$443,000.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with RoeschCo Construction, Inc., after approval as to form by the City Attorney's Office.

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$443,000 to RoeschCo Construction, Inc. from (2006) Park and Recreation Facilities Improvement Fund, Fund BT00, Department PKR, Unit T078, Object 4599, Activity RFSI, Program PK06T078, CT-PKR11019282, Commodity 91200, Vendor VS0000057213.

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: Better Cultural, Arts and Recreational Amenities
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 8
DEPARTMENT: Park & Recreation
CMO: Paul D. Dyer, 670-4071
MAPSCO: 66-Y

SUBJECT

Authorize a contract for a pedestrian bridge replacement, fencing, and an 8-foot-wide loop trail at Tommie M. Allen Park located at 7071 Bonnie View Road - Northstar Construction, Inc., best value proposer of five - Not to exceed \$414,200 - Financing: 2006 Bond Funds

BACKGROUND

This action will award a contract for a pedestrian bridge replacement, fencing, and an 8-foot-wide loop trail at Tommie M. Allen Park to Northstar Construction, Inc., best value proposer of five, in an amount not to exceed \$414,200.

On July 14, 2011, five proposals were received and it was determined that Northstar Construction, Inc. was the best value proposer. Proposals based on RFCSP are evaluated on pre-set criteria which includes 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 criteria.

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

<u>Rating Criteria</u>	<u>Value</u>
1. Proposed Construction Contract Award	45%
2. Qualifications/Experience/References for Prime Firm	20%
3. Subcontractor Experience	5%
4. Business Inclusion and Development Plan	15%
5. Financial Sufficiency	10%
6. Schedule/Time of Completion	<u>5%</u>
	100%

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2010
Completed Design	June 2011
Begin Construction	November 2011
Complete Construction	February 2012

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized advertisement for a Request for Competitive Sealed Proposals on February 17, 2011.

The Park and Recreation Board authorized award of the contract on September 15, 2011.

FISCAL INFORMATION

2006 Bond Funds - \$414,200

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Northstar Construction, Inc.

White Male	5	White Female	1
Black Male	0	Black Female	0
Hispanic Male	15	Hispanic Female	1
Other Male	0	Other Female	0

PROPOSAL INFORMATION

The following five proposals with quotes were received and opened on July 14, 2011:

*Denotes successful proposer

<u>Proposers</u>	<u>Base Bid</u>	<u>Alternate Nos. 2 & 3</u>	<u>Total Bid</u>	<u>Scores</u>
*Northstar Construction, Inc. 3210 Joyce Drive Ft. Worth, TX	\$404,400	\$9,800	\$414,200	867
Wall Enterprises	\$467,460	\$20,800	\$488,260	738
RoeschCo Construction, Inc.	\$496,000	\$17,000	\$513,000	735

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Base Bid</u>	<u>Alternate Nos. 2 & 3</u>	<u>Total Bid</u>	<u>Scores</u>
The Fain Group, Inc.	\$441,806	\$13,986	\$455,792	728
Irricon Construction	\$481,360	\$20,050	\$501,410	422

**Alternate No. 2 - provides for the installation of chain link fencing on Bonnie View Road.

**Alternate No. 3 - provides for the installation of an automatic gate opener, electrical and other necessary associated items for a complete operational system.

Note: The final offer from Northstar Construction, Inc. for Base Bid and Alternate Nos. 2 and 3 was for \$414,200.

OWNERS

Northstar Construction, Inc.

Larry E. Smith, President
Michael A. Heimlich, Vice President
Donna Smith, Secretary

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for a pedestrian bridge replacement, fencing, and an 8-foot-wide loop trail at Tommie M. Allen Park located at 7071 Bonnie View Road - Northstar Construction, Inc., best value proposer of five - Not to exceed \$414,200 - Financing: 2006 Bond Funds

Northstar Construction, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$14,000.00	3.38%
Total non-local contracts	\$400,200.00	96.62%
TOTAL CONTRACT	\$414,200.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

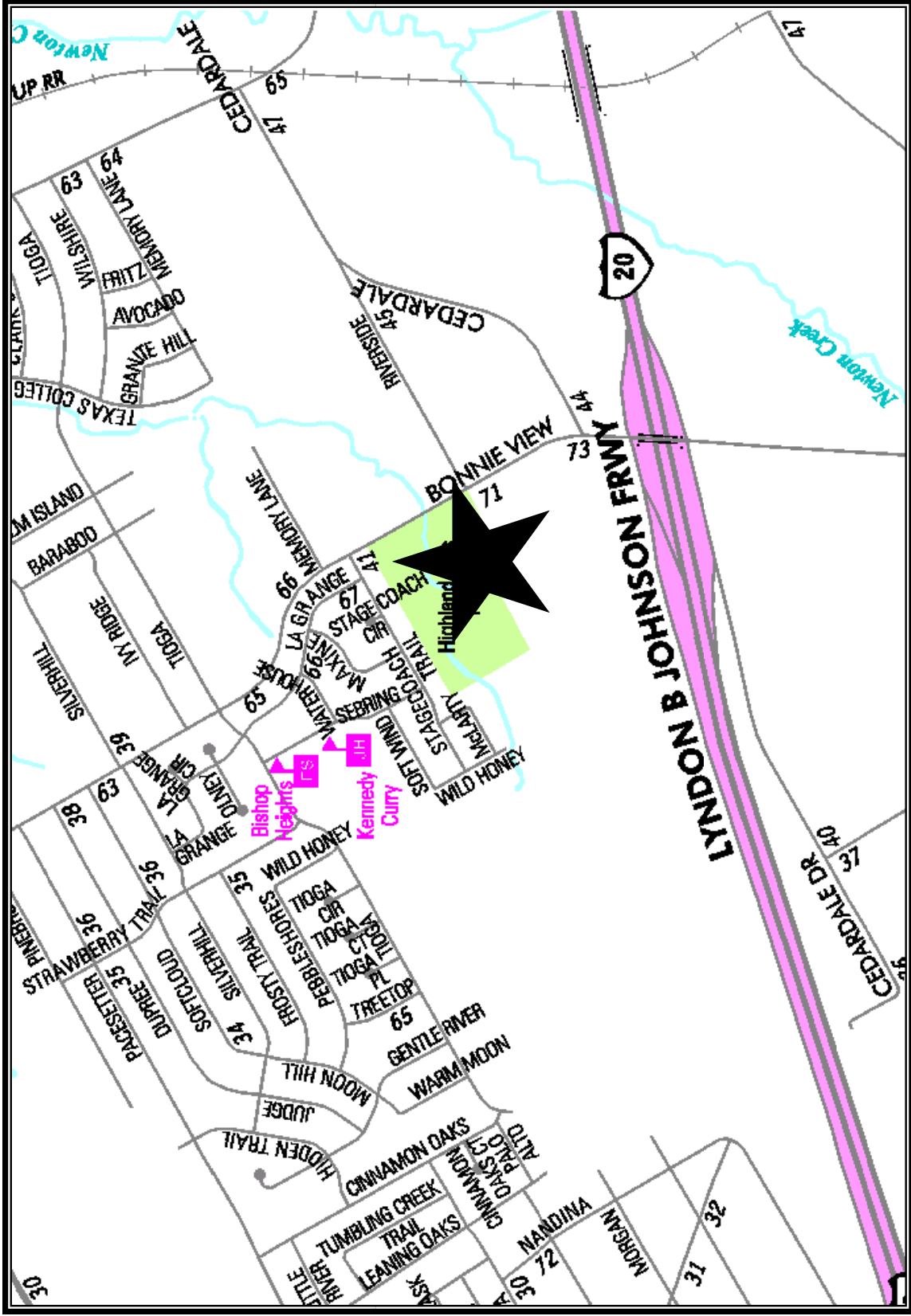
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Destiny Trucking	BMDB47804Y1211	\$4,800.00	1.20%
Martinez Construction Services	HMDB47795Y1211	\$13,500.00	3.37%
Acme Fences Services	WFWB49043N0412	\$85,700.00	21.41%
Total Minority - Non-local		\$104,000.00	25.99%

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%	\$4,800.00	1.16%
Hispanic American	\$0.00	0.00%	\$13,500.00	3.26%
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%	\$85,700.00	20.69%
Total	\$0.00	0.00%	\$104,000.00	25.11%

Tommie M. Allen Park

Council District 8



7071 Bonnie View Road

Mapsco # 66-Y

October 10, 2011

WHEREAS, on July 14, 2011, five proposals were received for a pedestrian bridge replacement, fencing, and an 8-foot-wide loop trail at Tommie M. Allen Park located at 7071 Bonnie View Road; and

<u>Proposers</u>	<u>Base Bid</u>	<u>Alternate Nos. 2 & 3</u>	<u>Total Bid</u>	<u>Scores</u>
Northstar Construction, Inc.	\$404,400	\$9,800	\$414,200	867
Wall Enterprises	\$467,460	\$20,800	\$488,260	738
RoeschCo Construction, Inc.	\$496,000	\$17,000	\$513,000	735
The Fain Group, Inc.	\$441,806	\$13,986	\$455,792	728
Irricon Construction	\$481,360	\$20,050	\$501,410	422

**Alternate No. 2 - provides for the installation of chain link fencing on Bonnie View Road.

**Alternate No. 3 - provides for the installation of an automatic gate opener, electrical and other necessary associated items for a complete operational system.

Note: The final offer from Northstar Construction, Inc. for Base Bid and Alternate Nos. 2 and 3 was for \$414,200.

WHEREAS, it has been determined that acceptance of the final and best offer from Northstar Construction, Inc., in an amount not to exceed \$414,200 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 Northstar Construction, Inc. for a pedestrian bridge replacement, fencing and an 8-foot-wide loop trail at Tommie M. Allen Park located at 7071 Bonnie View Road, in an amount not to exceed \$414,200.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Northstar Construction, Inc., after approval as to form by the City Attorney's Office.

October 10, 2011

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$414,200 to Northstar Construction, Inc., as follows:

(2006) Park and Recreation Facilities Improvement Fund Fund 8T00, Department PKR, Unit T298, Object 4599 Activity RFSI, Program PK06T298, CT-PKR11019287 Commodity 91200, Vendor VS0000060205	\$331,553.27
--	--------------

(2006) Park and Recreation Facilities Improvement Fund Fund 9T00, Department PKR, Unit T298, Object 4599 Activity RFSI, Program PK06T298, CT-PKR11019287 Commodity 91200, Vendor VS0000060205	<u>\$82,646.73</u>
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Total amount not to exceed	\$414,200.00
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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: Economic Vibrancy
Better Cultural, Arts and Recreational Amenities

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): 9

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 37-U

SUBJECT

Authorize **(1)** a contract for construction of surface parking lots and a vehicular connector at the Dallas Arboretum located at 8525 Garland Road with Turner Construction Company; and **(2)** assign management of the contract to the Dallas Arboretum and Botanical Society - Turner Construction Company, best value proposer of six - Not to exceed \$3,511,642 - Financing: 2006 Bond Funds

BACKGROUND

This action will authorize a contract for construction of surface parking lots and a vehicular connector at the Dallas Arboretum to Turner Construction Company, best value proposer of six, in an amount not to exceed \$3,511,642.

This action will also include approval of the assignment of the contract to the Dallas Arboretum and Botanical Society for construction management.

On August 25, 2011, six proposals were received and it was determined that Turner Construction Company, was the best value proposer. Proposals based on RFCSP are evaluated on pre-set criteria which includes 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 criteria.

BACKGROUND (Continued)

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

<u>Rating Criteria</u>	<u>Value</u>
1. Proposed Construction Contract Award	45%
2. Qualifications/Experience/References for Prime Firm	20%
3. Subcontractor Experience	10%
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	July 2010
Completed Design	August 2011
Begin Construction	November 2011
Complete Construction	November 2012

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized advertisement for a Request for Competitive Sealed Proposals on June 2, 2011.

The Park and Recreation Board authorized award of the contract on September 15, 2011.

FISCAL INFORMATION

2006 Bond Funds - \$3,511,642

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Turner Construction Company

White Male	142	White Female	38
Black Male	4	Black Female	3
Hispanic Male	23	Hispanic Female	12
Other Male	8	Other Female	3

PROPOSAL INFORMATION

The following six proposals with quotes were received and opened on August 25, 2011:

*Denotes successful proposer

<u>Proposers</u>	<u>Base Bid</u>	<u>Alternate Nos. 1, 2, 3, and 4**</u>	<u>Total Bid</u>	<u>Scores</u>
*Turner Construction Co. 2001 North Lamar Street Dallas, TX	\$3,449,642.00	\$62,000.00	\$3,511,642.00	5567.0
McCarthy Building Co., Inc.	\$3,537,000.00	\$40,200.00	\$3,577,200.00	5550.9
Gilbert May, Inc. dba Phillips/May Corporation	\$3,562,333.00	\$53,000.00	\$3,615,333.00	5239.3
Hasen Design Build and Development, Inc. dba Hasen Construction Services	\$3,643,000.00	\$74,000.00	\$3,717,000.00	4751.6
Rogers-O'Brien Construction Company, Ltd.	\$4,212,000.00	\$51,616.00	\$4,263,616.00	4722.0
AUI Contractors, LLC	\$4,450,287.35	\$42,003.39	\$4,492,290.74	4516.5

**Alternate No. 1 - provides for power for charging carts/trams.

**Alternate No. 2 - provides for aluminum canopy for carts/trams.

**Alternate No. 3 - provides for below-grade conduit from existing power pole to northwest corner.

**Alternate No. 4 - provides for below-grade conduits from electrical panel to light poles.

Note: The final offer from Turner Construction Company for Base Bid and Alternate Nos. 1, 2, 3, and 4 was for \$3,511,642.00.

OWNERS

Turner Construction Company

Peter Davoren, President
Matthew A. Papenfus, Vice President
Stephen Christo, Secretary/Treasurer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a contract for construction of surface parking lots and a vehicular connector at the Dallas Arboretum located at 8525 Garland Road with Turner Construction Company; and **(2)** assign management of the contract to the Dallas Arboretum and Botanical Society - Turner Construction Company, best value proposer of six - Not to exceed \$3,511,642 - Financing: 2006 Bond Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,893,742.00	53.93%
Total non-local contracts	\$1,617,900.00	46.07%
TOTAL CONTRACT	\$3,511,642.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
T & R Excavation	HMDB50398Y0912	\$277,782.00	14.67%
Total Minority - Local		\$277,782.00	14.67%

Non-Local Contractors / Sub-Contractors

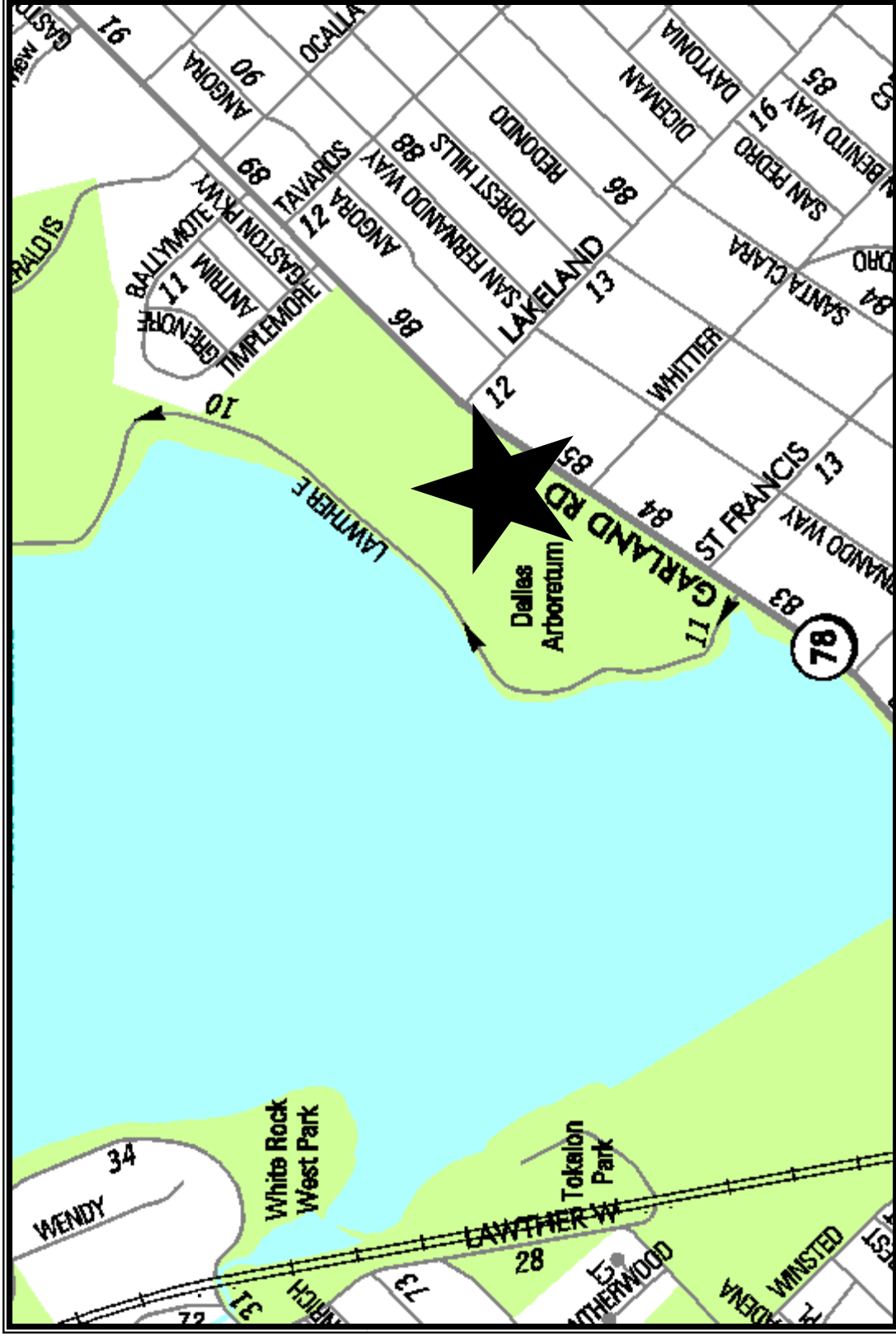
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
James Evans Servics Company	BMDB49733Y0712	\$177,709.00	10.98%
Thousand Mile South Construction	HMMB48500Y0312	\$426,150.00	26.34%
Total Minority - Non-local		\$603,859.00	37.32%

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%	\$177,709.00	5.06%
Hispanic American	\$277,782.00	14.67%	\$703,932.00	20.05%
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	<u>\$277,782.00</u>	<u>14.67%</u>	<u>\$881,641.00</u>	<u>25.11%</u>

Dallas Arboretum & Botanical Gardens

Council District 9



8525 Garland Road

Mapsco # 37-U

October 10, 2011

WHEREAS, on August 25, 2011, six proposals were received for surface parking lots and a vehicular connector at the Dallas Arboretum located at 8525 Garland Road; and

<u>Proposers</u>	<u>Base Bid</u>	<u>Alternate Nos. 1, 2, 3, and 4**</u>	<u>Total Bid</u>	<u>Scores</u>
Turner Construction Co.	\$3,449,642.00	\$62,000.00	\$3,511,642.00	5567.0
McCarthy Building Co., Inc.	\$3,537,000.00	\$40,200.00	\$3,577,200.00	5550.9
Gilbert May, Inc. dba Phillips/May Corporation	\$3,562,333.00	\$53,000.00	\$3,615,333.00	5239.3
Hasen Design Build and Development, Inc. dba Hasen Construction Services	\$3,643,000.00	\$74,000.00	\$3,717,000.00	4751.6
Rogers-O'Brien Construction Company, Ltd.	\$4,212,000.00	\$51,616.00	\$4,263,616.00	4722.0
AUI Contractors, LLC	\$4,450,287.35	\$42,003.39	\$4,492,290.74	4516.5

**Alternate No. 1 - provides for power for charging carts/trams.

**Alternate No. 2 - provides for aluminum canopy for carts/trams.

**Alternate No. 3 - provides for below-grade conduit from existing power pole to northwest corner.

**Alternate No. 4 - provides for below-grade conduits from electrical panel to light poles.

Note: The final offer from Turner Construction Company for Base Bid and Alternate Nos. 1, 2, 3, and 4 was for \$3,511,642.

WHEREAS, it has been determined that acceptance of the final and best offer from Turner Construction Company, in an amount not to exceed \$3,511,642 is the best value for the City of Dallas; and

WHEREAS, in accordance with the Supplemental Agreement for the construction, development, and maintenance of a Children's Garden Facility and the First Amended Dallas Arboretum and Botanical Society Contract, the contract with Turner Construction Company is to be assigned to the Dallas Arboretum and Botanical Society to manage.

Now, Therefore,

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

SECTION 1. That a contract be awarded to Turner Construction Company for surface parking lots and a vehicular connector at the Dallas Arboretum, in an amount not to exceed \$3,511,642.

October 10, 2011

SECTION 2. That the contract with Turner Construction Company be assigned to the Dallas Arboretum and Botanical Society, in accordance with the assignment agreement, after approval as to form by the City Attorney's Office.

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$3,511,642 to Turner Construction Company, as follows:

Phase I

(2006) Park and Recreation Facilities Improvement Fund Fund BT00, Department PKR, Unit T005, Object 4599 Activity DABS, Program PK06T005, CT-PKR11019288 Commodity 91200, Vendor 508618	\$1,559,900
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Phase II

(2006) Park and Recreation Facilities Improvement Fund Fund BT00, Department PKR, Unit T005, Object 4599 Activity DABS, Program PK06T005, CT-PKR11019288 Commodity 91200, Vendor 508618	<u>\$1,951,742</u>
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Total amount not to exceed	\$3,511,642
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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: Better Cultural, Arts and Recreational Amenities
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 9
DEPARTMENT: Park & Recreation
CMO: Paul D. Dyer, 670-4071
MAPSCO: 36-H

SUBJECT

Authorize an increase in the contract with Speed Fab-Crete Corporation for exterior painting of the gym, and cleaning and repairing the HVAC units at Ridgewood/Belcher Recreation Center located at 6818 Fisher Road - Not to exceed \$38,150, from \$616,859 to \$655,009 - Financing: 2006 Bond Funds

BACKGROUND

The original contract with Speed Fab-Crete Corporation was authorized by Council on February 9, 2011, by Resolution No. 11-0403 for interior renovation and expansion of the Ridgewood/Belcher Recreation Center, in an amount not to exceed \$592,889.00.

Change Order No. 1, was authorized by Administrative Action No. 11-1886 on July 22, 2011 for additional storm drain, demolition of wall and glass, installation of new wall, furnishing of new slab, electrical repair, and the removal of ceiling baffles and repaint at Ridgewood/Belcher Recreation Center, in an amount not to exceed \$23,970.09, making a revised contract amount of \$616,859.09.

This action will authorize Change Order No. 2 to the contract with Speed Fab-Crete Corporation in the amount of \$38,149.72, from \$616,859.09 to \$655,008.81 for exterior painting of the gym, and cleaning and repairing the HVAC units at Ridgewood/Belcher Recreation Center.

ESTIMATED SCHEDULE OF PROJECT

Began Construction November 2011
Complete Construction March 2012

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the advertisement for a Request for Competitive Sealed Proposals on April 1, 2010.

The Park and Recreation Board authorized award of the contract on January 13, 2011.

City Council authorized award of the contract on February 9, 2011, by Resolution No. 11-0403.

The Park and Recreation Board authorized Change Order No. 2 on September 15, 2011.

FISCAL INFORMATION

2006 Bond Funds - \$38,149.72

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Speed Fab-Crete Corporation

White Male	41	White Female	10
Black Male	1	Black Female	0
Hispanic Male	47	Hispanic Female	1
Other Male	0	Other Female	0

OWNERS

Speed Fab-Crete Corporation

David Bloxom, President
Ronald A. Hamm, Vice President
Gwen Pierce, Secretary
Jim Barton, Treasurer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Speed Fab-Crete Corporation for exterior painting of the gym, and cleaning and repairing the HVAC units at Ridgewood/Belcher Recreation Center located at 6818 Fisher Road - Not to exceed \$38,150, from \$616,859 to \$655,009 - Financing: 2006 Bond Funds

Speed Fab-Crete Corporation 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	\$27,568.72	72.26%
Non-local contracts	\$10,581.00	27.74%
TOTAL THIS ACTION	\$38,149.72	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>
Posada's Paint Contractors	HFDB46114Y0811	\$17,826.00	64.66%
Total Minority - Local		\$17,826.00	64.66%

Non-Local Contractors / Sub-Contractors

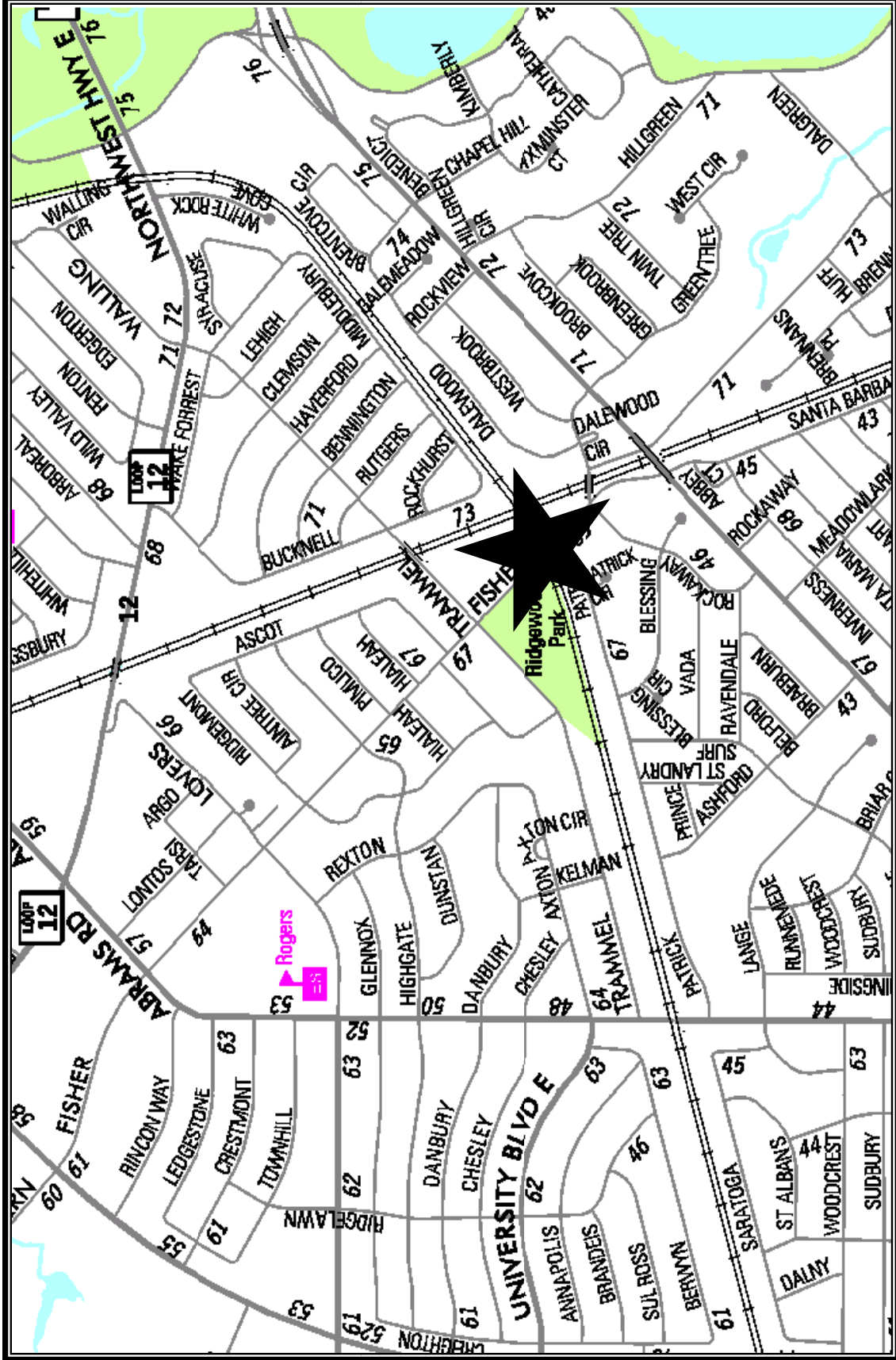
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Unibell, Inc.	BMDB46157Y0811	\$6,391.00	60.40%
DSD Commercial Concrete	HMMB47301N1111	\$2,275.00	21.50%
Rozani Inc.	WFWB47430N1111	\$1,915.00	18.10%
Total Minority - Non-local		\$10,581.00	100.00%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$6,391.00	16.75%	\$112,612.00	17.19%
Hispanic American	\$20,101.00	52.69%	\$69,524.00	10.61%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,915.00	5.02%	\$15,410.00	2.35%
Total	\$28,407.00	74.46%	\$197,546.00	30.16%

Ridgewood/Belcher Recreation Center

Council District 9



6818 Fisher Road

Mapsc 36-H

October 10, 2011

WHEREAS, on February 9, 2011, by Resolution No. 11-0403, Speed Fab-Crete Corporation was awarded a contract for interior renovation and expansion of the Ridgewood/Belcher Recreation Center, in an amount not to exceed \$592,889.00; and

WHEREAS, on July 22, 2011, Administrative Action No. 11-1886 authorized Change Order No. 1 for demolition of wall and glass, installation of new wall, additional storm drain, furnishing of new slab, electrical repair, and the removal of ceiling baffles and repaint at Ridgewood/Belcher Recreation Center, in an amount not to exceed \$23,970.09, increasing the contract amount from \$592,889.00 to \$616,859.09; and

WHEREAS, that this Change Order No. 2 provides for exterior painting of the gym, and cleaning and repairing the HVAC units at Ridgewood/Belcher Recreation Center, in an amount not to exceed \$38,149.72, increasing the contract amount from \$616,859.09 to \$655,008.81.

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 an increase in the contract with Speed Fab-Crete Corporation for exterior painting of the gym, and cleaning and repairing the HVAC units at Ridgewood/Belcher Recreation Center, in an amount not to exceed \$38,149.72, from \$616,859.09 to \$655,008.81.

SECTION 2. That the City Controller is hereby authorized to pay the amount of \$38,149.72 to Speed Fab-Crete Corporation from (2006) Park and Recreation Facilities Improvement Fund, Fund BT00, Department PKR, Unit T260, Object 4310, Activity RFSI, Program PK06T260, CT-PKR10019224, Commodity 91200, Vendor VS0000049258.

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.

AGENDA ITEM # 20

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 14
DEPARTMENT: Park & Recreation
CMO: Paul D. Dyer, 670-4071
MAPSCO: 35-X

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with BA Group, LLC dba Armstrong Berger for architectural, engineering, and landscape design services for an addition of a service building at Robert E. Lee Park located at 3400 Turtle Creek Boulevard - Not to exceed \$11,615, from \$26,625 to \$38,240 - Financing: 2006 Bond Funds

BACKGROUND

The original professional services contract with BA Group, LLC dba Armstrong Berger was authorized by Council on October 13, 2010, by Resolution No. 10-2583 for schematic design through construction administration services for restoration of the historic elements; new walks from Lemmon Avenue and Hall Street; and other site improvements at Robert E. Lee Park, in an amount not to exceed \$26,625.

This action will authorize Supplemental Agreement No. 1 to the professional services contract with BA Group, LLC dba Armstrong Berger for architectural, engineering, and landscape design services for an addition of a service building at Robert E. Lee Park, in an amount not to exceed \$11,615, making a revised contract amount of \$38,240.

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2011
Complete Design	March 2012

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized award of the professional services contract on September 16, 2010.

City Council authorized award of the professional services contract on October 13, 2010, by Resolution No. 10-2583.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (Continued)

The Park and Recreation Board authorized award of Supplemental Agreement No. 1 on September 15, 2011.

FISCAL INFORMATION

2006 Bond Funds - \$11,615

Design Amount	\$26,625
Supplemental Agreement No. 1 (this action)	<u>\$11,615</u>
Total	\$38,240

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

BA Group, LLC dba Armstrong Berger

White Male	9	White Female	2
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

OWNER

BA Group, LLC dba Armstrong Berger

John H. Armstrong, Owner

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with BA Group, LLC dba Armstrong Berger for architectural, engineering, and landscape design services for an addition of a service building at Robert E. Lee Park located at 3400 Turtle Creek Boulevard - Not to exceed \$11,615, from \$26,625 to \$38,240 - Financing: 2006 Bond Funds

BA Group, LLC dba Armstrong Berger is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$11,615.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$11,615.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Piburn & Carson	NMDB46305N0911	\$920.00	7.92%
Total Minority - Local		\$920.00	7.92%

Non-Local Contractors / Sub-Contractors

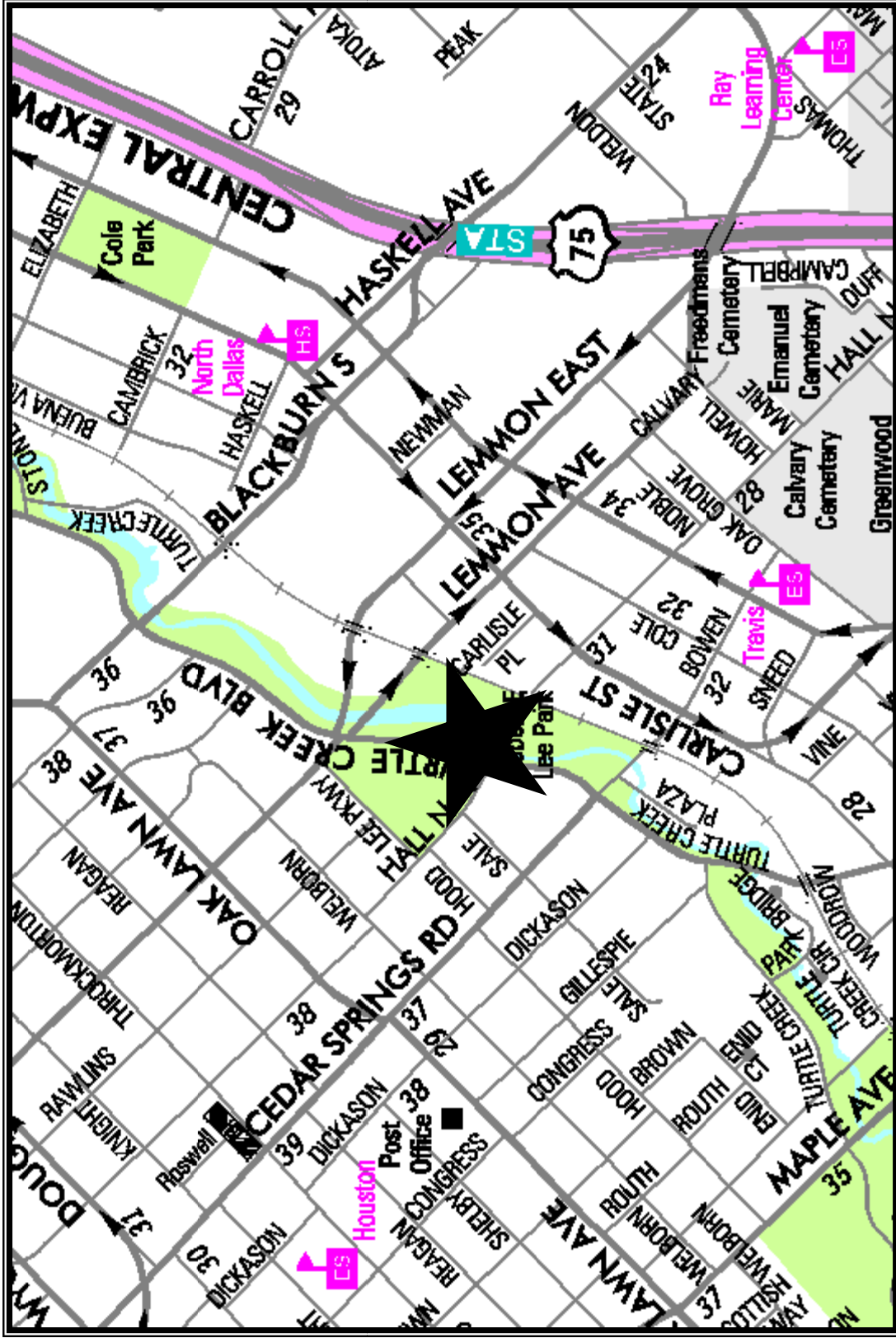
None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$920.00	7.92%	\$2,120.00	5.54%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$920.00	7.92%	\$2,120.00	5.54%

Robert E. Lee Park

Council District 14



3400 Turtle Creek Boulevard

Mapsc0 # 35-X

October 10, 2011

WHEREAS, on October 13, 2010, by Resolution No. 10-2583, BA Group, LLC dba Armstrong Berger was awarded a contract for schematic design through construction administration services for restoration of the historic elements; new walks from Lemmon Avenue and Hall Street; and other site improvements at Robert E. Lee Park located at 3400 Turtle Creek Boulevard, in an amount not to exceed \$26,625; and

WHEREAS, it is now desired to enter into Supplemental Agreement No. 1 with BA Group, LLC dba Armstrong Berger for architectural, engineering, and landscape design services for an addition of a service building at Robert E. Lee Park, in an amount not to exceed \$11,615, increasing the contract amount from \$26,625 to \$38,240.

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 Supplemental Agreement No. 1 to the professional services contract with BA Group, LLC dba Armstrong Berger for architectural, engineering, and landscape design services for an addition of a service building at Robert E. Lee Park, in an amount not to exceed \$11,615, increasing the contract amount from \$26,625 to \$38,240.

SECTION 2. That the City Controller is hereby authorized to pay the amount of \$11,615 to BA Group, LLC dba Armstrong Berger from (2006) Park and Recreation Facilities Improvement Fund, Fund 9T00, Department PKR, Unit T261, Object 4114, Activity RFSI, Program PK06T261, CT-PKR10019195, Commodity 92500, Vendor VS0000058919.

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: Better Cultural, Arts and Recreational Amenities
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 3
DEPARTMENT: Park & Recreation
CMO: Paul D. Dyer, 670-4071
MAPSCO: 44-W

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with McCarthy Architecture, Inc. for additional services to include code research, accessibility assessment and civil surveying of the pavilion project for submission of a separate building permit at Stevens Park Golf Course Clubhouse located at 1005 North Montclair Avenue - Not to exceed \$14,750, from \$12,450 to \$27,200 - Financing: 2006 Bond Funds

BACKGROUND

The original professional services contract with McCarthy Architecture, Inc. was authorized by Administrative Action No. 11-0821 on March 21, 2011 for schematic design through construction administration services for a pavilion and restroom improvements at Stevens Park Golf Course Clubhouse, in an amount not to exceed \$12,450.

This action will authorize Supplemental Agreement No. 1 to the professional services contract with McCarthy Architecture, Inc. for additional services to include code research, accessibility assessment and civil surveying of the pavilion project for submission of a separate building permit at Stevens Park Golf Course Clubhouse, in an amount not to exceed \$14,750, making a revised contract amount of \$27,200.

ESTIMATED SCHEDULE OF PROJECT

Began Design May 2011
Complete Design April 2012

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized award of Supplemental Agreement No. 1 on September 15, 2011.

FISCAL INFORMATION

2006 Bond Funds - \$14,750

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

McCarthy Architecture, Inc.

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

OWNER

McCarthy Architecture, Inc.

Kelly McCarthy, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with McCarthy Architecture, Inc. for additional services to include code research, accessibility assessment and civil surveying of the pavilion project for submission of a separate building permit at Stevens Park Golf Course Clubhouse located at 1005 North Montclair Avenue - Not to exceed \$14,750, from \$12,450 to \$27,200 - Financing: 2006 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$14,750.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$14,750.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Pacheco Koch Consulting Engineers, Inc.	HMDB46602Y0911	\$7,000.00	47.46%
Total Minority - Local		\$7,000.00	47.46%

Non-Local Contractors / Sub-Contractors

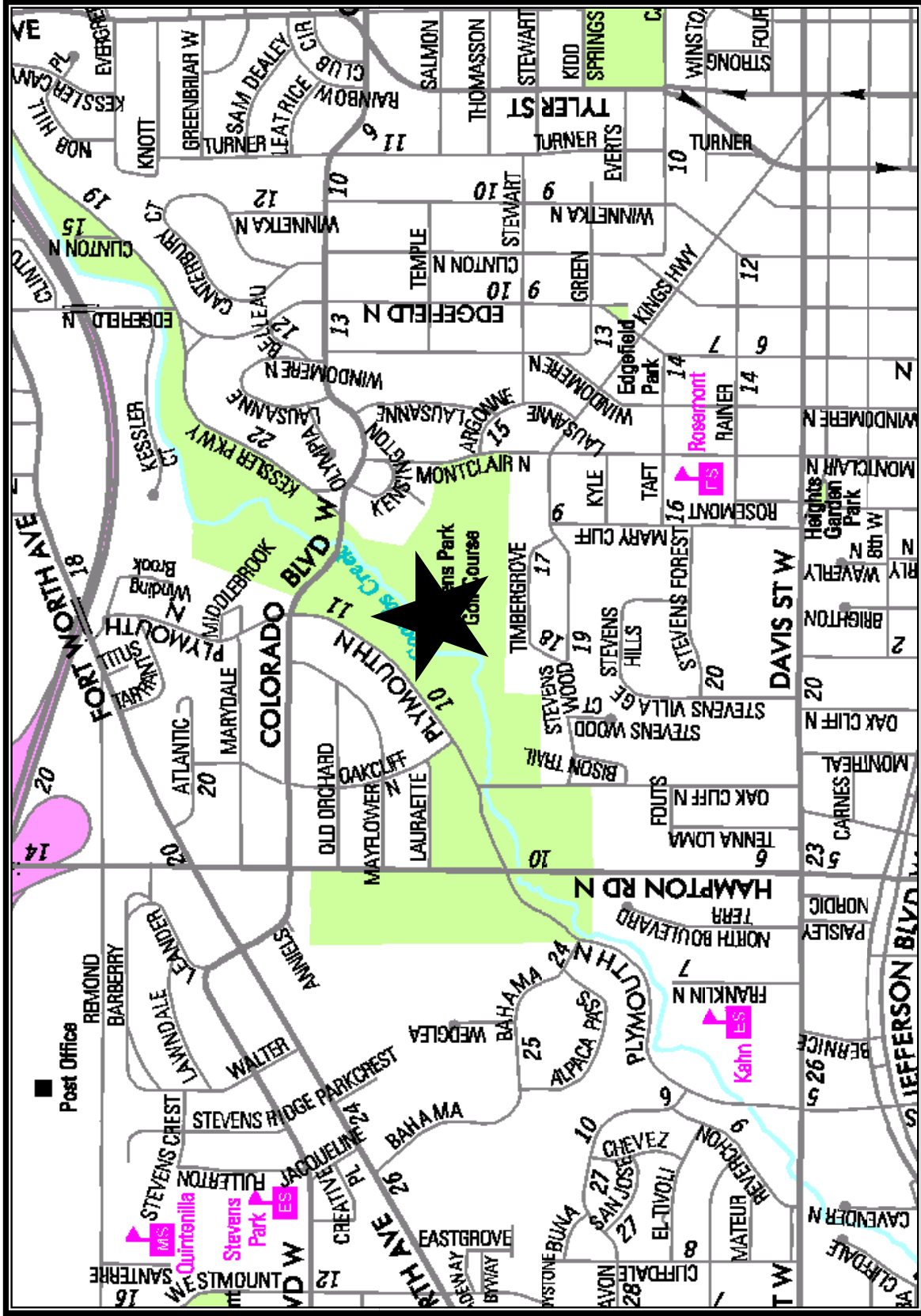
None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$900.00	3.31%
Hispanic American	\$7,000.00	47.46%	\$7,000.00	25.74%
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	\$7,000.00	47.46%	\$7,900.00	29.04%

Stevens Park Golf Course

Council District 3



1005 North Montclair Avenue

Mapsc0 #44-W

October 10, 2011

WHEREAS, on March 21, 2011, Administrative Action No. 11-0821 authorized a contract with McCarthy Architecture, Inc. for schematic design through construction administration services for a pavilion and restroom improvements at Stevens Park Golf Course Clubhouse located at 1005 North Montclair Avenue, in an amount not to exceed \$12,450; and

WHEREAS, it is now desired to enter into Supplemental Agreement No. 1 with McCarthy Architecture, Inc. for additional services to include code research, accessibility assessment and civil surveying of the pavilion project for submission of a separate building permit at Stevens Park Golf Course Clubhouse, in an amount not to exceed \$14,750, increasing the contract amount from \$12,450 to \$27,200.

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 Supplemental Agreement No. 1 to the professional services contract with McCarthy Architecture, Inc. for additional services to include code research, accessibility assessment and civil surveying of the pavilion project for submission of a separate building permit at Stevens Park Golf Course Clubhouse, in an amount not to exceed \$14,750, increasing the contract amount from \$12,450 to \$27,200.

SECTION 2. That the City Controller is hereby authorized to pay the amount of \$14,750 to McCarthy Architecture, Inc. from (2006) Park and Recreation Facilities Improvement Fund, Fund 9T00, Department PKR, Unit T286, Object 4112, Activity MMCF, Program PK06T286, CT-PKR11019244, Commodity 92500, Vendor VS0000041525.

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.

AGENDA ITEM # 22

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Police

CMO: A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize **(1)** the Dallas Police Department to receive funds in the amount of \$594,000 from various federal and state law enforcement agencies to be used for overtime for investigative services (list attached); **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$171,963; and **(3)** execution of the grant agreements - Total not to exceed \$765,963 - Financing: Current Funds (\$594,000 to be reimbursed by various federal and state law enforcement agencies)

BACKGROUND

The Dallas Police Department is routinely asked to participate in various federal and state law enforcement investigation task forces and receives reimbursement for expenses associated with those task forces from the sponsoring federal or state agency involved. The reimbursed expenses are generally for the Dallas Police Department officers' overtime associated with the investigations. Occasionally, the task force agreement specifies reimbursement for other miscellaneous expenses.

The Dallas Police Department participates in approximately 20 to 30 task forces per year for varying lengths of time. Each task force investigation is usually confidential, and the officers assigned to the investigation are generally undercover officers. Each task force agreement specifies the nature, time period, and maximum amount of reimbursement the City may receive and must be signed by an authorized official of the City. The purpose of this agenda item is to create a better tracking-monitoring system on all task force activities.

In fiscal year 1999-00, the Dallas Police Department initiated a procedure to obtain approval for all task force participation through one City Council resolution in lieu of processing an Administrative Action for each task force each fiscal year. This procedure ensures that the agreements are processed in a routine, but confidential manner.

BACKGROUND (continued)

Funding allocations represent projections only and are subject to modification based upon the progress and needs of the investigation. Additionally, resources are contingent upon the availability of federal and state funds as well as the availability of Dallas Police Department officers to work on a task force as planned. Approval of this item will insure that all task force revenues are authorized to be deposited, and subsequently, the general fund will be reimbursed consistent with the original overtime expenditures.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on December 8, 1999, by Resolution No. 99-3895.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 25, 2000, by Resolution No. 00-3246.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 10, 2001, by Resolution No. 01-3057.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 9, 2002, by Resolution No. 02-2960.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on December 8, 2003, by Resolution No. 03-3361.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on September 22, 2004, by Resolution No. 04-2809.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on November 9, 2005, by Resolution No. 05-3270.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on November 8, 2006, by Resolution No. 06-3103.

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

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on January 23, 2008, by Resolution No. 08-0316.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on January 28, 2009, by Resolution No. 09-0299.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 28, 2009, by Resolution No. 09-02639.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on September 22, 2010, by Resolution No. 10-2388.

Briefed to the Public Safety Committee on October 3, 2011

FISCAL INFORMATION

\$765,963 - Current Funds (\$594,000 to be reimbursed by various federal and state law enforcement agencies)

VARIOUS JOINT TASK FORCES WITH FEDERAL AND STATE AGENCIES

Federal Agencies

Federal Bureau of Investigation

United States Customs

United States Marshals Service

Immigration and Naturalization Services

Drug Enforcement Agency

Bureau of Alcohol, Tobacco, and Firearms

Department of the Treasury-Internal Revenue Service

Secret Services

State Agencies

Department of Public Safety

NOTE: Agencies listed are recurring. Other agencies may be involved on occasion.

October 10, 2011

WHEREAS, the City of Dallas is routinely requested to participate in various federal and state law enforcement investigation task forces; and

WHEREAS, the City of Dallas receives reimbursement expenses associated with the investigation task forces from the sponsoring federal or state Department involved;

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 agreements for FY 2011-12 with various federal and state law enforcement agencies (list attached) to participate in investigations, as requested.

Section 2. That the City Controller be authorized to receive and deposit reimbursements, not to exceed \$594,000.00, into Fund 0T69, Department DPD, Units 3720-3747, Revenue Source 6526 from federal and state law enforcement agencies as reimbursement for expenditures associated with the overtime expended in the investigations.

Section 3. That the City Controller be authorized to disburse funds from the General Fund 0001, Department DPD, various Units, Object 1202 not to exceed \$594,000.

Section 4. That the City Controller be authorized to contribute pension and FICA costs, in an amount not to exceed \$171,963, after the expenditure of overtime in the General Fund 0001, Department DPD, various Units, Object 1302/1306.

Section 5. That the City Controller be authorized to reimburse the General Fund 0001, Department DPD, various Units, Object 5110 from Fund 0T69, Department DPD, Units 3720-3747, Object 1202 in an amount not to exceed \$594,000.

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: N/A

SUBJECT

Authorize an Interlocal Agreement with the City of Plano for a demonstration project to determine condition on several Plano city streets using Dallas' pavement management system process and equipment - Revenue \$6,405

BACKGROUND

The City of Plano has approved a demonstration project to use the City of Dallas pavement management system, process and equipment to collect data. The purpose of this demonstration project is for Dallas' Pavement Management Program to perform data collection and analysis of a specific number of streets in the City of Plano to determine the pavement condition rating and provide recommendations of repairs. This action will authorize the Interlocal Agreement with Plano.

Dallas will be performing this work for Plano as a service to them and as such will be recovering 100 percent of staff and equipment costs. Performing this work for Plano will not impact data collection goals for on-going work in Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue - \$6,404.80

Interlocal Agreement for the City of Plano Demonstration Project

<u>Street Name</u>	<u>From</u>	<u>To</u>
Amazon Drive	Sabine Street	Columbia Place
Brazos Trail	Sabine Street	Columbia Place
Callaway Drive	Sabine Street	Columbia Place
Columbia Place	15th Street	West Park Boulevard
Coit Road	121	George Bush Turnpike
Danube Lane	Sabine Street	Columbia Place
Daventry Lane	West Park Boulevard	Keystone Drive
Gansett Drive	Lafayette Drive	Pantigo Drive
Geneva Lane	Rio Grande Drive	Columbia Place
Huron Trail	Rio Grande Drive	Columbia Place
Keystone Drive	Seminary Drive	Pantigo Drive
Lafayette Drive	Templehill Drive	Gansett Drive
Newton Drive	Custer Road	Seminary Drive
Pantigo Drive	Vantage Drive	Keystone Drive
Rio Grande Drive	15th Street	West Park Boulevard
Sabine Street	Amazon Drive	Tawakoni Lane
Sacramento Terrace	Rio Grande Drive	Columbia Place
Seminary Drive	Keystone Drive	Vantage Drive
Tawakoni Lane	Rio Grande Drive	Columbia Place
Templehill Drive	Lafayette Drive	Rio Grande Drive
Vantage Drive	Seminary Drive	Pantigo Drive
Victoria Way	15th Street	Tawakoni Lane

October 10, 2011

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments of the state to enter into contracts for governmental functions and services to increase their efficiency and effectiveness; and,

WHEREAS, the City desires to enter into an Interlocal Agreement with the City of Plano for a demonstration project to determine the condition on several of Plano city streets using City of Dallas pavement management system process and equipment; and,

WHEREAS, the City of Plano will reimburse the City of Dallas up to \$6,404.80 for the demonstration project provided by City of Dallas' pavement management system.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute an Interlocal Agreement with the City of Plano for a demonstration project to determine the condition on several of Plano city streets using City of Dallas pavement management system process and equipment in an amount not to exceed \$6,404.80, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to deposit funds from the City of Plano in accordance with the terms and conditions of the Interlocal Agreement in an amount not to exceed \$6,404.80, into Fund 0001, Dept. PBW, Unit 3026, Revenue Source 8428.

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: October 10, 2011
COUNCIL DISTRICT(S): 2, 14
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 36T X

SUBJECT

Authorize a service agreement with ONCOR Electric Delivery for installation and connection of twenty-seven historical style street light standards on Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$44,682 - Financing: 2003 Bond Funds

BACKGROUND

On May 25, 2011, the City Council authorized a construction contract with Texas Standard Construction Ltd. for the construction of a complete street on Greenville Avenue between Alta Avenue to Bell Avenue. This will include reducing a 4-lane roadway to a 2-lane roadway with wide sidewalks, parallel on-street parking, street lights, landscaping, irrigation, street furniture, pedestrian crosswalks and other amenities as needed.

This action will authorize a service agreement with ONCOR Electric Delivery for installation and connection of twenty-seven (27) historical style street light standards with acorn globes. The connection services will include wiring, connectors, and labor associated with the power connection work for 27 street lights on Greenville Avenue from Alta Avenue to Bell Avenue.

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2009
Completed Design	January 2011
Began Construction	June 2011
Complete Construction	December 2011

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on June 25, 2008, by Resolution No. 08-1818.

Authorized Supplemental Agreement No. 1 to the contract with Urban Engineers Group on February 9, 2011, by Resolution No. 11-0444.

Authorized a construction contract with Texas Standard Construction, Ltd. on May 25, 2011, by Resolution No. 11-1382.

FISCAL INFORMATION

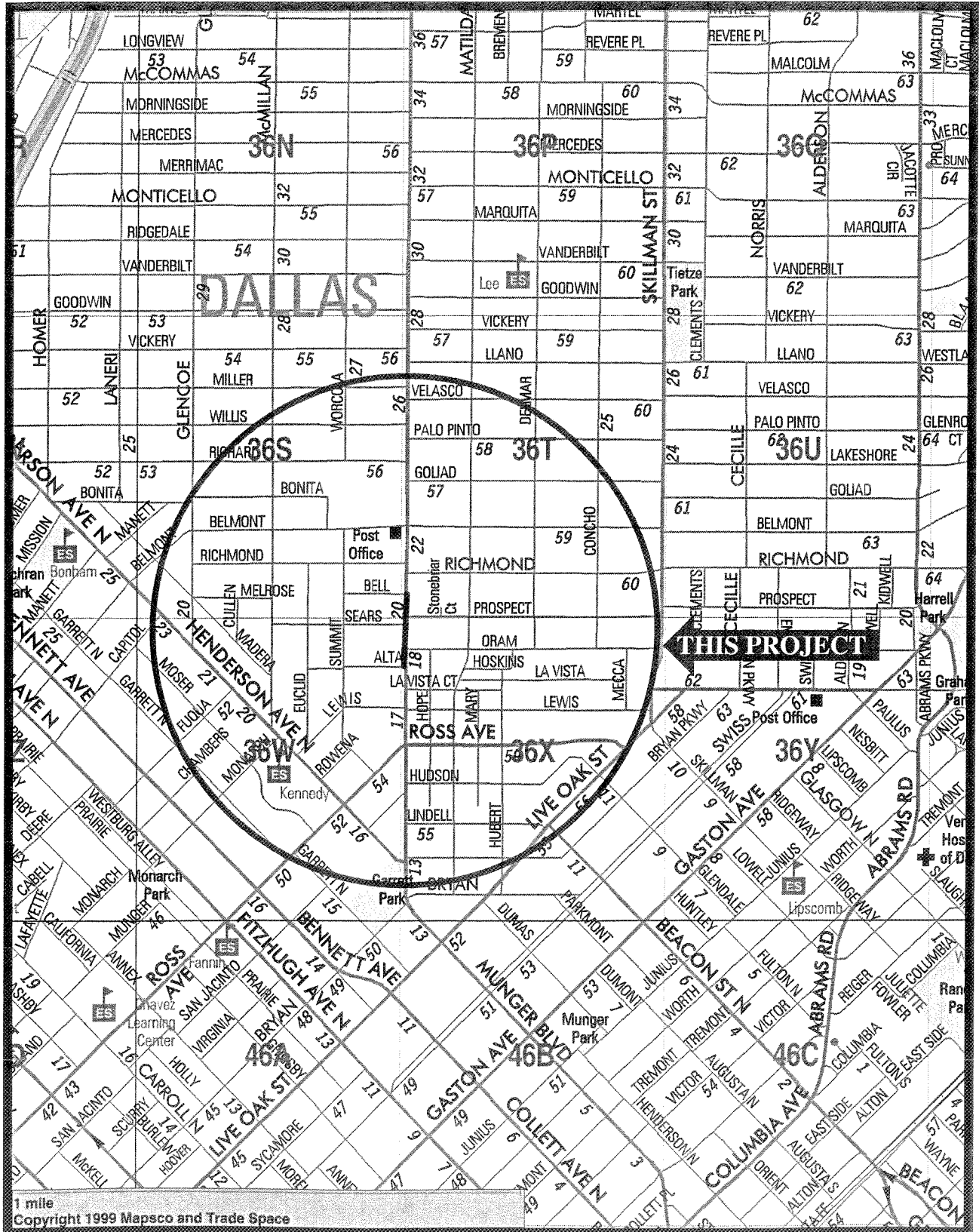
2003 Bond Funds - \$44,681.10

<u>Council District</u>	<u>Amount</u>
2	\$22,340.55
14	<u>\$22,340.55</u>
Total	\$44,681.10

MAP

Attached.

STREET RECONSTRUCTION GREENVILLE AVENUE FROM ALTA AVENUE TO BELL AVENUE



1 mile
Copyright 1999 Mapsc0 and Trade Space

MAPSCO 36T & 36X

October 10, 2011

WHEREAS, on June 25, 2008, Resolution No. 08-1818 authorized a professional services contract with Urban Engineers Group, Inc. for the engineering design of a streetscape/urban design project for Greenville Avenue from Belmont Avenue to Ross Avenue; and,

WHEREAS, on February 9, 2011, Resolution No. 11-0444 authorized a Supplemental Agreement with Urban Engineers Group, Inc. for additional engineering design services for Greenville Avenue from Belmont Avenue to Ross Avenue in the amount of \$121,158.42; and,

WHEREAS, on May 25, 2011, Resolution No. 11-1382 authorized a contract for the construction of paving, drainage, and streetscape/urban design improvements including sidewalks, curb and gutter, barrier free ramps, and water mains for Greenville Avenue from Alta Avenue to Bell Avenue; and,

WHEREAS, it is now necessary to authorize a service agreement with ONCOR Electric Delivery for the installation and connection of 27 historical style lights on Greenville Avenue from Alta Avenue to Bell Avenue in an amount not to exceed \$44,681.10.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a service agreement with ONCOR Electric Delivery for installation and connection of 27 historical style lights on Greenville Avenue from Alta Avenue to Bell Avenue in an amount not to exceed \$44,681.10.

Section 2. That the City Manager is hereby authorized to execute the agreement after it has been approved as to form by the City Attorney.

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from:

Street and Transportation Improvements Fund
Fund 4R22, Agency PBW, Unit U737, Act. SSUD
Obj. 4157, Program #PB06U737, CT PBW06U737A1
Vendor #399181, in an amount not to exceed \$44,681.10

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): 3, 5

DEPARTMENT: Public Works Department
Trinity Watershed Management
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390

MAPSCO: 64D E

SUBJECT

Authorize a contract with Austin Filter Systems, Inc., lowest responsible bidder of seven, for the construction of erosion control improvements for five projects (list attached) - Not to exceed \$965,529 - Financing: 2006 Bond Funds (\$855,571) and Water Utilities Capital Improvement Funds (\$109,958)

BACKGROUND

The five erosion control projects were approved in the 2006 Bond Program. A professional services contract with Lim & Associates, Inc. for the design of these improvements was authorized on April 23, 2008. This action will authorize a contract for the construction of erosion control improvements for 4518 Dove Creek Way, 3417 Holliday Drive, 3429 Holliday Drive, 3509 Holliday Drive and 3529 Holliday Drive.

The following chart shows Austin Filter Systems, Inc. completed contractual activities for the past three years:

	<u>PWT</u>	<u>WTR</u>	<u>PKR</u>
Projects Completed	1	0	0
Change Orders	2	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2008
Completed Design	January 2011
Begin Construction	November 2011
Complete Construction	November 2012

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on April 23, 2008, by Resolution No. 08-1279.

FISCAL INFORMATION

2006 Bond Funds - \$855,571.00
Water Utilities Capital Improvement Funds - \$109,958.00

Design	\$ 97,647.50
Supplemental Agreement No. 1	\$ 8,550.00
Construction (this action)	
Paving & Drainage (PBW)	\$ 855,571.00
Water & Wastewater (DWU)	<u>\$ 109,958.00</u>
Total Project Cost	\$1,071,726.50

<u>Council District</u>	<u>Amount</u>
3	\$848,191.00
5	<u>\$117,338.00</u>
Total	\$965,529.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Austin Filter Systems

Hispanic Female	1	Hispanic Male	61
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	2	White Male	9

BID INFORMATION

The following bids with quotes were received and opened on July 28, 2011:

*Denotes successful bidder(s)

<u>BIDDERS</u>	<u>BID AMOUNT</u>
*Austin Filter Systems, Inc. 13653 Rutledge Spur Austin, Texas 78717	\$ 965,529.00
Ark Contracting Service	\$1,041,609.00
Geotechnical Environmental	\$1,049,992.60
DCI Contracting	\$1,123,861.00
Craig Olden	\$1,336,668.28
C. Green Scaping, LP	\$1,420,028.00
Texas Standard Construction, Ltd.	\$1,625,082.00

Original estimate: PBW - \$ 923,054.00

DWU - \$ 142,500.00

\$1,065,554.00

OWNER

Austin Filter Systems, Inc.

Mark Toungate, President

MAPS

Attached.

Erosion Control Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
4518 Dove Creek Way	5	\$117,338.00
3417 Holliday Drive	3	\$149,126.00
3429 Holliday Drive	3	\$154,193.00
3509 Holliday Drive	3	\$197,312.00
3529 Holliday Drive	3	\$347,560.00

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Austin Filter Systems, Inc., lowest responsible bidder of seven, for the construction of erosion control improvements for five projects (list attached) - Not to exceed \$965,529 - Financing: 2006 Bond Funds (\$855,571) and Water Utilities Capital Improvement Funds (\$109,958)

Austin Filter Systems 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	\$13,070.00	1.35%
Total non-local contracts	\$952,459.00	98.65%
TOTAL CONTRACT	\$965,529.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Bluebonnet Waste Control, Inc.	HMMB50297N0812	\$12,000.00	91.81%
Universal Fence	WFDB48620Y0312	\$1,070.00	8.19%
Total Minority - Local		\$13,070.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Gonzalez & Scheenberg	HMDB47647Y1211	\$10,000.00	1.05%
Ricochet Fuel	WFWB47434Y1111	\$73,230.00	7.69%
McRyan Hauling	WFDB48377Y0212	\$42,000.00	4.41%
Brock Environmental Service, LLC	WFWB46473Y0911	\$4,700.00	0.49%
Total Minority - Non-local		\$129,930.00	13.64%

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	\$12,000.00	91.81%	\$22,000.00	2.28%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,070.00	8.19%	\$121,000.00	12.53%
Total	<u>\$13,070.00</u>	<u>100.00%</u>	<u>\$143,000.00</u>	<u>14.81%</u>

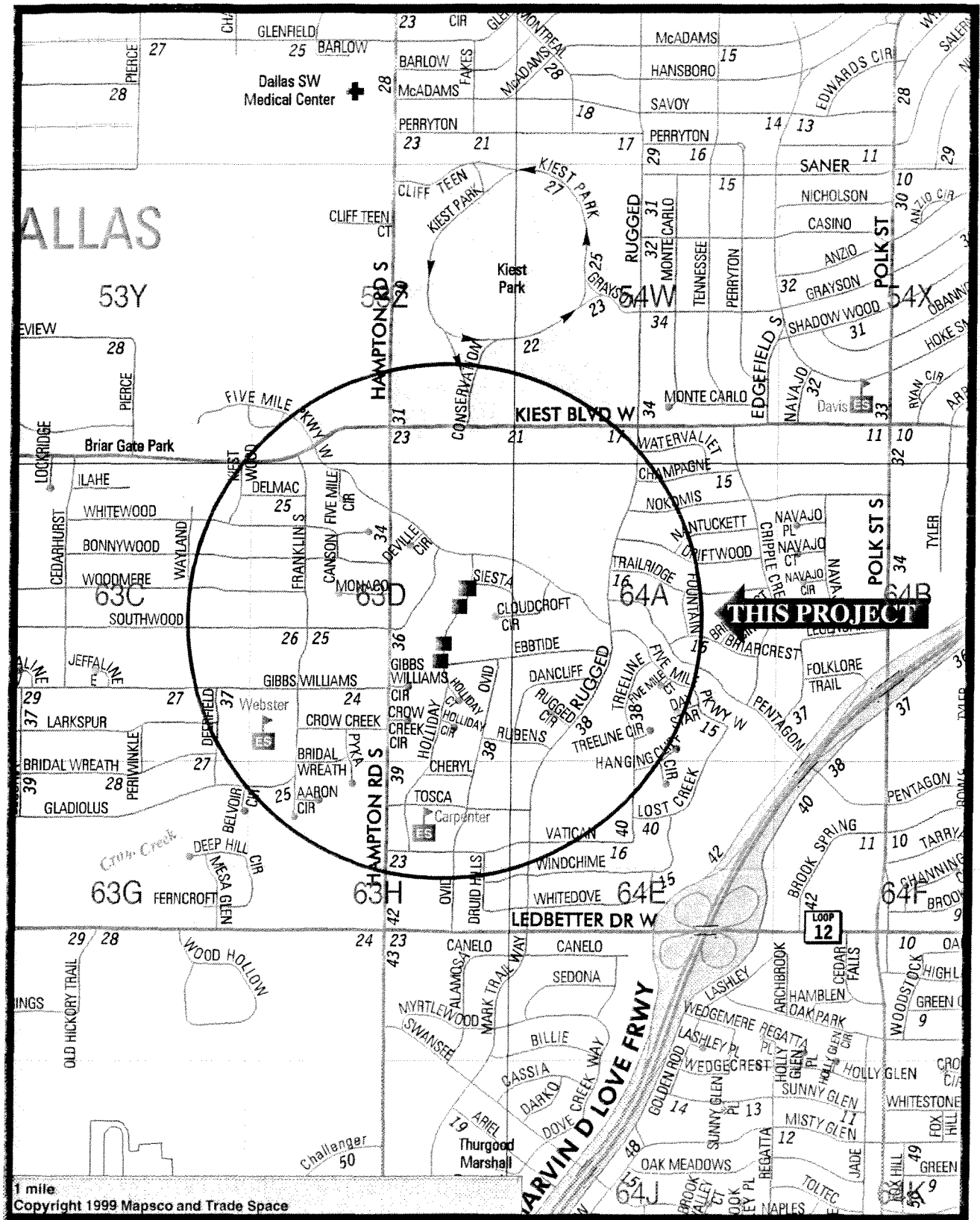
EROSION CONTROL IMPROVEMENTS

3417 HOLLIDAY DRIVE

3429 HOLLIDAY DRIVE

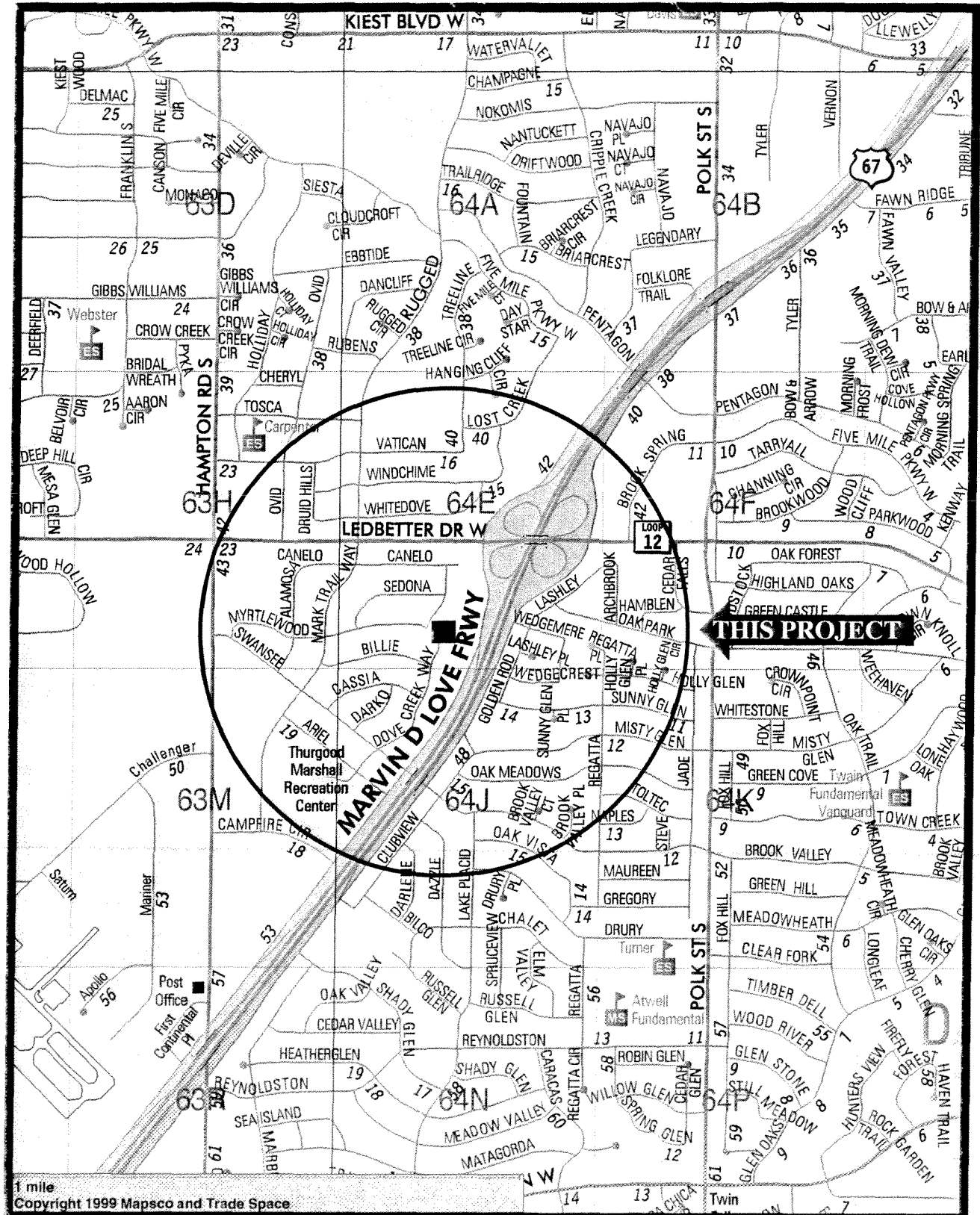
3509 HOLLIDAY DRIVE

3529 HOLLIDAY DRIVE



MAPSCO 64D

EROSION CONTROL IMPROVEMENTS
4518 DOVE CREEK WAY



MAPSCO 64E

October 10, 2011

WHEREAS, on April 23, 2008, Resolution No. 08-1279 authorized a professional services contract with Lim & Associates, Inc. for the design of erosion control projects for 4518 Dove Creek Way, 3417 Holliday Drive, 3429 Holliday Drive, 3509 Holliday Drive and 3529 Holliday Drive in an amount not to exceed \$97,647.50; and,

WHEREAS, on August 27, 2009, Administrative Action No. 09-2393 authorized Supplemental Agreement No. 1 to the professional services contract with Lim & Associates, Inc. for additional engineering and surveying services for lowering approximately 175 linear foot of 20-inch water main in an amount not to exceed \$8,550.00, increasing the contract from \$97,647.50 to \$106,197.50; and,

WHEREAS, bids were received on July 28, 2011, for erosion control improvements for 4518 Dove Creek Way, 3417 Holliday Drive, 3429 Holliday Drive, 3509 Holliday Drive and 3529 Holliday Drive as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Austin Filter Systems, Inc.	\$ 965,529.00
Ark Contracting Service	\$1,041,609.00
Geotechnical Environmental	\$1,049,992.60
DCI Contracting	\$1,123,861.00
Craig Olden	\$1,336,668.28
C. Green Scaping, LP	\$1,420,028.00
Texas Standard Construction, Ltd.	\$1,625,082.00

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract with Austin Filter Systems, Inc. for the construction of erosion control improvements at 4518 Dove Creek Way, 3417 Holliday Drive, 3429 Holliday Drive, 3509 Holliday Drive and 3529 Holliday Drive in an amount not to exceed \$965,529.00, this being the lowest responsible bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

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

Flood Protection and Storm Drainage Facilities Fund Fund 8T23, Department PBW, Unit T463, Act. ERCT Obj. 4540, Program #PB06T463, CT PBW06T463L1 Vendor #VS0000036279, in amount not to exceed	\$ 84,886.00
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October 10, 2011

Flood Protection and Storm Drainage Facilities Fund Fund BT23, Department TWM, Unit T463, Act. ERCT Obj. 4540, Program #PB06T463, CT PBW06T463L1 Vendor #VS0000036279, in amount not to exceed	\$ 32,452.00
Flood Protection and Storm Drainage Facilities Fund Fund 8T23, Department PBW, Unit T472, Act. ERCT Obj. 4540, Program #PB06T472, CT PBW06T463L1 Vendor #VS0000036279, in amount not to exceed	\$ 91,128.00
Flood Protection and Storm Drainage Facilities Fund Fund BT23, Department TWM, Unit T472, Act. ERCT Obj. 4540, Program #PB06T472, CT PBW06T463L1 Vendor #VS0000036279, in amount not to exceed	\$ 57,998.00
Flood Protection and Storm Drainage Facilities Fund Fund 8T23, Department PBW, Unit T473, Act. ERCT Obj. 4540, Program #PB06T473, CT PBW06T463L1 Vendor #VS0000036279, in amount not to exceed	\$ 91,128.00
Flood Protection and Storm Drainage Facilities Fund Fund BT23, Department TWM, Unit T473, Act. ERCT Obj. 4540, Program #PB06T473, CT PBW06T463L1 Vendor #VS0000036279, in amount not to exceed	\$ 63,065.00
Flood Protection and Storm Drainage Facilities Fund Fund 8T23, Department PBW, Unit T474, Act. ERCT Obj. 4540, Program #PB06T474, CT PBW06T463L1 Vendor #VS0000036279, in amount not to exceed	\$162,728.00
Flood Protection and Storm Drainage Facilities Fund Fund BT23, Department TWM, Unit T474, Act. ERCT Obj. 4540, Program #PB06T474, CT PBW06T463L1 Vendor #VS0000036279, in amount not to exceed	\$ 34,584.00
Flood Protection and Storm Drainage Facilities Fund Fund 8T23, Department PBW, Unit T475, Act. ERCT Obj. 4540, Program #PB06T475, CT PBW06T463L1 Vendor #VS0000036279, in amount not to exceed	\$ 77,084.00

October 10, 2011

Flood Protection and Storm Drainage Facilities Fund Fund BT23, Department TWM, Unit T475, Act. ERCT Obj. 4540, Program #PB06T475, CT PBW06T463L1 Vendor #VS0000036279, in amount not to exceed	\$160,518.00
Water Capital Improvement Fund Fund 0115, Department DWU, Unit PW42, Act. RELP Obj. 4550, Program #710055, Rep W2QG, CT PBW710055CP Vendor #VS0000036279 in amount not to exceed	<u>\$109,958.00</u>
Total amount not to exceed	\$965,529.00

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

AGENDA ITEM # 26

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities
Education Enhancements

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): 7

DEPARTMENT: Public Works Department
Library

CMO: Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390

MAPSCO: 38T; 38X

SUBJECT

Authorize contracts for the purchase and installation of furniture for the new White Rock Hills Branch Library located at 9150 Ferguson Road - WRG, LLC dba Workplace Resource Group in the amount of \$98,820; and Putsi, Inc. dba Cultural Surroundings in the amount of \$59,879 - Total not to exceed \$158,699 - Financing: 2006 Bond Funds

BACKGROUND

In the 2006 Bond Program, the citizens of Dallas approved funding for the design and construction of the White Rock Hills Branch Library. This action will authorize contracts with WRG, LLC dba Workplace Resource Group and Putsi, Inc. dba Cultural Surroundings for the purchase and installation of furniture for the new White Rock Hills Branch Library located at 9150 Ferguson Road for a total of \$158,698.73.

The new library, designed in accordance with the current Master Plan by the Hillier Group - Princeton, will contain approximately 18,200 square feet of program space. The facility targets a gold Leadership in Energy and Environmental Design (LEED) certification. The new facility is currently under construction and approximately 60% complete.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2009
Completed Design	September 2010
Began Construction	January 2011
Complete Construction	March 2012

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Approved Library Master Plan on April 11, 2001, by Resolution No. 01-1261.

Authorized site acquisition on October 22, 2008, by Resolution No. 08-2908.

Authorized a professional services contract with Hellmuth, Obata + Kassabaum, L.P. to provide programming, schematic design, design development, preparation of construction bid documents, bid evaluation and construction administration for the new White Rock Hills Branch Library, on June 24, 2009, by Resolution No. 09-1696.

Authorized a construction contract for the White Rock Hills Branch Library on December 8, 2010 in the amount of \$4,255,000, by Resolution No. 10-3065.

FISCAL INFORMATION

2006 Bond Funds - \$158,698.73

Land Acquisition	\$ 704,906.00
Design	\$ 494,990.00
Construction	\$4,255,000.00
Furniture, Fixtures, & Equipment (this action)	\$ 158,698.73
Miscellaneous Expenses (includes books, computers)	<u>\$2,422,803.27</u>
 Total Project Cost	 \$8,036,398.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

WRG, LLC dba Workplace Resource Group

African-American Female	0	African-American Male	3
Hispanic Female	1	Hispanic Male	4
White Female	24	White Male	17
Other Female	2	Other Male	2

Putsi, Inc. dba Cultural Surroundings

African-American Female	0	African-American Male	0
Hispanic Female	0	Hispanic Male	2
White Female	2	White Male	1
Other Female	0	Other Male	0

BID INFORMATION

The following bids were received and opened on July 21, 2011:

* Denotes lowest responsible bidder.

Bid Package A - Ancillary Products (Chairs, Tables, Lectern, Book Cart and Bin, etc.)

<u>Bidder</u>	<u>Amount</u>
*WRG, LLC dba Workplace Resource Group 2941 Trade Center Dr., Suite 120 Carrollton, TX 75007	\$ 98,819.85
BKM Total Office of Texas	\$111,915.81
Wilson Office Interiors	\$112,022.74
Intelligent Interiors	\$114,404.03
The Spencer Company	\$115,944.57
G L Seaman & Company	No bid
Putsi, Inc, dba Cultural Surroundings	No bid
Southwest Solutions Group, Inc.	No bid
Vance Hunt Library Furnishings	No bid

Bid Package C - Shelving

<u>Bidder</u>	<u>Amount</u>
*Putsi, Inc, dba Cultural Surroundings 5600 Lovers Lane, Suite 116 Dallas, TX 75209	\$ 59,878.88
Vance Hunt Library Furnishings	\$ 80,920.00
Southwest Solutions Group, Inc.	\$ 97,964.08
BKM Total Office of Texas	\$115,219.01
The Spencer Company	\$123,301.37
G L Seaman & Company	No bid
Intelligent Interiors	No bid
Wilson Office Interiors	No bid
WRG, LLC dba Workplace Resource Group	No bid

Consultant's estimate: \$306,537

OWNER(S)

WRG, LLC dba Workplace Resource Group

Mark Bauer, President

Putsi, Inc. dba Cultural Surroundings

Nicole Mckenzie, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize contracts for the purchase and installation of furniture for the new White Rock Hills Branch Library located at 9150 Ferguson Road - WRG, LLC dba Workplace Resource Group in the amount of \$98,820; and Putsi, Inc. dba Cultural Surroundings in the amount of \$59,879 - Total not to exceed \$158,699 - Financing: 2006 Bond Funds

Workplace Resource Group is a local, minority firm; Cultural Surroundings is a local non-minority firm; both have signed the "Business Inclusion & Development" documentation, and proposes to use their own force.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$158,698.73	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$158,698.73	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Workplace Resource Group	WFWB18674N1111	\$98,819.85	62.27%
Total Minority - Local		\$98,819.85	62.27%

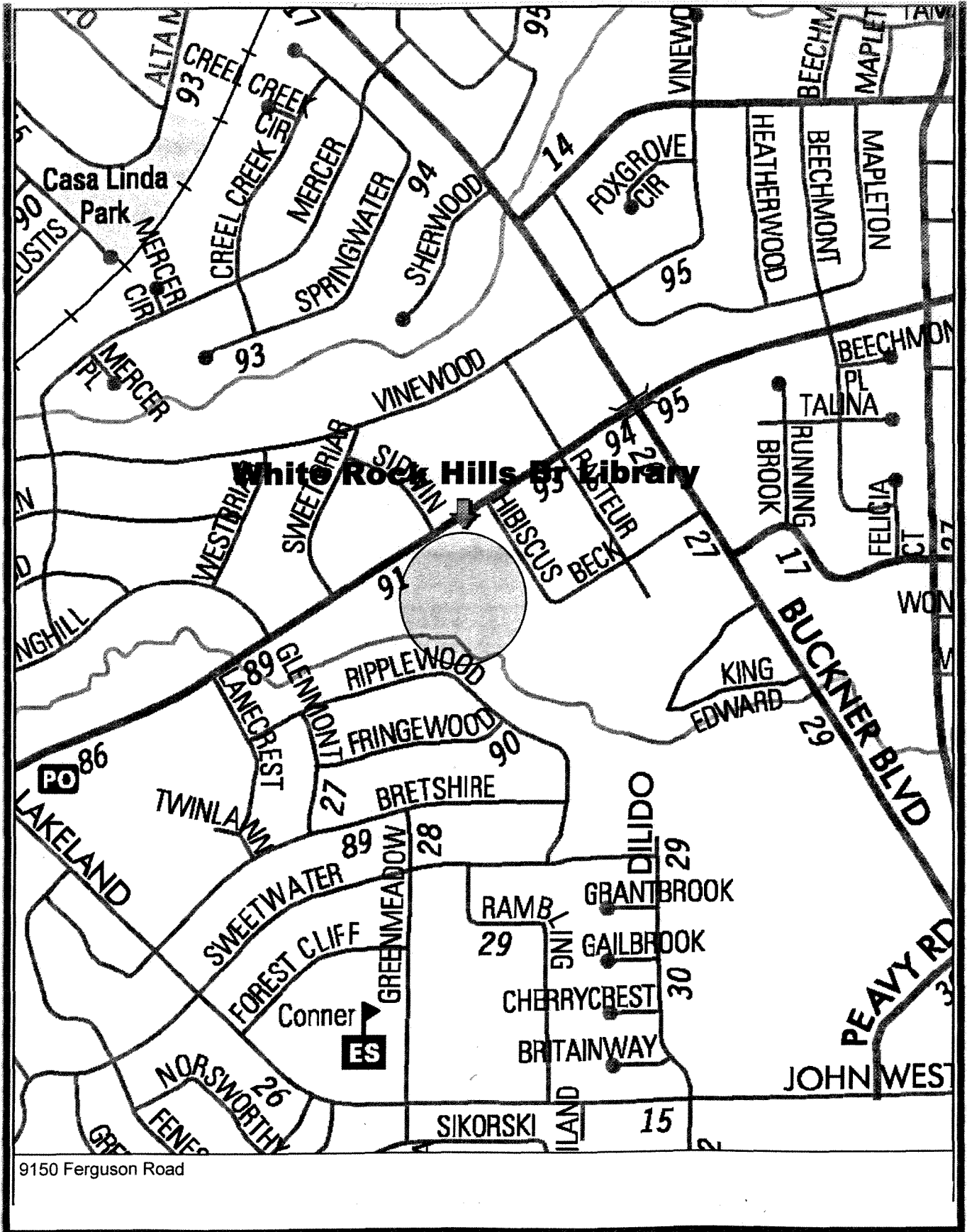
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$98,819.85	62.27%	\$98,819.85	62.27%
Total	\$98,819.85	62.27%	\$98,819.85	62.27%

White Rock Hills Branch Library



9150 Ferguson Road

October 10, 2011

WHEREAS, the Library Master Plan, as developed by the Hillier Group and approved by City Council, indicates a need for an additional library for the northeast Dallas area; and,

WHEREAS, in the 2006 Bond Program, the citizens of Dallas approved funding for the design and construction of a new White Rock Hills Branch Library, to be located at 9150 Ferguson Road; and,

WHEREAS, on October 22, 2008, Resolution No. 08-2908 authorized acquisition of a site at 9150 Ferguson Road for the new White Rock Hills Branch Library; and,

WHEREAS, on June 24, 2009, Resolution No. 09-1696 authorized a professional services contract with Hellmuth, Obata + Kassabaum, L.P. to provide architectural and engineering services for the design of White Rock Hills Branch Library in the amount of \$472,715; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3065 authorized a contract with JC Commercial, Inc. for the construction of the White Rock Hills Branch Library at 9150 Ferguson Road, in an amount not to exceed \$4,255,000; and,

WHEREAS, bids for the purchase and installation of furniture for the new White Rock Hills Branch Library were received and opened on July 21, 2011, as follows:

* Denotes successful bidder for each bid package

<u>Bid Pkg.</u>	<u>Description</u>	<u>Bidders</u>	<u>Amount</u>
A	Ancillary Products	*WRG, LLC dba Workplace Resource Group	\$ 98,819.85
		BKM Total Office of Texas	\$111,915.81
		Wilson Office Interiors	\$112,022.74
		Intelligent Interiors	\$114,404.03
		The Spencer Company	\$115,944.57
		G L Seaman & Company	No bid
		Putsi, Inc, dba Cultural Surroundings	No bid
		Southwest Solutions Group, Inc.	No bid
		Vance Hunt Library Furnishings	No bid
C	Shelving	*Putsi, Inc, dba Cultural Surroundings	\$ 59,878.88
		Vance Hunt Library Furnishings	\$ 80,920.00
		Southwest Solutions Group, Inc.	\$ 97,964.08
		BKM Total Office of Texas	\$115,219.01
		The Spencer Company	\$123,301.37
		G L Seaman & Company	No bid

October 10, 2011

<u>Bid Pkg.</u>	<u>Description</u>	<u>Bidders</u>	<u>Amount</u>
C (Cont)		Intelligent Interiors	No bid
		Wilson Office Interiors	No bid
		WRG, LLC dba Workplace Resource Group	No bid

WHEREAS, it is now necessary to authorize contracts for the purchase and installation of furniture for the new White Rock Hills Branch Library located at 9150 Ferguson Road with WRG, LLC dba Workplace Resource Group in the amount of \$98,819.85 and Putsi, Inc. dba Cultural Surroundings in the amount of \$59,878.88 for a total amount not to exceed \$158,698.73.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute contracts for the purchase and installation of furniture for the new White Rock Hills Branch Library located at 9150 Ferguson Road with WRG, LLC dba Workplace Resource Group in the amount of \$98,819.85 and Putsi, Inc. dba Cultural Surroundings in the amount of \$59,878.88 for a total amount not to exceed \$158,698.73, after said contracts have been approved as to form by the City Attorney.

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

Library Facilities Fund Fund 8T42, Dept. PBW, Unit T646, Act. LIBF Obj. 4710, Program #PB06T646, CT PBW06T646A1 Vendor #VC0000010239, in an amount not to exceed	\$ 98,819.85
Library Facilities Fund Fund 8T42, Dept. PBW, Unit T646, Act. LIBF Obj. 4710, Program #PB06T646, CT PBW06T646A2 Vendor #514346, in an amount not to exceed	<u>\$ 59,878.88</u>
Total amount not to exceed	\$158,698.73

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: October 10, 2011
COUNCIL DISTRICT(S): 2
DEPARTMENT: Public Works Department
Convention and Event Services
CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 670-3314
MAPSCO: 45P

SUBJECT

Authorize an increase in the construction contract with Lee Lewis Construction, Inc. for waterproofing, structural, mechanical, electrical, plumbing, and interior finish changes to the construction of the Upper Level D Meeting Rooms at the Dallas Convention Center - Not to exceed \$355,453, from \$13,760,383 to \$14,115,836 - Financing: 2009 Convention Center Revenue Bonds

BACKGROUND

This action authorizes Change Order No. 5 to the construction contract with Lee Lewis Construction, Inc. for construction of Upper Level D Meeting Rooms at the Dallas Convention Center (DCC), approved on December 8, 2010, by Resolution No. 10-3066. The changes to the scope of work associated with this action include waterproofing of penthouses, structural steel modification, mechanical, electrical, plumbing relocations and modification and revision of interior finishes. These modifications are a result of submittal reviews, uncovering existing work that varied from record drawings that required additional modifications, substitution approval, credits and DCC requested changes to interior finishes of meeting room doors and waterproofing of penthouses.

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2010
Completed Design	October 2010
Began Construction	January 2011
Complete Construction	March 2012

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with HKS, Inc. for architectural and engineering design services to include the finishout of the Upper Level D Meeting Rooms and assessment for operational improvements and renovation of existing spaces for the DCC on January 27, 2010, by Resolution No. 10-0328.

Authorized a contract with Lee Lewis Construction, Inc. for the construction of Upper Level D Meeting Rooms for the DCC on December 8, 2010, by Resolution No. 10-3066.

Authorized Change Order No. 2, increasing the construction contract with Lee Lewis Construction, Inc. for structural, mechanical, electrical and audio-visual changes to the construction of Upper Level D Meeting Rooms at the DCC on June 22, 2011, by Resolution No. 11-1703.

Authorized Change Order No. 4, increasing the construction contract with Lee Lewis Construction, Inc. for the purchase of furniture to be used in the Upper Level D Meeting Room Project and recarpeting of meeting rooms at the DCC on August 24, 2011, by Resolution No. 11-2195.

FISCAL INFORMATION

2009 Convention Center Revenue Bonds - \$355,453

Design	\$ 1,718,931
Construction	\$12,609,000
Change Order No. 1	\$ 21,327
Change Order No. 2	\$ 96,267
Change Order No. 3	\$ 23,402
Change Order No. 4	\$ 1,010,387
Change Order No. 5 (this action)	<u>\$ 355,453</u>
 Total Project Cost	 \$15,834,767

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Lee Lewis Construction, Inc.

Hispanic Female	2	Hispanic Male	48
African-American Female	0	African-American Male	3
White Female	22	White Male	116
Other Female	0	Other Male	0

OWNER(S)

Lee Lewis Construction, Inc.

Lee Lewis, Chief Executive Officer
Tom E. Ferguson, President
Judy Ward, Secretary
Jeanette Howell, Treasurer

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the construction contract with Lee Lewis Construction, Inc. for waterproofing, structural, mechanical, electrical, plumbing, and interior finish changes to the construction of the Upper Level D Meeting Rooms at the Dallas Convention Center - Not to exceed \$355,453, from \$13,760,383 to \$14,115,836 - Financing: 2009 Convention Center Revenue Bonds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$231,244.00	65.06%
Non-local contracts	\$124,209.00	34.94%
TOTAL THIS ACTION	\$355,453.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Consys Concrete	BMMB50294N0812	(\$3,734.00)	(1.61%)
Gentzler Electric	WFWB51097Y0112	\$22,784.00	9.85%
Champion Automatic Fire Sprinkler	WFWB50092Y0112	\$2,806.00	1.21%
Total Minority - Local		\$21,856.00	9.45%

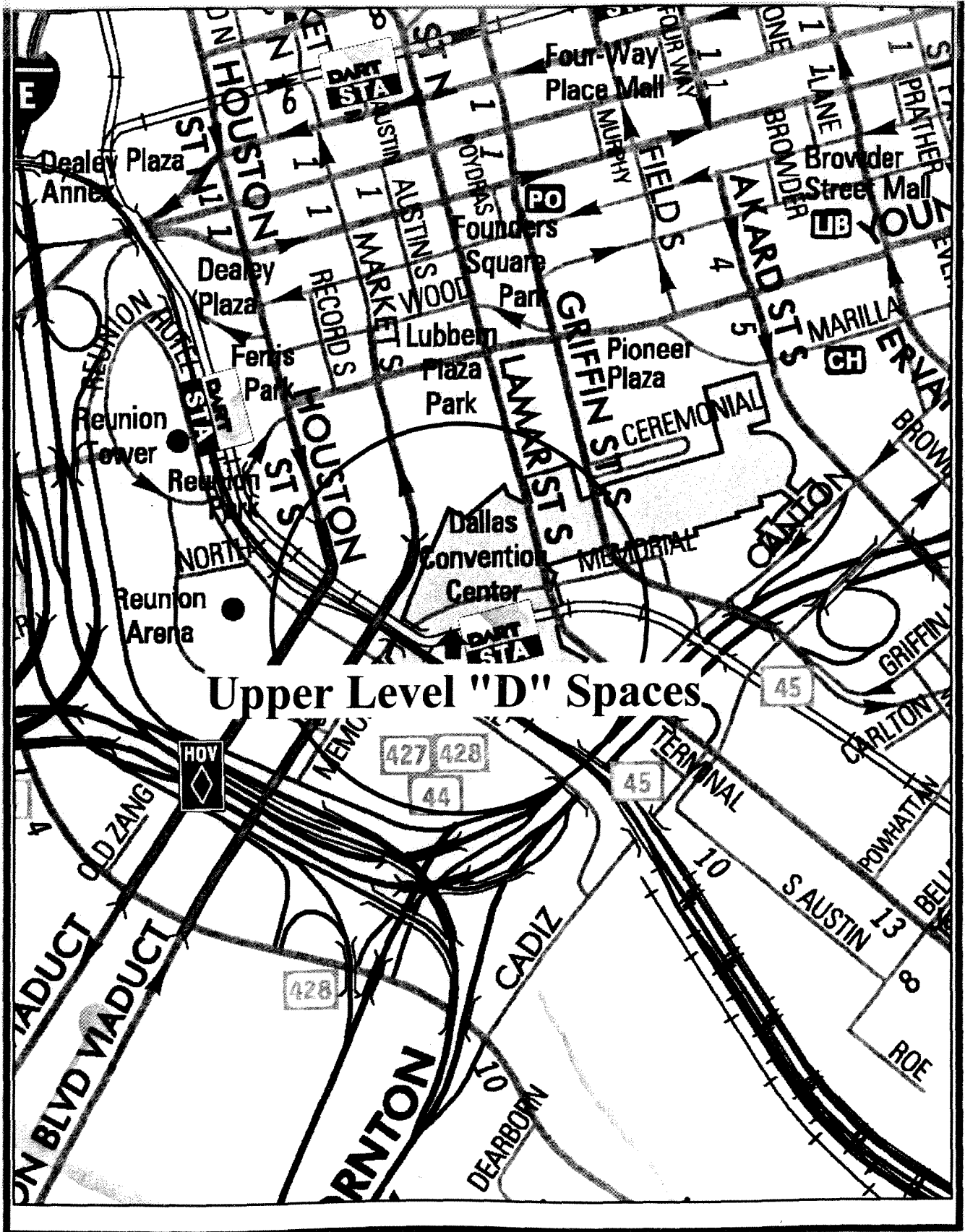
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Top Flight Steel	HMDB47886Y1211	\$26,862.00	21.63%
RMF Contractors, Inc.	WFWB48393Y0212	\$34,401.00	27.70%
Terrell Glass	WFWB49576N0612	\$6,200.00	4.99%
Total Minority - Non-local		\$67,463.00	54.31%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	(\$3,734.00)	(1.05%)	\$143,003.00	1.01%
Hispanic American	\$26,862.00	7.56%	\$210,376.00	1.49%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$66,191.00	18.62%	\$4,123,901.00	29.21%
Total	<u>\$89,319.00</u>	<u>25.13%</u>	<u>\$4,477,280.00</u>	<u>31.72%</u>

Dallas Convention Center – Upper Level “D” Spaces



Upper Level "D" Spaces

October 10, 2011

WHEREAS, on January 27, 2010, Resolution No. 10-0328 authorized a professional services contract with HKS, Inc. for architectural and engineering design for the Dallas Convention Center in the amount of \$2,616,466; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3066 authorized a contract with Lee Lewis Construction, Inc. for the construction of Upper Level D Meeting Rooms for the Dallas Convention Center in an amount not to exceed \$12,609,000; and,

WHEREAS, on March 22, 2011, Administrative Change Order No. 11-0818 authorized Change Order No. 1 to the construction contract with Lee Lewis Construction, Inc. for additional scope of work in the amount of \$21,327, increasing the contract from \$12,609,000 to \$12,630,327; and,

WHEREAS, on June 22, 2011, Resolution No. 11-1703 authorized Change Order No. 2 to the construction contract with Lee Lewis Construction, Inc. for structural, mechanical, electrical and audio visual changes to the construction of the Upper Level D Meeting Rooms for the Dallas Convention Center, in an amount not to exceed \$96,267, from \$12,630,327 to \$12,726,594; and,

WHEREAS, on July 12, 2011, Administrative Change Order No. 11-1876 authorized Change Order No. 3 to the construction contract with Lee Lewis Construction, Inc. for additional scope of work in the amount of \$23,402, increasing the contract from \$12,726,594 to \$12,749,996; and,

WHEREAS, on August 24, 2011, Resolution No. 11-2195 authorized Change Order No. 4 to the construction contract with Lee Lewis Construction, Inc. for the purchase of furniture to be used in the Upper Level D Meeting Rooms and recarpeting of existing meeting rooms for the Dallas Convention Center, in an amount not to exceed \$1,010,387, from \$12,749,996 to \$13,760,383; and,

WHEREAS, it is now necessary to authorize Change Order No. 5 to the construction contract with Lee Lewis Construction, Inc. for the waterproofing, structural, mechanical, electrical, plumbing, and interior finish changes to the construction of Upper Level D Meeting Rooms at the Dallas Convention Center, in an amount not to exceed \$355,453, from \$13,760,383 to \$14,115,836.

Now, Therefore,

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

October 10, 2011

Section 1. That the City Manager is hereby authorized to execute Change Order No. 5 to the construction contract with Lee Lewis Construction, Inc. for the waterproofing, structural, mechanical, electrical, plumbing, and interior finish changes to the construction of Upper Level D Meeting Rooms at the Dallas Convention Center in an amount not to exceed \$355,453, from \$13,760,383 to \$14,115,836, after it has been approved as to form by the City Attorney.

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

2009 Convention Center Revenue Bonds	
Fund 0568, Dept. CCT, Unit 4724, Activity CCIM	
Obj. 4310, Program #PBC00038, CT PBWC00038C1	
Vendor #518932, in an amount not to exceed	\$355,453

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: October 10, 2011

COUNCIL DISTRICT(S): 14

DEPARTMENT: Public Works Department
Aviation

CMO: Jill A. Jordan, P.E., 670-5299
A. C. Gonzalez, 671-8925

MAPSCO: 34K

SUBJECT

Authorize **(1)** an increase in the construction contract with J.C. Commercial, Inc. for the Snow and Ice Removal Facility at Dallas Love Field and to extend the contract for additional work related to environmental, life and safety issues for this facility in the amount of \$329,672, from \$3,577,277 to \$3,906,949; and **(2)** an increase in appropriations in the amount of \$345,672 in the Aviation Capital Construction Fund for construction, testing, commissioning and other contract administration costs - Not to exceed \$329,672 - Financing: Aviation Capital Construction Funds

BACKGROUND

The Aviation Department has requested additional work be performed for the successful completion of the Snow and Ice Removal Facility at Dallas Love Field. This action will authorize Change Order No. 1 to J.C. Commercial, Inc.'s construction contract. It includes removal of existing grading material and debris from the site, add bio bins for airfield maintenance, include additional exterior finishes at the front of the maintenance building, add communication conduits to serve Love Field operations, add two entry mats for long term building maintenance, concrete containment wall at the Sand and Heating Storage Room for environmental compliance. In addition, the Building Official has requested changes to address life and safety issues for the facility. Two gas meters are required to be relocated to provide a main entry approach at Hawes Avenue. The changes will enhance the long term use and address life and safety issues for the facility. The contract will be extended 71 days to incorporate these additional items.

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2009
Completed Design	September 2010
Began Construction	April 2011
Complete Construction	March 2012

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Pierce Goodwin Alexander & Linville, Inc. (PGAL) for design services for a new field maintenance facility at Dallas Love Field on February 11, 2009, by Resolution No. 09-0428.

Authorized a construction contract with J.C. Commercial, Inc. to construct a new Snow and Ice Removal Facility at Dallas Love Field Airport on February 23, 2011, by Resolution No. 11-0548.

FISCAL INFORMATION

Aviation Capital Construction Funds - \$345,672

Design Expense - Architecture / Engineering	\$ 413,701
Project Expenses - testing, permits, printing, etc.	\$ 253,450
Furniture, IT Equipment	\$ 200,000
City Administration	\$ 116,000
Construction	\$3,577,277
Change Order No. 1 (this action)	<u>\$ 329,672</u>
Total Project Cost	\$4,890,100

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

J.C. Commercial, Inc.

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	5	White Male	12

OWNER(S)

J.C. Commercial, Inc.

Larry Wagnor, President and Chief Executive Officer

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** an increase in the construction contract with J.C. Commercial, Inc. for the Snow and Ice Removal Facility at Dallas Love Field and to extend the contract for additional work related to environmental, life and safety issues for this facility in the amount of \$329,672, from \$3,577,277 to \$3,906,949; and **(2)** an increase in appropriations in the amount of \$345,672 in the Aviation Capital Construction Fund for construction, testing, commissioning and other contract administration costs - Not to exceed \$329,672 - Financing: Aviation Capital Construction Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$112,974.75	34.27%
Non-local contracts	\$216,697.25	65.73%
TOTAL THIS ACTION	\$329,672.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

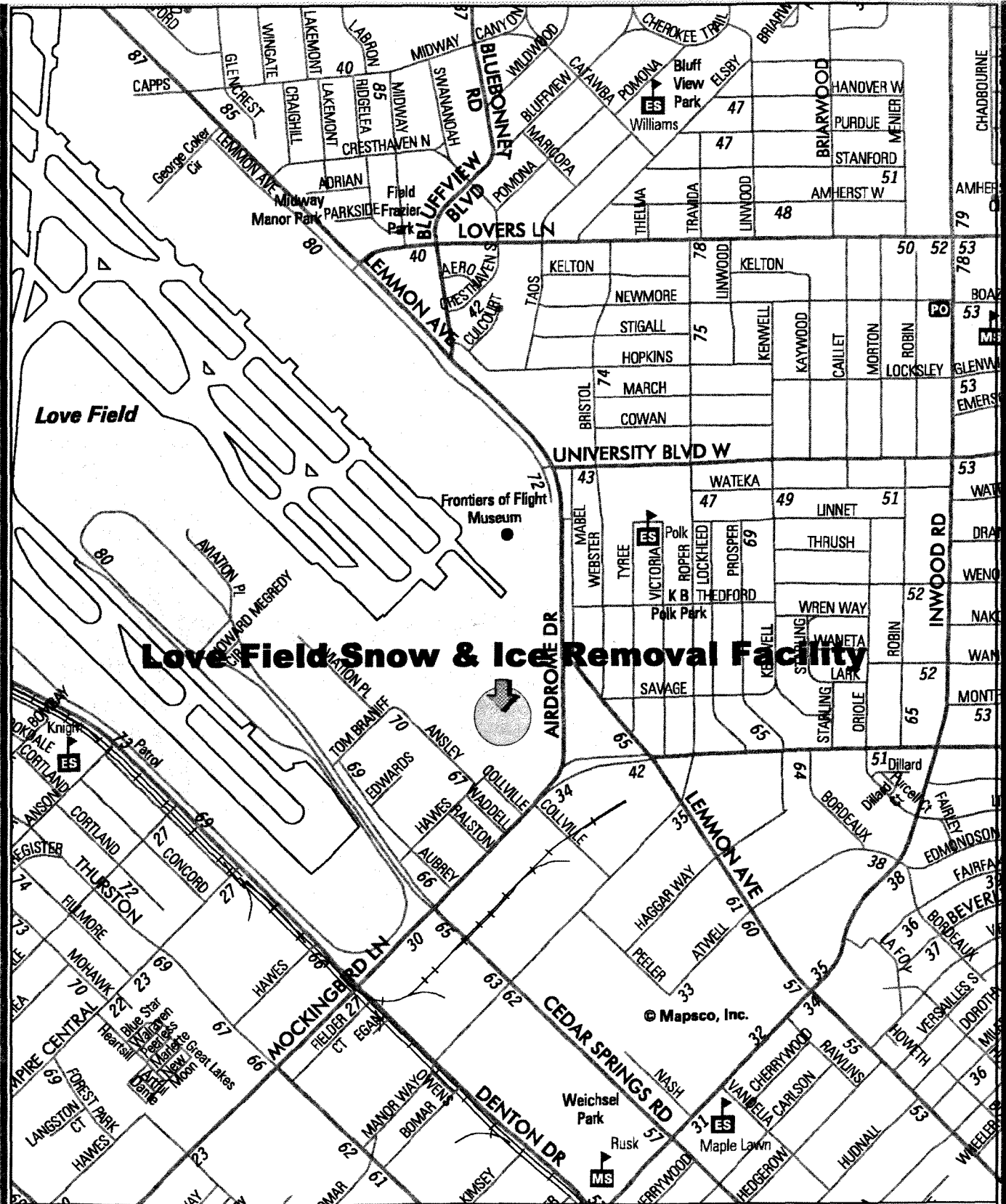
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
T.A.S. Concrete Services	HFMB49107N0512	\$103,102.66	47.58%
Blue Star Electric	WFWB49670Y0712	\$16,015.56	7.39%
Total Minority - Non-local		\$119,118.22	54.97%

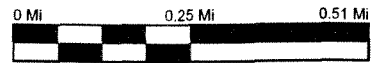
TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$865,602.66	22.16%
Hispanic American	\$103,102.66	31.27%	\$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	\$16,015.56	4.86%	\$466,015.56	11.93%
Total	\$119,118.22	36.13%	\$1,331,618.22	34.08%

Love Field Snow & Ice Removal Facility



Love Field Snow Ice Removal Facility



October 10, 2011

WHEREAS, on February 11, 2009, Resolution No. 09-0428 authorized a professional services contract with Pierce Goodwin Alexander & Linville, Inc. for design services for a new field maintenance facility at Dallas Love Field for storage of snow and ice removal equipment; and,

WHEREAS, on February 23, 2011, Resolution No. 11-0548 authorized a contract with J.C. Commercial, Inc. for the construction of a new Snow and Ice Removal Facility at Dallas Love Field in the amount of \$3,577,277; and,

WHEREAS, it is now desirable to authorize Change Order No. 1 to the contract with J.C. Commercial, Inc. and to extend the contract for additional work related to environmental, life and safety issues for the Snow and Ice Removal Facility at Dallas Love Field in an amount not to exceed \$329,672, increasing the contract from \$3,577,277 to \$3,906,949.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 1 to the construction contract with J.C. Commercial, Inc. and to extend the contract for additional work related to environmental, life and safety issues for the Snow and Ice Removal Facility at Dallas Love Field in an amount not to exceed \$329,672, increasing the contract from \$3,577,277 to \$3,906,949, after it has been approved as to form by the City Attorney.

Section 2. That the City Manager is hereby authorized to increase appropriations in the Aviation Capital Construction Fund in the amount of \$345,672 in Fund 0131, Dept. AVI, Unit 8748, Object Code 4342.

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Aviation Capital Construction Fund
Fund 0131, Dept. AVI, Unit 8748, Act. AAIP
Obj. 4342, Program #AVI8748, CT AVIJCCOM12011-1
Vendor #VS0000012563, in an amount not to exceed \$329,672

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 3, 8
DEPARTMENT: Public Works Department
Water Utilities
CMO: Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390
MAPSCO: 43Y 53C 69P

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Metropolitan Infrastructure, PLLC for additional design and survey services for wastewater main relocation and hydraulic analysis for culvert design for Street Petition Group II (list attached) - Not to exceed \$36,145, from \$527,700 to \$563,845 - Financing: 2006 Bond Funds (\$27,805) and Water Utilities Capital Improvement Funds (\$8,340)

BACKGROUND

On June 10, 2009, Resolution No. 09-1463 authorized a professional services contract with Metropolitan Infrastructure, PLLC for the engineering design of street paving, storm drainage and water and wastewater main improvements for Street Petition Group II. This action will authorize Supplemental Agreement No. 2 for additional engineering services including wastewater main design, hydraulic analysis of the creek and additional right-of-way/boundary surveying.

This additional work is needed for Westmount Avenue from Avon Street to Fort Worth Avenue and Woodway Drive from Fountaindale Drive to dead-end for projects included in Street Petition Group II. Hydraulic analysis of the creek which crosses under Westmount Avenue is required for sizing the proposed box culvert and additional survey work and design is required to relocate 150 linear feet of an existing wastewater main.

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2009
Complete Design	November 2011
Begin Construction	June 2012
Complete Construction	March 2013

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on June 10, 2009, by Resolution No. 09-1463.

Authorized Supplemental Agreement No. 1 for engineering services on February 10, 2010, by Resolution No. 10-0479.

FISCAL INFORMATION

2006 Bond Funds - \$27,805

Water Utilities Capital Improvement Funds - \$8,340.00

Design	\$ 358,370.00
Supplemental Agreement No. 1	\$ 169,330.00
Supplemental Agreement No. 2 (this action)	\$ 36,145.00

Construction	
Paving & Drainage - (PBW)	\$2,322,719.21 (est.)
Water & Wastewater - (DWU)	<u>\$ 859,044.87 (est.)</u>

Total Project Cost	\$3,745,609.08 (est.)
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<u>Council District</u>	<u>Amount</u>
3	\$21,510.00
8	<u>\$14,635.00</u>
Total	\$36,145.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Metropolitan Infrastructure, PLLC

Hispanic Female	1	Hispanic Male	2
African-American Female	0	African-American Male	0
Other Female	0	Other Male	3
White Female	0	White Male	3

OWNER

Metropolitan Infrastructure, PLLC

Louis Frisbie, P.E., President

MAP

Attached.

Street Petition Group II

<u>Location</u>	<u>Council District</u>
Westmount Avenue from Avon Street to Fort Worth Avenue	3
Woodway Drive from Fountaindale Drive to dead-end	8

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Metropolitan Infrastructure, PLLC for additional design and survey services for wastewater main relocation and hydraulic analysis for culvert design for Street Petition Group II (list attached) - Not to exceed \$36,145, from \$527,700 to \$563,845 - Financing: 2006 Bond Funds (\$27,805) and Water Utilities Capital Improvement Funds (\$8,340)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$36,145.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$36,145.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Metropolitan Infrastructure, PLLC	HMDB47364Y1111	\$25,195.00	69.71%
Pacheco Koch Consulting Engineers	HMDB46602Y0911	\$8,250.00	22.82%
Lim & Associates	PMDB48185Y0112	\$2,700.00	7.47%
Total Minority - Local		\$36,145.00	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$33,445.00	92.53%	\$442,213.65	78.43%
Asian American	\$2,700.00	7.47%	\$87,986.35	15.60%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$33,645.00	5.97%
Total	\$36,145.00	100.00%	\$563,845.00	100.00%

October 10, 2011

WHEREAS, on June 10, 2009, Resolution No. 09-1463 authorized a professional services contract with Metropolitan Infrastructure, PLLC, for the engineering design of street paving, storm drainage and water and wastewater main improvements for Street Petition Group II; and,

WHEREAS, on February 10, 2010, Resolution No. 10-0479 authorized Supplemental Agreement No. 1 to the professional services contract with Metropolitan Infrastructure, PLLC for additional right-of-way/boundary survey and supplemental survey for easements and additional right-of-way for the Street Petition Group II, in the amount of \$169,330.00, increasing the contract from \$358,370.00 to \$527,700.00; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 2 to the professional services contract with Metropolitan Infrastructure, PLLC, for additional design and survey services for wastewater main relocation and hydraulic analysis for culvert design for Street Petition Group II in the amount of \$36,145.00, increasing the contract from \$527,700.00 to \$563,845.00.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with Metropolitan Infrastructure, PLLC, for additional design and survey services for wastewater main relocation and hydraulic analysis for culvert design for Street Petition Group II in the amount of \$36,145.00, increasing the contract from \$527,700.00 to \$563,845.00, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund
Fund 8T22, Dept. PBW, Unit U305, Act. STPT
Obj. 4069, Program #PB06U305, CT PBW06U29911
Vendor # 512079, in an amount not to exceed \$ 3,320.00

Street and Transportation Improvement Fund
Fund 8T22, Dept. PBW, Unit U305, Act. STPT
Obj. 4111, Program #PB06U305, CT PBW06U29911
Vendor # 512079, in an amount not to exceed \$ 9,850.00

October 10, 2011

Street and Transportation Improvements Fund Fund 8T22, Dept. PBW, Unit U306, Act. STPT Obj. 4069, Program #PB06U306, CT PBW06U29911 Vendor # 512079, in an amount not to exceed	\$ 14,635.00
Wastewater Capital Improvement Fund Fund 0116, Dept. DWU, Unit PS42, Act. RELP Obj. 4111, Program #709218, Rep T2JC, CT PBW709218CP Vendor # 512079, in an amount not to exceed	<u>\$ 8,340.00</u>
Total in an amount not to exceed	\$36,145.00

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 2
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 45T

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Burgess & Niple, Inc. for the engineering design of subsurface utilities to accommodate a new bridge over the Able Sump, traffic signal improvements, and lighting to improve pedestrian safety for Cadiz Street from Riverfront Boulevard to South Lamar Street - Not to exceed \$39,091, from \$358,313 to \$397,404 - Financing: 2006 Bond Funds

BACKGROUND

Cadiz Street from Riverfront Boulevard to Hotel Street was approved for funding in the 2006 Bond Program, and on June 11, 2008, Resolution No. 08-1696 authorized a professional services contract for the engineering design of thoroughfare improvements. This action will authorize Supplemental Agreement No. 4 to the professional services contract with Burgess & Niple, Inc. for the engineering design of subsurface utilities to accommodate a new bridge over the Able Sump, traffic signal improvements, and lighting to improve pedestrian safety for Cadiz Street from Riverfront Boulevard to South Lamar Street.

The engineering design of subsurface utilities includes a 21-inch and a 36-inch diameter storm drainage main, a 15-inch diameter wastewater main, and a 12-inch diameter water main. These utilities must be designed under the bridge, which involves a re-design of approximately 300 linear feet of these mains.

The traffic signal will be located at the intersection of Cadiz Street and South Lamar Street and is required to effectively tie into the South Side Pedestrian District Streetscape Improvements Phase II project being undertaken by DART. A new traffic signal will increase traffic capacity and reduce pedestrian confusion. The illumination design is required to accommodate new lighting standards recommended for use throughout the Trinity River Corridor.

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2008
Complete Design	December 2011
Begin Construction	June 2012
Complete Construction	August 2013

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on June 11, 2008, by Resolution No. 08-1696.

Authorized Supplemental Agreement No. 3 to the professional services contract for engineering services on June 9, 2010, by Resolution No. 10-1490.

FISCAL INFORMATION

2006 Bond Funds - \$39,090.80

Design Contract (PWT)	\$184,147.20
Design Contract (DWU)	\$ 48,393.00
Supplemental Agreement No. 1	\$ 5,900.00
Supplemental Agreement No. 2	\$ 22,500.00
Supplemental Agreement No. 3	\$ 97,373.00
Supplemental Agreement No. 4 (this action)	<u>\$ 39,090.80</u>
Total	\$397,404.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Burgess & Niple, Inc.

African-American Female	6	African-American Male	10
Hispanic Female	1	Hispanic Male	5
White Female	100	White Male	326
Other Female	4	Other Male	16

OWNER(S)

Burgess & Niple, Inc.

Steven D. Sanders, P.E., Vice President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Burgess & Niple, Inc. for the engineering design of subsurface utilities to accommodate a new bridge over the Able Sump, traffic signal improvements, and lighting to improve pedestrian safety for Cadiz Street from Riverfront Boulevard to South Lamar Street - Not to exceed \$39,091, from \$358,313 to \$397,404 - Financing: 2006 Bond Funds

Burgess & Niple, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$39,090.80	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$39,090.80	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>
Hayden Consultants, Inc.	WFDB46030Y0711	\$9,635.00	24.65%
Total Minority - Local		\$9,635.00	24.65%

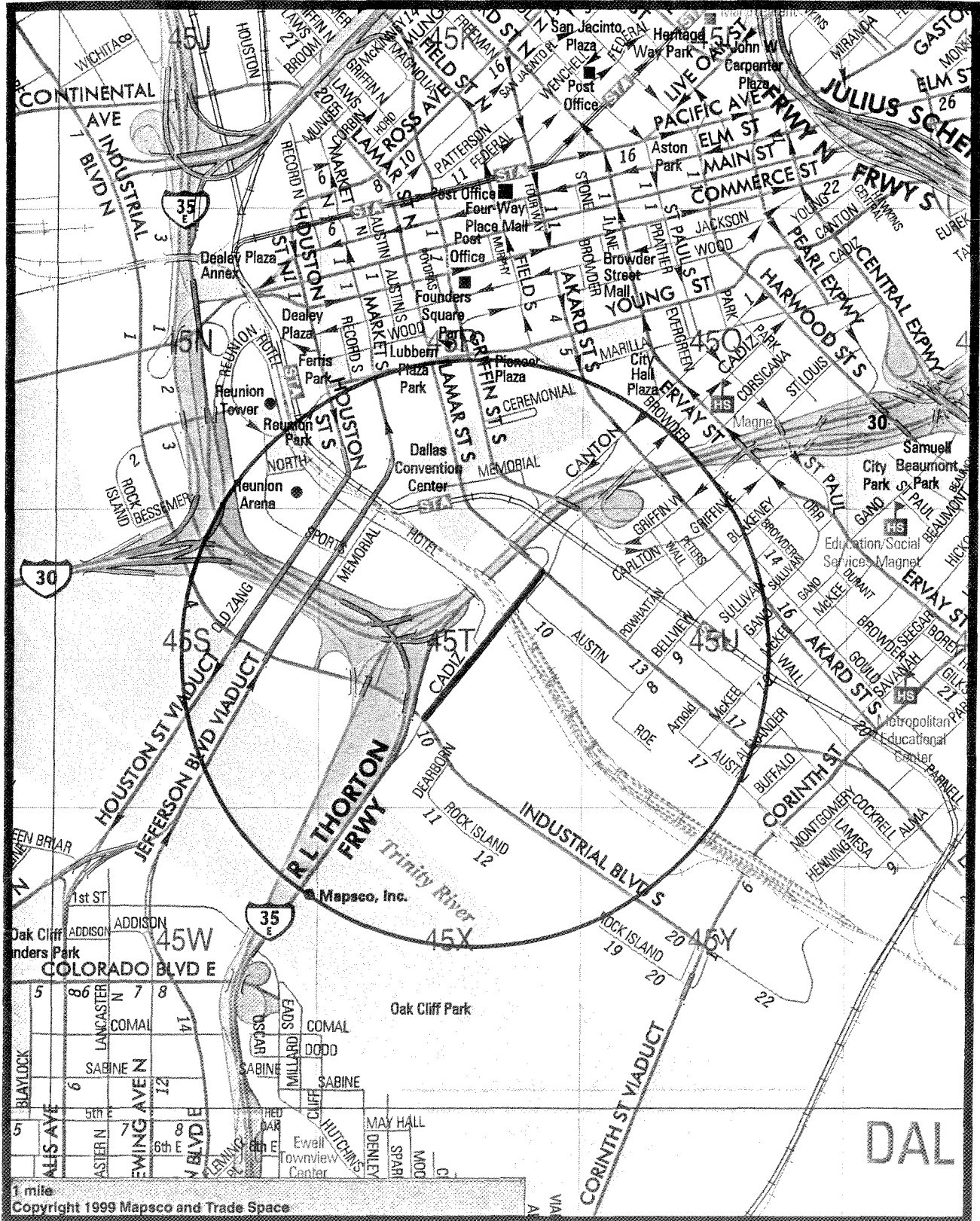
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$45,600.00	11.47%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$24,624.40	6.20%
WBE	\$9,635.00	24.65%	\$105,609.74	26.57%
Total	\$9,635.00	24.65%	\$175,834.14	44.25%

THOROUGHFARE
 CADIZ STREET FROM RIVERFRONT BOULEVARD TO
 LAMAR STREET



MAPSCO 45T

October 10, 2011

WHEREAS, on June 11, 2008, Resolution No. 08-1696 authorized a professional services contract with GSWW, Inc. (now a division of Burgess & Niple, Inc.) for the engineering services for Cadiz Street from South Industrial Boulevard to railroad underpass; and,

WHEREAS, on December 31, 2008, Administrative Action No. 09-0382 authorized Supplemental Agreement No. 1 to the contract with Burgess & Niple, Inc. to modify the name of the consultant GSWW, Inc., which was acquired by Burgess & Niple, Inc. and increased the scope of the contract to provide a connectivity study for Cadiz Street from the railroad underpass to South Lamar Street in the amount of \$5,900.00, from \$232,540.20 to \$238,440.20; and,

WHEREAS, on February 25, 2010, Administrative Action No. 10-0811 authorized Supplemental Agreement No. 2 to the contract with Burgess & Niple, Inc. to provide subsurface utility investigation and change the project limit name, South Industrial Boulevard to Riverfront Boulevard, which was authorized by City Ordinance 27406 on November 10, 2008, by Resolution No. 08-3111 in the amount of \$22,500.00, from \$238,440.20 to \$260,940.20; and,

WHEREAS, on June 9, 2010, Resolution No. 10-1490 authorized Supplemental Agreement No. 3 to the contract with Burgess & Niple, Inc. for a structural study, additional survey, and the engineering design of streetscape and traffic signal improvements in order to extend the project limit on Cadiz Street from Riverfront Boulevard to Hotel Street in a northerly direction to South Lamar Street in the amount of \$97,373.00, from \$260,940.20 to \$358,313.20; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 4 to the contract with Burgess & Niple, Inc. for the engineering design of subsurface utilities to accommodate a new bridge over the Able Sump, traffic signal improvements, and lighting to improve pedestrian safety for Cadiz Street from Riverfront Boulevard to South Lamar Street in the amount of \$39,090.80, increasing the contract from \$358,313.20 to \$397,404.00.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 4 to the contract with Burgess & Niple, Inc. for the engineering design of subsurface utilities to accommodate a new bridge over the Able Sump, traffic signal improvements, and lighting to improve pedestrian safety for Cadiz Street from Riverfront Boulevard to South Lamar Street in the amount of \$39,090.80, increasing the contract from \$358,313.20 to \$397,404.00, after it has been approved as to form by the City Attorney.

October 10, 2011

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from:

Street and Transportation Improvements Fund
Fund 7T22, Department PBW, Unit U778, Act. THRF
Obj. 4111, Program #PB06U778, CT PBW06U778H1
Vendor #090012, in an amount not to exceed \$ 39,090.80

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: October 10, 2011

COUNCIL DISTRICT(S): 7

DEPARTMENT: Public Works Department
Housing/Community Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
A. C. Gonzalez, 671-8925
Forest E. Turner, 670-3390

MAPSCO: 47N

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Michael Baker, Jr., Inc. for additional engineering design and survey services necessary for the realignment of Troy Street in Phase II of the Spring Avenue Redevelopment Project - Not to exceed \$31,172, from \$609,249 to \$640,421 - Financing: 2006-2007 Community Development Block Grant Reprogramming No. 2 Funds (\$26,568) and Water Utilities Capital Improvement Funds (\$4,604)

BACKGROUND

On October 24, 2007, Resolution No. 07-3171 authorized a professional services contract with Michael Baker, Jr., Inc. for engineering services to develop a community conceptual plan with pedestrian oriented design concepts for Phase I of the Spring Avenue Redevelopment Project. This action will authorize Supplemental Agreement No. 4 to the professional services contract with Michael Baker, Jr., Inc. for additional engineering design and survey services necessary for the realignment of Troy Street from Brashear Street to Hatcher Street within the Spring Avenue redevelopment project.

Supplemental Agreement Nos. 1 and 2 included a report of recommended land use, development densities, concept design for streets, sidewalks, vehicle circulation, parking, utility location, streetscape and landscape improvements. Supplemental Agreement No. 3 provided for the design of infrastructure improvements that were identified in the Phase I study. The realignment of Troy Street is necessary to minimize impact to the land use for a housing project being developed by South Dallas Fair Park Inner City Development Corporation.

BACKGROUND (Continued)

In the 2003 Bond Program, the citizens of Dallas approved funding for street and drainage infrastructure improvements for low to moderate income housing development pursuant to the City Housing Program. The work will consist of reinforced concrete pavement, integral curbs, sidewalks, driveway approaches, barrier free ramps, storm drainage improvements, pedestrian lighting, landscaping, water and wastewater main improvements.

ESTIMATE SCHEDULE OF PROJECT

Began Design	April 2010
Complete Design	October 2011
Begin Construction	May 2012
Complete Construction	September 2013

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on October 24, 2007, by Resolution No. 07-3171.

Authorized Supplemental Agreement No. 1 to the professional services contract on June 25, 2008, by Resolution No. 08-1825.

Authorized Supplemental Agreement No. 3 to the professional services contract on April 14, 2010, by Resolution No. 10-0882.

FISCAL INFORMATION

2006-2007 Community Development Block Grant Reprogramming No. 2 Funds - \$26,567.80
Water Utilities Capital Improvement Funds - \$4,603.50

Design	
Concept Design - Phase I	\$ 68,858.00
Supplemental Agreement No. 1	\$ 53,983.00
Supplemental Agreement No. 2	\$ 0.00
Supplemental Agreement No. 3	\$486,408.45
Supplemental Agreement No. 4 (this action)	<u>\$ 31,171.30</u>
Total	\$640,420.75

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Michael Baker, Jr., Inc.

Hispanic Female	35	Hispanic Male	73
African-American Female	31	African-American Male	50
Other Female	46	Other Male	114
White Female	665	White Male	1720

OWNER(S)

Michael Baker, Jr., Inc.

Don M. Treude, P.E., Vice President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Michael Baker, Jr., Inc. for additional engineering design and survey services necessary for the realignment of Troy Street in Phase II of the Spring Avenue Redevelopment Project - Not to exceed \$31,172, from \$609,249 to \$640,421 - Financing: 2006-2007 Community Development Block Grant Reprogramming No. 2 Funds (\$26,568) and Water Utilities Capital Improvement Funds (\$4,604)

Michael Baker, Jr., 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: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$11,483.00	36.84%
Non-local contracts	\$19,688.30	63.16%
TOTAL THIS ACTION	\$31,171.30	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>
BDS Technologies, Inc.	BMDB47318Y1111	\$7,245.00	63.09%
Caye Cook & Associates	WFWB45149Y0511	\$4,238.00	36.91%
Total Minority - Local		\$11,483.00	100.00%

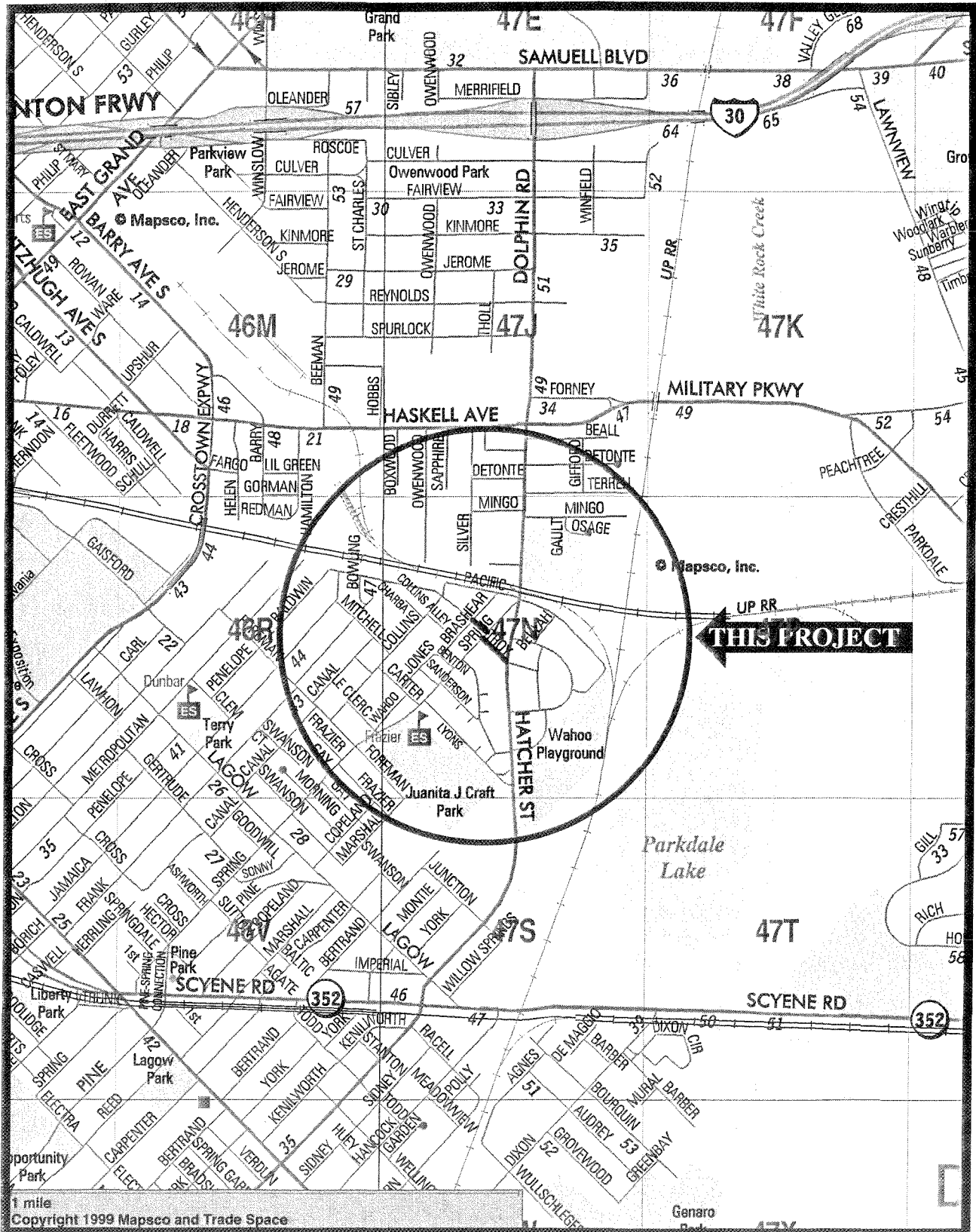
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$7,245.00	23.24%	\$183,150.32	28.60%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$34,000.00	5.31%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$4,238.00	13.60%	\$120,539.00	18.82%
Total	\$11,483.00	36.84%	\$337,689.32	52.73%

SPRING AVENUE REDEVELOPMENT PROJECT, PHASE II TROY STREET FROM BRASHEAR STREET TO HATCHER STREET



MAPSCO 47N

October 10, 2011

WHEREAS, on October 24, 2007, Resolution No. 07-3171 authorized a professional services contract for engineering services for developing a community conceptual plan with pedestrian oriented design concepts for Phase I of the Spring Avenue Redevelopment Project; and,

WHEREAS, on June 25, 2008, Resolution No. 08-1825 authorized Supplemental Agreement No. 1 to the contract with Michael Baker, Jr., Inc. to add a market analysis, four additional stakeholder meetings, and community engagement process for Phase I of the Spring Avenue Redevelopment Project in the amount of \$53,983.00, from \$68,858.00 to \$122,841.00; and,

WHEREAS, on November 3, 2009, Administrative Action No. 10-0249 authorized Supplemental Agreement No. 2 to the contract with Michael Baker, Jr., Inc. to modify the scope of services and provide additional alternative elevations for animation to complete Phase I of the Spring Avenue Redevelopment Project; and,

WHEREAS, on April 14, 2010, Resolution No. 10-0882 authorized Supplemental Agreement No. 3 to the contract with Michael Baker, Jr., Inc. for the design of infrastructure improvements for Phase II of the Spring Avenue Redevelopment Project in the amount of \$486,408.45, from \$122,841.00 to \$609,249.45; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 4 to the contract with Michael Baker, Jr., Inc. for additional engineering design and survey services necessary for the realignment of Troy Street in Phase II of the Spring Avenue Redevelopment Project in the amount of \$31,171.30, from \$609,249.45 to \$640,420.75.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 4 to the contract with Michael Baker, Jr., Inc. for additional engineering and survey services necessary for the realignment of Troy Street in Phase II of the Spring Avenue Redevelopment Project in the amount of \$31,171.30, from \$609,249.45 to \$640,420.75, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from:

FY 06-07 CD Reprogram #2
Fund 06R2, Dept. HOU, Unit 8676, Act. HO93
Obj. 4111, Program #PBNIP007, CT PBWNIP007L1
Vendor #VS0000006818, in an amount not to exceed \$26,567.80

October 10, 2011

Water Capital Improvement Fund
Fund 0115, Department DWU, Unit PW42, Act. RELP
Obj. 4111, Program #710103, Rep. #W2PK, CT PBW710103CP
Vendor #VS0000006818, in an amount not to exceed \$ 2,575.09

Wastewater Capital Improvement Fund
Fund 0116, Department DWU, Unit PS42, Act. RELP
Obj. 4111, Program #710104, Rep. #T2HM, CT PBW710104CP
Vendor #VS0000006818, in an amount not to exceed \$ 2,028.41

Total in an amount not to exceed \$31,171.30

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Water Utilities
CMO: Forest E. Turner, 670-3390
MAPSCO: 2 T

SUBJECT

Authorize a contract for the construction of major maintenance at the Elm Fork Water Treatment Plant - Eagle Contracting, LP, lowest responsible bidder of four - Not to exceed \$15,195,000 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The Elm Fork Water Treatment Plant was originally constructed in the 1950s. While the plant has been expanded with various improvements over the years, the last significant improvements were conducted in the early 1990s. Thus, the majority of the plant is operating with equipment that has been in place for 20 years or more. Because a significant number of equipment have reached their useful life, it is now causing maintenance issues which result in more frequent and longer downtime for parts of the plant. Additionally, spare parts have increasingly become difficult to procure due to the older equipment models and are causing reliability issues at the plant.

Key items for this major maintenance project include replacement of isolation gates and valves required to operate and isolate treatment processes; replacement of the lime system equipment which is critical to feed required amounts of lime for treatment compliance; yard piping improvements to install a by-pass line that will allow Dallas Water Utilities (DWU) more flexibility in transferring treated water into the distribution system; improvements to address hydraulic limitations through the flocculation basin walls (preventing spill-over at higher treatment flows); and replacement of various items such as chemical storage tanks and valves that are critical to the overall plant operation.

BACKGROUND (Continued)

This project is the first of eight major construction projects that are scheduled over the next several years at the Elm Fork plant. The goal is to improve our overall reliability by addressing the aging infrastructure at the plant. The subsequent construction projects relate to the conversion of the treatment process from enhanced softening to enhanced coagulation with biological active filtration. The goal is to improve overall water quality to meet the changes in regulatory requirements associated with disinfection by-products and long-term enhanced surface water treatment rule.

Because of the long-term duration and high cost implementation plan for the overall improvements, a phased approach was developed in order to better manage the available funding. The estimated cost for the entire Elm Fork Plant program totals over \$320,000,000.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2010
Completed Design	June 2011
Begin Construction	November 2011
Complete Construction	October 2013

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Malcolm Pirnie, Inc. to provide engineering services for Elm Fork Water Treatment Plant water quality improvements on June 23, 2010, by Resolution No. 10-1641.

FISCAL INFORMATION

\$15,195,000.00 - Water Utilities Capital Improvement Funds

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Eagle Contracting, LP

Hispanic Female	4	Hispanic Male	87
Black Female	0	Black Male	1
Other Female	0	Other Male	0
White Female	3	White Male	32

BID INFORMATION

The following bids with quotes were opened on July 21, 2011:

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*Eagle Contracting, LP 5700 Park Vista Circle Fort Worth, Texas 76244	\$15,195,000.00
Archer Western Construction, LLC	\$15,535,000.00
Cajun Constructors, Inc.	\$17,389,000.00
Quest Civil Constructors Texas, LLC	\$19,969,969.00

OWNER

Eagle Contracting, LP

Charles Howard, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of major maintenance at the Elm Fork Water Treatment Plant - Eagle Contracting, LP, lowest responsible bidder of four - Not to exceed \$15,195,000 - Financing: Water Utilities Capital Improvement Funds

Eagle Contracting, LP 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	\$5,755,727.00	37.88%
Total non-local contracts	\$9,439,273.00	62.12%
TOTAL CONTRACT	\$15,195,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Tepeyac Construction	HFMB49232N0512	\$23,077.00	0.40%
Duran Industries, Inc.	HMDB50415Y0912	\$400,000.00	6.95%
Garland Heating & A/C Company, Inc.	HMMB47826Y1211	\$344,900.00	5.99%
North Texas Trucking, Inc.	HMDB48323Y0212	\$156,844.00	2.73%
Bluebonnet Waste Control, Inc.	HMMB50297N0812	\$7,500.00	0.13%
LKT & Associates, LLC	WFDB47027Y1011	\$1,853,112.00	32.20%
Partnering for Success, Inc.	WFWB47697Y1211	\$5,350.00	0.09%
Total Minority - Local		\$2,790,783.00	48.49%

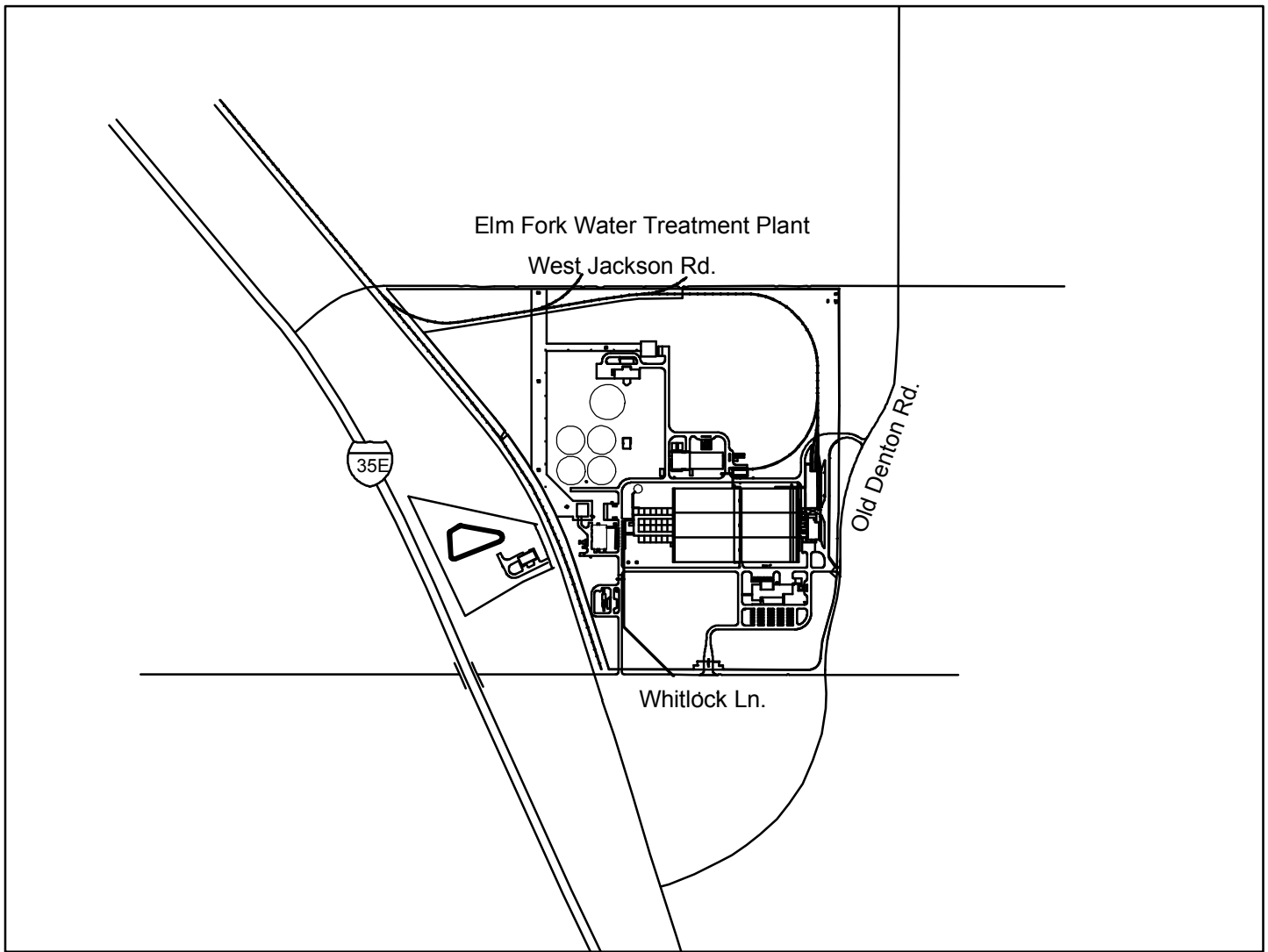
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Geesey Consulting, Inc.	HFDB48184Y0112	\$131,377.00	1.39%
Belco Mfg. Co., Inc.	WFWBE76280212	\$247,188.00	2.62%
BRJ Paving, Inc.	WFWB48336N0212	\$202,400.00	2.14%
Ricochet Fuel Distributors, Inc.	WFWB47434Y1111	\$102,090.00	1.08%
Total Minority - Non-local		\$683,055.00	7.24%

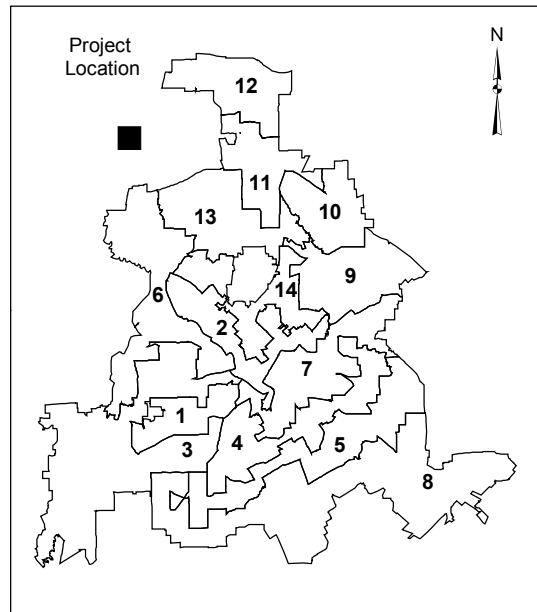
BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY
Page 2

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	\$932,321.00	16.20%	\$1,063,698.00	7.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,858,462.00	32.29%	\$2,410,140.00	15.86%
Total	<u>\$2,790,783.00</u>	<u>48.49%</u>	<u>\$3,473,838.00</u>	<u>22.86%</u>



Mapsc0: 2 T
Council District: Outside City Limits



**Water Utilities Department
Contract No. 11-085
Elm Fork Water Treatment Plant
Major Maintenance Project**

October 10, 2011

WHEREAS, bids were received on July 21, 2011 for the construction of major maintenance at the Elm Fork Water Treatment Plant, Contract No. 11-085, listed as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Eagle Contracting, LP	\$15,195,000.00
Archer Western Construction, LLC	\$15,535,000.00
Cajun Constructors, Inc.	\$17,389,000.00
Quest Civil Constructors Texas, LLC	\$19,969,969.00

WHEREAS, the bid submitted by Eagle Contracting, LP, 5700 Park Vista Circle, Fort Worth, Texas 76244, in the amount of \$15,195,000.00 is the lowest and best of all bids received; **Now, Therefore,**

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

Section 1. That the bid submitted by Eagle Contracting, LP, in the amount of \$15,195,000.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 11-085, be accepted.

Section 2. That the City Manager be and is hereby authorized to execute a contract with Eagle Contracting, LP, for the construction of major maintenance at the Elm Fork Water Treatment Plant, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of \$15,195,000.00 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0115	DWU	PW31	WTPF	4320	711085	W2QX	CTDWU711085CP	356959

Eagle Contracting, LP - (Contract No. 11-085) - \$15,195,000.00

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 7, 8
DEPARTMENT: Water Utilities
CMO: Forest E. Turner, 670-3390
MAPSCO: 59 J 79 G

SUBJECT

Authorize a professional services contract with Carollo Engineers, Inc. to provide engineering services associated with solids handling improvements at the Central Wastewater Treatment Plant and the Southside Wastewater Treatment Plant - Not to exceed \$1,173,802 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

Solids produced during the wastewater treatment process at both of the City's wastewater plants are consolidated and disposed of at the Southside Wastewater Treatment Plant. Proper handling of these solids is important in reducing operational and maintenance costs, reducing the amount of odor generated, and maximizing the amount of methane produced for use in the Cogeneration facility. The 2010 Wastewater Treatment Facilities Strategic Plan identified several solids process improvements at each plant, which if implemented, could significantly improve operations in all of these areas.

This item is the first of two planned awards for engineering services to evaluate these solids handling improvements at the Central Wastewater Treatment Plant and the Southside Wastewater Treatment Plant. It includes the investigation, study, evaluation, and preparation of a design report outlining the recommended improvements and evaluated alternatives. Among the items included in this work are: solids pumping modifications to decrease operational and maintenance costs at both plants, digester mixing improvements to increase the amount of methane produced and used in the generation of electricity, and construction of a grease digestion facility to increase volatile solids reduction and decrease the amount of solids to be disposed of.

The second phase of this project will be to provide the detailed design and construction administration services associated with this work, and will be awarded in a subsequent Council action after the full extent of the work is determined.

The estimated construction cost associated with this project is \$8,000,000.00.

ESTIMATED SCHEDULE OF PROJECT

Begin Design November 2011
Complete Design May 2012

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$1,173,802.00 - Water Utilities Capital Improvement Funds

<u>Council District</u>	<u>Amount</u>
7	\$ 395,261.00
8	<u>\$ 778,541.00</u>
Total	\$1,173,802.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Carollo Engineers, Inc.

Hispanic Female	18	Hispanic Male	26
Black Female	4	Black Male	9
Other Female	22	Other Male	50
White Female	146	White Male	340

OWNER

Carollo Engineers, Inc.

Gary Deis, Chief Executive Officer

MAPS

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Carollo Engineers, Inc. to provide engineering services associated with solids handling improvements at the Central Wastewater Treatment Plant and the Southside Wastewater Treatment Plant - Not to exceed \$1,173,802 - Financing: Water Utilities Capital Improvement Funds

Carollo Engineers, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-consultants.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,146,927.00	97.71%
Total non-local contracts	\$26,875.00	2.29%
TOTAL CONTRACT	\$1,173,802.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
JQ Infrastructure	IMDB49215Y0512	\$95,855.00	8.36%
MPR Group, Inc.	PMMB46603N0911	\$122,500.00	10.68%
Gupta & Associates, Inc.	PMMB49213Y0512	\$40,554.00	3.54%
Clear Message Communication, LLC	WFWB46623N0911	\$17,500.00	1.53%
Total Minority - Local		\$276,409.00	24.10%

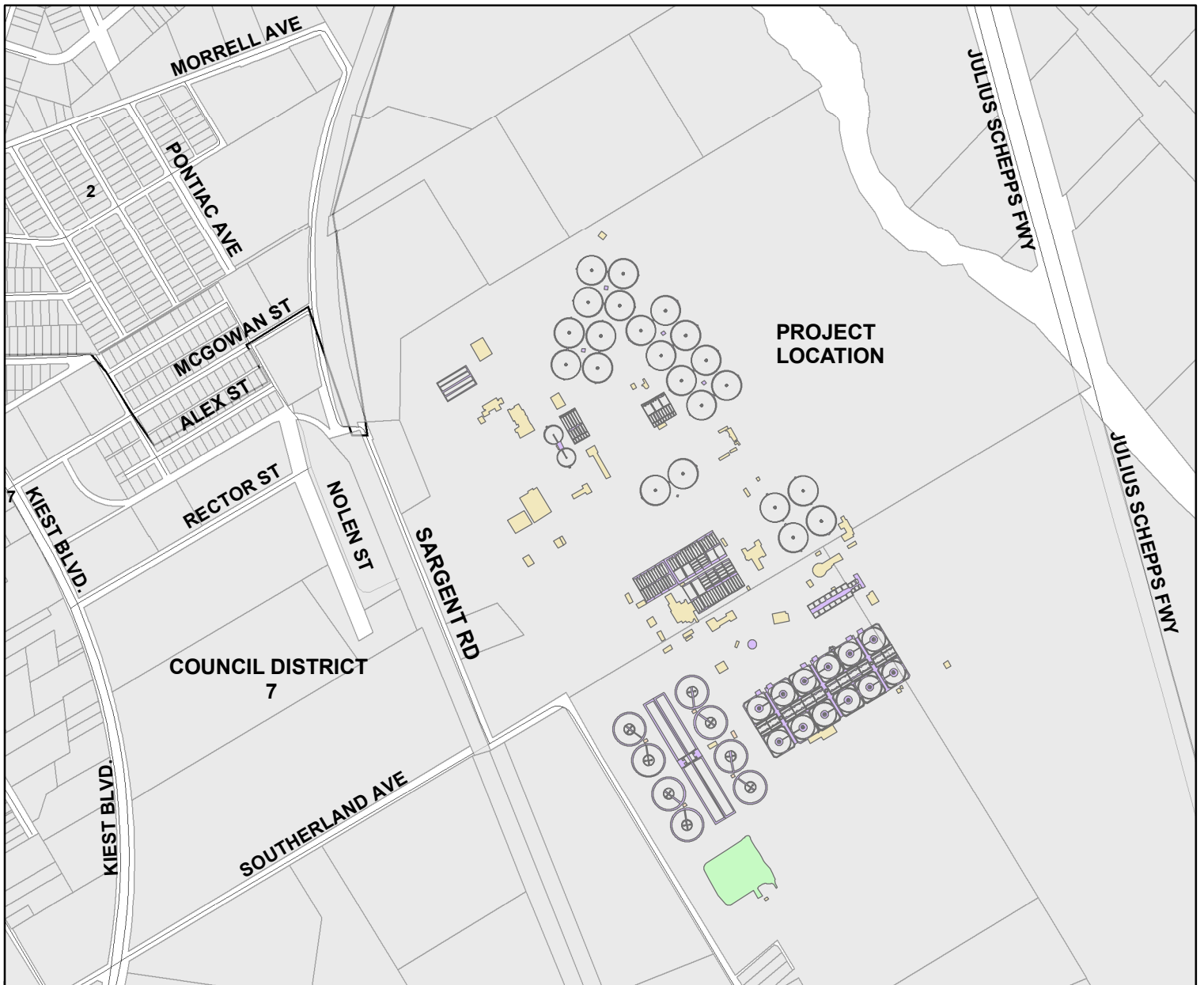
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
CSR Environmental, LLC	HFMB50090N0812	\$26,875.00	100.00%
Total Minority - Non-local		\$26,875.00	100.00%

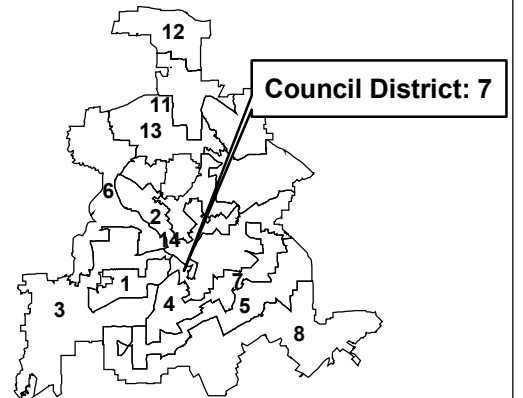
BUSINESS INCLUSION AND DEVELOPEMENT PLAN SUMMARY
Page 2

TOTAL M/WBE CONTRACT PARTICIPATION

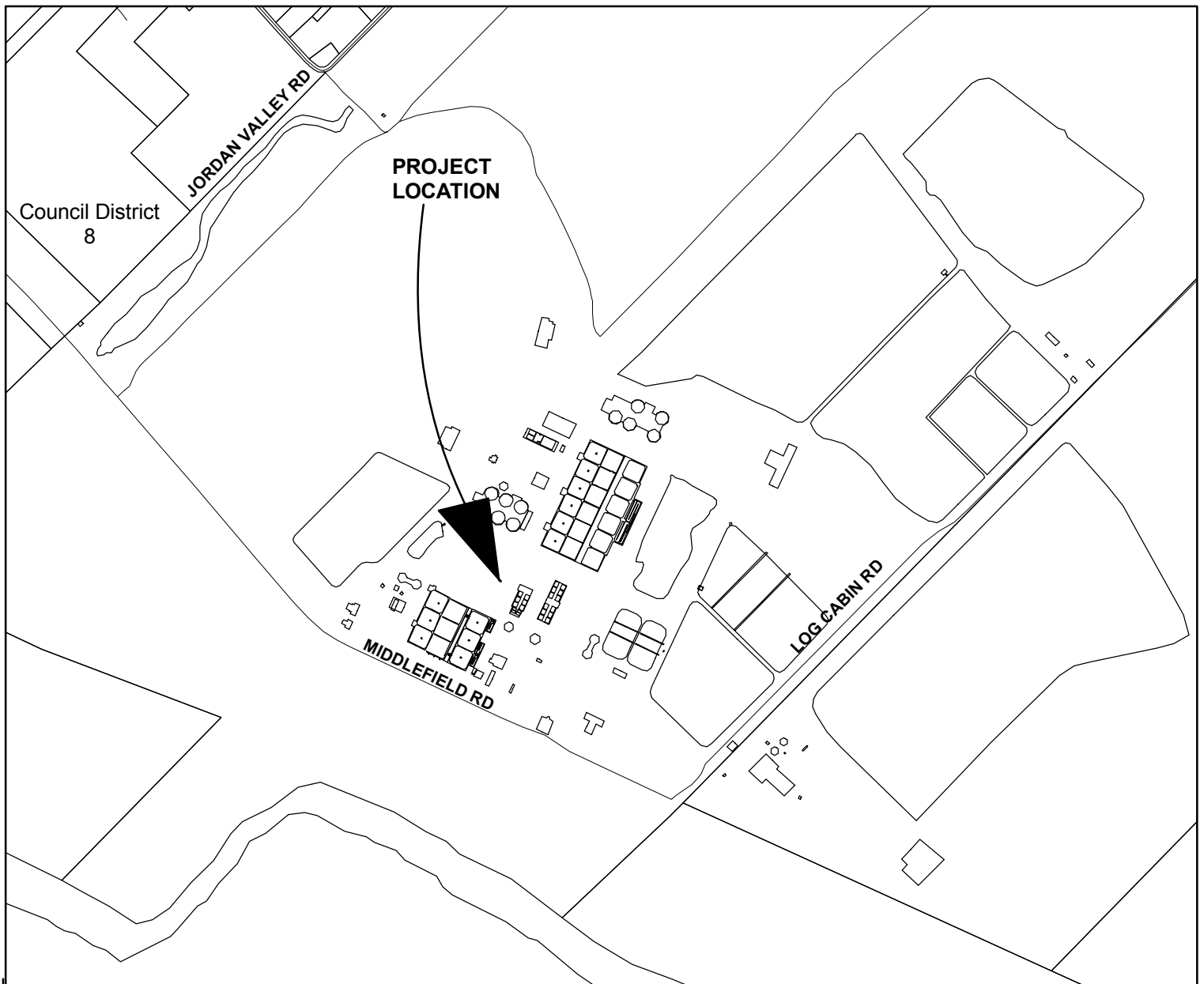
	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$26,875.00	2.29%
Asian American	\$258,909.00	22.57%	\$258,909.00	22.06%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$17,500.00	1.53%	\$17,500.00	1.49%
Total	<u>\$276,409.00</u>	<u>24.10%</u>	<u>\$303,284.00</u>	<u>25.84%</u>



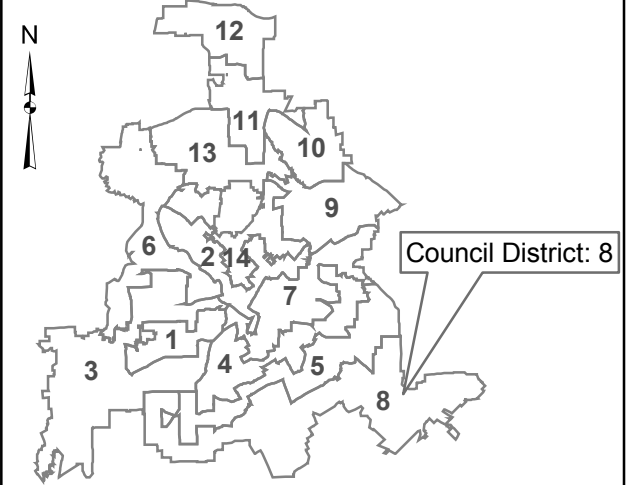
Mapsc0: 56 J



Water Utilities Department
 Contract No. 11-050E
 Central Wastewater Treatment Plant
 Solids Handling Improvements



Mapsc0: 79 G



**Water Utilities Department
Contract No. 11-050E
Southside Wastewater Treatment Plant
Solids Handling Improvements**

October 10, 2011

WHEREAS, the Water Utilities Department has recognized several areas needing evaluation of the treatment process, equipment, and infrastructure, and preparation of a design report with recommendations for solids handling improvements at the Central Wastewater Treatment Plant and the Southside Wastewater Treatment Plant; and,

WHEREAS, engineering services are required for the evaluation and preliminary design for each individual improvement; and,

WHEREAS, Carollo Engineers, Inc., 14785 Preston Road, Suite 950, Dallas, Texas 75254, has submitted an acceptable proposal to provide these engineering services;
Now, Therefore,

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

Section 1. That the proposal submitted by Carollo Engineers, Inc. in the amount of \$1,173,802.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with Carollo Engineers, Inc., to provide engineering services associated with solids handling improvements at the Central Wastewater Treatment Plant and the Southside Wastewater Treatment Plant, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of \$1,173,802.00 from the Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0116	DWU	PS31	WWTP	4111	711050	T2JI	CTDWU711050CP	339957

Carollo Engineers, Inc. - (Contract No. 11-050E) - \$1,173,802.00

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 8
DEPARTMENT: Water Utilities
CMO: Forest E. Turner, 670-3390
MAPSCO: 79 G

SUBJECT

Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional construction services required for the Dewatering Facility at the Southside Wastewater Treatment Plant - Not to exceed \$421,367, from \$39,129,700 to \$39,551,067 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item will authorize additional work identified during the construction of the Dewatering Facility at the Southside Wastewater Treatment Plant. This work includes process piping modifications, structural revisions, and additional concrete work necessary for proper operation of the facility. Construction of the new facility began in September 2009 and is scheduled to be complete in April 2012.

This item includes modifications to underground process piping due to a conflict with unknown existing underground utilities, changes to the structural design to facilitate the construction of several pipe supports, and additional concrete under the solids conveying equipment to provide better access and reduce operational and maintenance costs. Also included in this item is the removal of grit that had accumulated in the solids blend tanks, which needed to be removed to allow for the aeration piping work in the tanks.

Some of the additional work items are due to errors or omissions by the design engineer and will be appropriately compensated by the engineer.

ESTIMATED SCHEDULE OF PROJECT

Began Construction September 2009
Complete Construction April 2012

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Archer Western Contractors, Ltd. for the construction of a new Dewatering Facility at the Southside Wastewater Treatment Plant on August 12, 2009, by Resolution No. 09-1941.

FISCAL INFORMATION

\$421,366.55 - Water Utilities Capital Improvement Funds

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Archer Western Contractors, Ltd.

Hispanic Female	11	Hispanic Male	394
Black Female	2	Black Male	37
Other Female	1	Other Male	11
White Female	28	White Male	227

OWNER

Archer Western Contractors, Ltd.

Matthew Walsh, President
Daniel J. Walsh, Chief Executive Officer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional construction services required for the Dewatering Facility at the Southside Wastewater Treatment Plant - Not to exceed \$421,367, from \$39,129,700 to \$39,551,067 - Financing: Water Utilities Capital Improvement Funds

Archer Western Contractors, 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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$421,366.55	100.00%
TOTAL THIS ACTION	\$421,366.55	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

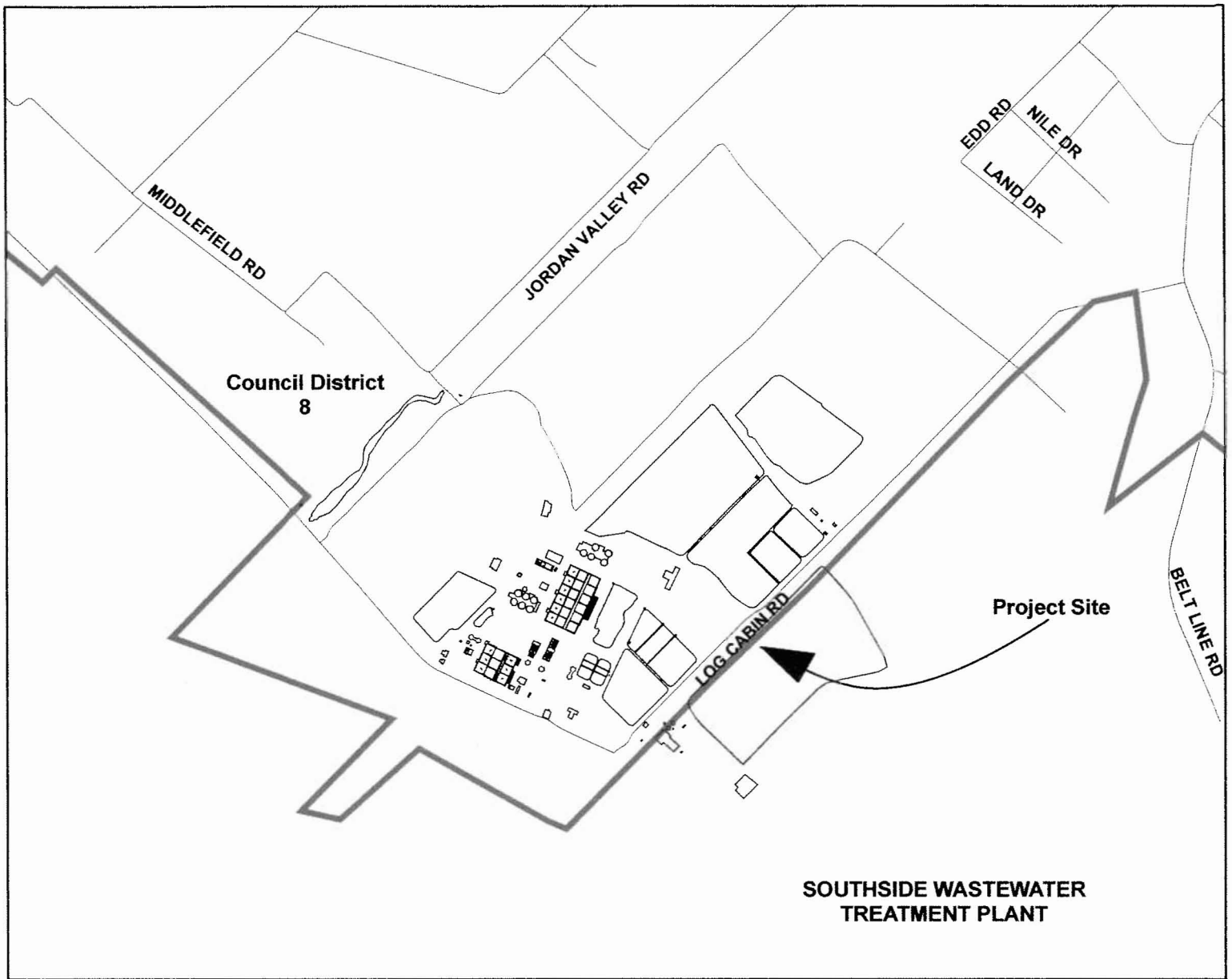
None

Non-Local Contractors / Sub-Contractors

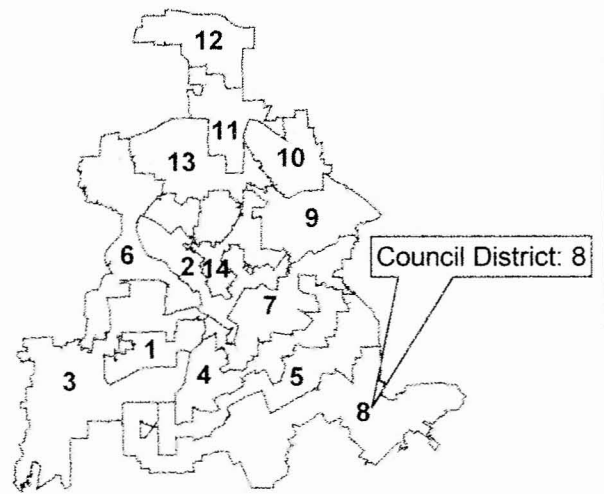
None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$155,064.00	0.39%
Hispanic American	\$0.00	0.00%	\$234,378.00	0.59%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$6,565,218.00	16.60%
WBE	\$0.00	0.00%	\$2,927,237.00	7.40%
Total	\$0.00	0.00%	\$9,881,897.00	24.99%



Mapsco: 79 G



**Water Utilities Department
Contract No. 08-308
Change Order No. 1
Southside Wastewater Treatment Plant
Dewatering Facility**

October 10, 2011

WHEREAS, on August 12, 2009, the City Council awarded Contract No. 08-308 in the amount of \$39,129,700.00 by Resolution No. 09-1941, to Archer Western Contractors, Ltd., 2121 Avenue J, Suite 103, Arlington, Texas 76006, for the construction of a new Dewatering Facility at the Southside Wastewater Treatment Plant; and,

WHEREAS, additional work is necessary due to unforeseen conditions and for constructability issues; and,

WHEREAS, Archer Western Contractors, Ltd. has submitted an acceptable proposal for this additional work; and,

WHEREAS, the Water Utilities Department recommends that Contract No. 08-308 be increased by \$421,366.55, from \$39,129,700.00 to \$39,551,066.55; **Now, Therefore,**

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

Section 1. That the proposed Change Order No. 1 be accepted and that Contract No. 08-308 with Archer Western Contractors, Ltd., be revised accordingly.

Section 2. That the City Controller be and is hereby authorized to pay the amount of \$421,366.55 from the Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0116	DWU	PS31	WWTP	4330	708308	T2JA	CTDWU708308CPA	343436

Archer Western Contractors, Ltd. - (Contract No. 08-308) - \$421,366.55

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.

AGENDA ITEM # 36

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the law firm of Munck Carter, LLP for additional legal services necessary to represent the City in the lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P - Not to exceed \$325,000, from \$25,000 to \$350,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize Munck Carter, LLP to provide additional legal services necessary for the resolution of the matters in the lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council is scheduled to be briefed in Closed Session on September 21, 2011.

On September 28, 2011, this item was deferred by Councilmember Caraway.

FISCAL INFORMATION

\$325,000.00 - Current Funds

M/WBE INFORMATION

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

ETHNIC COMPOSITION

Munck Carter, LLP

Hispanic Female	3	Hispanic Male	1
Black Female	2	Black Male	3
Other Female	5	Other Male	3
White Female	25	White Male	27

OWNER

Munck Carter, LLP

Leon Carter, Partner

October 10, 2011

WHEREAS, the City of Dallas is involved in a lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P; and,

WHEREAS, on March 22, 2011, pursuant to Administrative Action No. 11-0827, the City of Dallas authorized a professional services contract with Munck Carter, LLP, in an amount not to exceed \$25,000.00 for legal advice and counsel services necessary in this matter; and,

WHEREAS, the legal services of Munck Carter, LLP, continue to be necessary for representation of the City in this lawsuit; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 with the law firm of Munck Carter, LLP, for additional legal services necessary in the lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P, in an amount not to exceed \$325,000.00, increasing the original contract amount from \$25,000.00 to \$350,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to the law firm of Munck Carter, LLP, an amount not to exceed \$325,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389011F187, Vendor No. VC0000001645.

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: October 10, 2011
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 670-3314
MAPSCO: N/A

SUBJECT

Home Depot Amendment

- * Authorize an amendment to the City of Dallas Public/Private Partnership Program Guidelines and Criteria, pursuant to the Property Redevelopment and Tax Abatement Act (V.T.C.A., Tax Code, Chapter 312), governing tax abatement agreements and other City incentives intended to promote private investment, tax base growth and job creation to include the authority to administer and to accept resources from other political subdivisions of the state to administer our economic development program in accordance with the Local Government Code Chapter 380.001(b)(2) and (3) - Financing: No cost consideration to the City
- * Authorize an amendment to the development agreement with PR Crow I-20 II, LP and Home Depot pursuant to Resolution No. 11-1190, previously approved on April 27, 2011, to: **(1)** increase the grant from \$2,475,000 to \$3,775,000 to reflect the County's contribution to the project and allow the receipt and disbursement of funds pursuant to Public Private Program Guidelines and Criteria from Dallas County; and **(2)** extend the completion date from March 31, 2012 to August 31, 2012 - Financing: No cost consideration to the City
- * Authorize an amendment to Resolution No. 11-1192, previously approved on April 27, 2011, to: **(1)** authorize the installation and procurement of a traffic signal at the intersection of Kestrel and Daniieldale Road; and **(2)** rescind the authority to install and procure a traffic signal at the intersection of Polk and Daniieldale Road - Financing: No cost consideration to the City

BACKGROUND

On April 27 and May 25, 2011, the City Council authorized a development agreement and economic development incentives for a new 1,187,000 sf Home Depot distribution facility in South Dallas.

BACKGROUND (Continued)

Real property and tenant improvements needed to the facility are anticipated to exceed \$20 million.

In addition to the distribution facility, the project requires reconstructing Danieldale Road (from Hampton Road to Polk Street) which is currently two lanes and does not meet City thoroughfare standards. Necessary Danieldale Road improvements include replacing the existing road by constructing three lanes from Hampton Road approximately 2,850 feet to the east and two lanes an additional 2,400 feet to the east to Polk Street at City thoroughfare standard. Additional public improvements associated with the road include street lighting, traffic signals and drainage among other items. The total cost for the described Danieldale Road improvements is estimated at \$4,066,000.

Dallas County has agreed to support Danieldale Road construction on a matching and reimbursement basis up to a maximum of \$1.3 million subject to approval and execution of a Project Supplemental Agreement to the City's Master Agreement with Dallas County. Additional funding contributions include \$500,000 from adjacent property owners in Desoto and \$300,000 from the Desoto Economic Development Corporation. Through the proposed Chapter 380 economic development grant, the City of Dallas will contribute up to \$2 million for Danieldale improvements and an additional \$475,000 for additional site development costs including drainage detention ponds. In addition to the costs associated with the site and facility improvements, Trammell Crow is responsible for any cost overruns related to the public infrastructure. The City Council is requested to amend the Public Private Partnership Program Guidelines, development agreement for this project and an associated traffic signal authorization from previous resolutions.

On June 23, 2010, pursuant to Resolution No. 10-1731, the City Council adopted Guidelines and Criteria for the Public Partnership Program governing tax abatements and other business incentives such as Economic Development Grants. The City Council is requested to adopt an amendment to the guidelines to authorize Staff to administer and to accept resources from other political subdivisions of the state to administer our economic development program in accordance with Chapter 380.001(b)(2) and (3). This amendment will allow the City to receive resources from other governmental entities such as Dallas County for agreements such as the Home Depot development.

BACKGROUND (Continued)

On April 27, 2011, pursuant to Resolution No. 11-1190, the City Council authorized a development agreement with PR Crow I-20 II, LP for the improvements of Daniieldale Road. Staff is requesting the City Council to consider authorizing an amendment to reflect the proposed Public Private Program amendment and allow the acceptance of funds from Dallas County to administer a development agreement in accordance with Chapter 380.001(b)(2) and (3). In addition, staff is requesting the City Council to extend the completion date for the project from March 31, 2012 to August 31, 2012. This extension is necessary as there was a delay in getting a lease executed between the developer and Home Depot.

Another element of the project approved by the City Council on April 27, 2011 authorized PR Crow I-20 II, LP installation of traffic signals at the intersection of Hampton Road and Daniieldale Road and Polk and Daniieldale Road. Subsequent traffic studies have shown that no traffic signal is warranted at the Daniieldale and Polk intersection. Home Depot has approached the City requesting authorization for an alternative traffic signal at Kestrel and Daniieldale Road. This traffic signal will serve to manage the increased traffic in a safer manner that will result from Home Depot occupying the distribution center. Conservative traffic estimates range from 250 to 500 daily inbound and outbound trucks using this intersection. The proposed traffic signal at Kestrel is not warranted, according to traffic studies, but it would help smooth the Home Depot operations and lessen traffic congestion on Daniieldale Road. Additionally, a traffic signal at this intersection would make the road safer for non Home Depot traffic as it would help manage the commuter traffic of this feeder road. PR Crow I-20 II, LP has approached Staff indicating a desire to pay the full cost of the signal hardware and installation of a traffic signal at the intersection of Kestrel and Daniieldale. Staff is requesting the City Council to consider authorizing an amendment to the development agreement pursuant to Resolution No. 11-1192 to (1) authorize the installation and procurement of a traffic signal at the intersection of Kestrel and Daniieldale; and (2) rescind the authority to install and procure a traffic signal at the intersection of Polk and Daniieldale.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2010, the City Council authorized the re-adoption of the Guidelines & Criteria for the Public/Private Partnership Program governing the provision of tax abatement and other economic incentives by Resolution No. 10-1731.

On April 27, 2011, the City Council authorized a development agreement with Trammell Crow and Home Depot by Resolution No. 11-1190.

On April 27, 2011, the City Council authorized a Project Specific Agreement with Dallas County which set out the County's financial contribution to the Project by Resolution No. 11-1191.

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

On April 27, 2011, the City Council authorized the procurement and installation of traffic signals along Daniieldale Road by Resolution No. 11-1192.

On October 3, 2011, a memo was submitted to the Economic Development Committee regarding authorizing an amendment to the development agreement with PR Crow I-20 II, LP and Home Depot pursuant to Resolution No. 11-1190, previously approved on April 27, 2011.

FISCAL INFORMATION

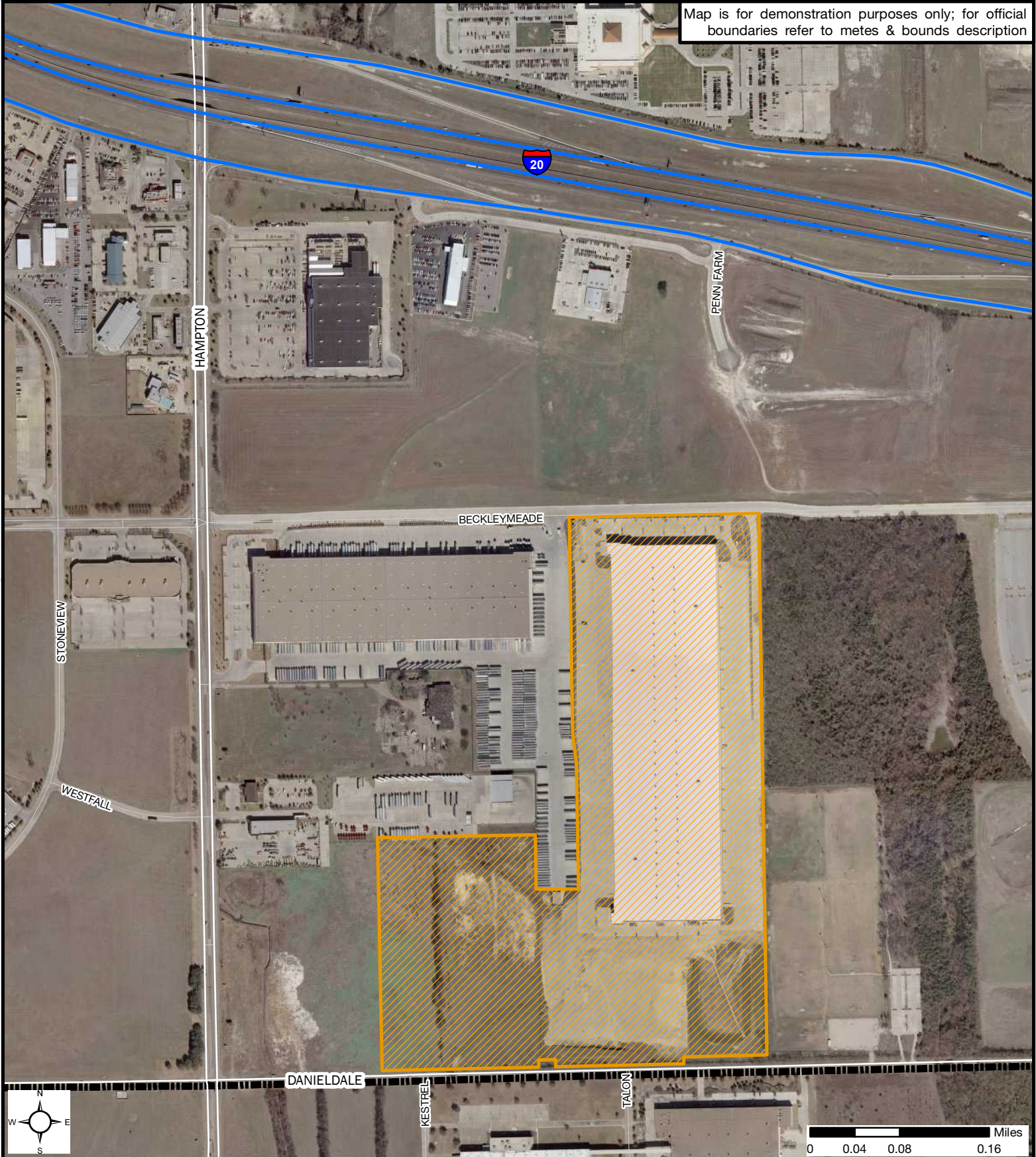
No cost consideration to the City

MAP

Attached.

Reinvestment Zone #76



Map is for demonstration purposes only; for official boundaries refer to metes & bounds description






**DALLAS
ECONOMIC
DEVELOPMENT**

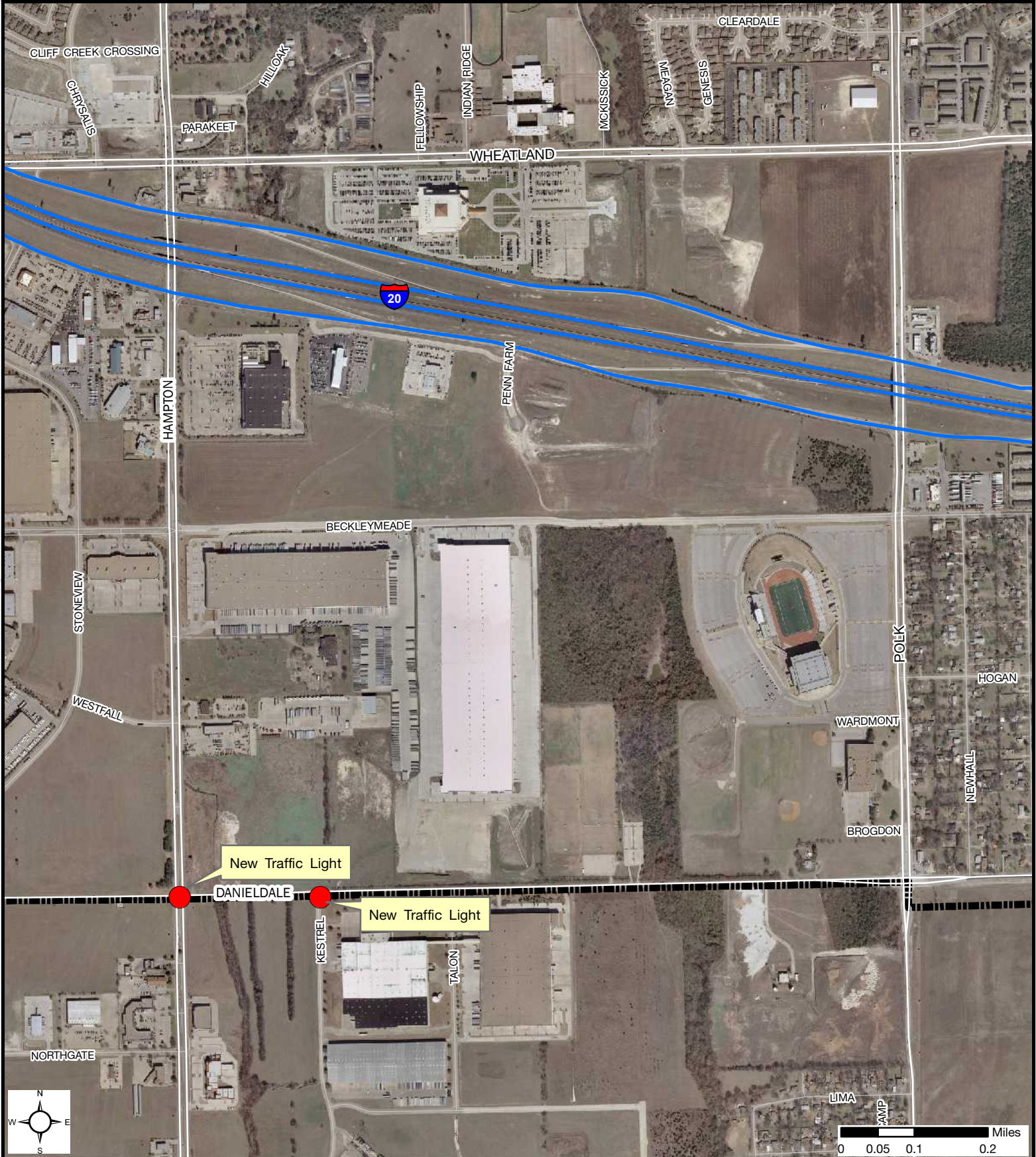
Research & Information Division
214.670.1685
dallas-ecodev.org

Legend

-  Reinvestment Zone #76
-  Freeway

-  Arterial
-  Local Road
-  City of Dallas

Traffic Light Locations



**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 4.11.11, Updated 9.19.11 -
11-04-11 Carlos Guzman_Traffic Light.TCG

Legend

- New Traffic Light
- Freeway

Arterial

Local Road

City of Dallas

Source: Aerial photo - NCTCOG, 2009; All Other Data - City of Dallas, 2011

October 10, 2011

WHEREAS, the City recognizes the importance of its continued aggressive role in local economic development; and

WHEREAS, there is a need for general policy guidelines to coordinate various City incentive programs to assure judicious use of economic development resources in order to safeguard the financial position of the City; and

WHEREAS, the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A., Tax Code, Chapter 312), requires any taxing jurisdiction wishing to enter into tax abatement agreements to establish guidelines and criteria governing tax abatement agreements which are effective for two years unless amended by a vote of three-fourths of the members of the City Council; and

WHEREAS, on June 27, 2010, pursuant to Resolution No. 10-1731, the City Council authorized the adoption of the City of Dallas' Public/Private Partnership Program Guidelines & Criteria governing tax abatement agreements and other economic development incentives including infrastructure cost participation, development fee rebates, right-of-way abandonment rebates and credits, and a program for loans and grants; and

WHEREAS, it is in the best interest of the City of Dallas to adopt Guidelines & Criteria for the Public/Private Partnership Program in order to make use of available economic development incentives for the promotion of new businesses, the retention and expansion of existing businesses, enhancement of the tax base, and the creation and retention of job opportunities for Dallas citizens; and

WHEREAS, it is in the best interest of the City of Dallas to amend Guidelines & Criteria for the Public/Private Partnership Program in order to have the ability to receive resources from other political subdivisions for Economic Development purposes; and

WHEREAS, the City of Dallas' Public/Private Partnership Program Guidelines & Criteria shall not be construed as implying or suggesting that the City of Dallas is under obligation to provide tax abatement or other incentive to any applicant, and all applicants shall be considered on a case-by-case basis.

NOW, THEREFORE,

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

October 10, 2011

Section 1. That the City of Dallas does hereby elect to amend the Public Private Partnership Program to include the authority to administer and to accept resources from other political subdivisions of the state to administer our economic development program in accordance with the Local Government Code Chapter 380.001(b)(2) and (3).

Section 2. That the documents attached hereto and made a part of this Resolution entitled "Public/Private Partnership Program Summary" and "Public/Private Partnership Program Guidelines and Criteria", **Exhibit A**, are hereby adopted as Guidelines and Criteria for governing abatement agreements, as specified in the Property Redevelopment and Tax Abatement Act, as well as for other City of Dallas economic development programs for a period of two years or unless new Guidelines and Criteria are adopted by the City Council.

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

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Sajid Safdar, 2CN
Office of Economic Development – Carlos Guzman, 5CS
City Attorney's Office – Barbara Martinez

EXHIBIT A

City of Dallas Public/Private Partnership Program Summary for Non-Residential Projects

City of Dallas Public/Private Programs

It is the purpose of the following programs to provide assistance only for projects where such assistance is necessary to stimulate private investment. Accordingly, these programs are available when agreements between the City and private parties that are not tax-exempt are approved by City Council prior to private investment occurring. Projects seeking economic incentives must provide written assurance that 'but for' the incentives sought, the proposed project would be substantially altered such that the project would not otherwise occur in the city or the economic returns to the city would be reduced. Projects occurring in Southern Dallas are provided special consideration.

The information contained herein shall not be construed as implying or suggesting that the City of Dallas is offering or is under any obligation to provide tax abatement or other incentives to any applicant, and all applicants shall be considered on a case-by-case basis. Pawnshops, sexually oriented businesses, bars, truck stops, and truck dealerships are excluded from consideration for incentives provided under this program.

Eligibility Requirements

Each geographic area of the City has a minimum requirement in order to be considered for incentives:

- **Southern Dallas:** Projects must create/retain 25 jobs or provide \$1 million of investment;
- **Northern Dallas and Central Business District:** Projects must create/retain 150 jobs or provide \$10 million of investment; and
- **Non-Conforming Projects:** Projects will be considered on a case-by-case basis.

Tax Abatement

Temporary abatement of either real estate or personal property taxes. Recipient firms must meet primary considerations of capital improvements and job creation/retention. City staff may consider secondary considerations such as Dallas resident employment, efforts to exceed minimum environmental regulations, wage rates, community activities, target industry projects, and M/WBE participation when negotiating this incentive. A firm's tax abatement percentage will be reduced by 25 percent for any single year of the tax abatement term in which secondary considerations included in the agreement are not met unless an alternative method is prescribed by City Council in a project specific resolution. Real property tax abatement is not available in TIF Districts. In limited cases, projects may be considered for a combination of both real and personal property tax abatement when the combined amount does not exceed 90 percent of the City taxes on total new improvement value. All tax abatements must begin by January 1 of the second calendar year following City Council authorization.

Abatement Benefits:

- **Southern Dallas:** Real property tax abatement up to 90 percent for 10 years and/or a business personal property tax abatement of up to 50 percent for five years;
- **Northern Dallas:** Real property tax abatement up to 50 percent for 10 years and/or a business personal property tax abatement of up to 50 percent for five years;

EXHIBIT A

- **Central Business District:** Business personal property tax abatement of up to 75 percent for five years and/or for non-TIF District sites real property tax abatement of up to 90 percent for 10 years; and
- **Non-Conforming Projects:** Projects will be considered on a case-by-case basis.

Business Development Chapter 380 Grant Program

Companies considering a relocation/expansion or new commercial development may be eligible for a grant in lieu of tax abatement or to defray project costs such as: land purchase, building costs, public infrastructure costs, development fees, right of way abandonment fees, loan guarantees, training costs, relocation costs, etc. Grants will be considered on a case-by-case basis and are subject to funding limitations and investment/job eligibility requirements. Companies will be required to meet eligibility requirements of the Public/Private Partnership Program. Pursuant to this program the City may administer and accept resources from other political subdivision of the state to support this program.

Transit-Oriented Development (TOD) Program

Minimum eligibility for consideration of city incentives through the Public/Private Partnership Program will require a cumulative investment of \$300 million for new mixed-use, commercial, retail and/or residential development in proximity of at least two DART light-rail transit stations (with one or both in Southern Dallas). TOD projects are eligible for consideration for the full complement of necessary and appropriate incentives available through this program including, but not limited to, tax increment financing, tax abatement, grants and loans, and infrastructure cost participation. Residential developments seeking incentives will be required to have a 20 percent affordable housing set aside in North Dallas and mixed-income housing in Southern Dallas. Further, projects must meet the City's established Good Faith Effort guidelines for M/WBE participation.

Economic Development GO Bond Program for Southern Dallas

General Obligation Bond funding may be used as described in this paragraph for private commercial, industrial, retail, residential, and mixed-use development in the Southern area of the city that promotes economic development. Funding may be provided as a catalyst to promote private economic development and may be used for planning, designing, extending, constructing and acquiring land for public streets, utilities and other related infrastructure facilities or uses consistent with this purpose. Funding is also available in support of mixed-use or residential development, for the acquisition of improved and unimproved properties and for the cost of demolition of existing structures. Private developments may be eligible for economic development grants and loans pursuant to Chapter 380 of the Texas Local Government Code. Grants and loans will be considered for infrastructure improvements and/or land acquisition consistent with the scope of funding and other uses described above. Grants or loans will be considered on a case-by-case basis subject to funding limitations and development agreements approved by City Council, which agreements will contain appropriate conditions, safeguards and benchmarks to ensure that the public purpose of economic development will be carried out. Residential developments will be required to have a mixed-income set aside. Further, it is anticipated that resources and other forms of development assistance from other applicable City economic development programs may be utilized to support this program.

Local Government Corporation (LGC) Chapter 380 Grant Program

The City of Dallas will consider making grants from its general fund to a LGC, subject to annual appropriation of funds and the approval of the Dallas City Council. These funds will be restricted to the payment of project costs, including the payment of debt service on any bonds issued by the LGC to finance project costs, and the funding of any necessary reserve fund or capitalized interest

EXHIBIT A

accounts and the payment of the cost of issuance of bonds.

City of Dallas Regional Center - EB 5

The City of Dallas Regional Center (CDRC) is dedicated to assisting individuals and their families through the EB-5 immigration process via investment into businesses and development projects located within the Dallas city limits. The CDRC offers a variety of investments to foreign investors that meet or exceed requirements and offer investors features unique to the EB-5 community. Minimum foreign investment is \$500,000 in Targeted Employment Areas or \$1M in other areas. All opportunities supported by the CDRC must provide 10 full-time jobs (directly or indirectly) per investor.

New Market Tax Credits

The City of Dallas participates in the New Market Tax Credit Program (NMTC), a federal program operated by the Department of Treasury, that provides opportunities for new development in traditionally underserved areas. The program provides NMTC investors with a 39% federal tax credit payable over seven years. These investments are partnered with additional funds for businesses and real estate development in Low Income Neighborhoods.

Target Industry Projects

Target Industry projects are provided special consideration for economic incentives and are generally defined as follows: Brownfields or recycling, information technology, building materials and furnishings, company headquarters, logistics, telecommunications, transportation manufacturing and assembly, film/television/media, advanced instruments and food processing/distribution. Due to the temporary nature of film/television production, projects in this industry are not required to meet minimum job or investment eligibility established for the Public/Private Partnership Program. Rather, these projects are considered on a case-by-case basis with consideration given to the positive economic returns projects bring to the City. Target Industry projects must be confirmed in advance by the City in order to receive consideration under this designation.

Non-Conforming Projects

Non-Conforming projects are considered on a case-by-case basis for high impact projects, unique developments and competitive situations where projects may receive competing offers of incentives. These projects require a simple majority vote of City Council in Southern Dallas and a 3/4 vote of City Council in the CBD and in Northern Dallas. High Impact Project - Projects creating/retaining a minimum of 500 jobs with substantial capital investment. In addition, this status may be granted to major projects by Fortune 500, Manufacturers 400, or Global 500 listed firms.

Competitive and Retention Projects

In special cases, companies receiving competing offers of incentives or those currently located in the city of Dallas considering a relocation/expansion are eligible to apply for financial incentives with negotiable terms. Existing firms must expand job base by 25 percent to be eligible for consideration. Incentives may be offered in specific cases to 'match other offers.' Companies may be required to demonstrate competing cities, offers, land/lease costs, taxes at current rates, utility rates, relocation costs, other significant costs and 'gap' to be filled, etc.

Other Sources of Financial Assistance Tax Increment Districts

Special districts funding public improvements (not services) with increased tax revenues resulting from new private development. Tax rates are the same as elsewhere in the City and no added cost to private parties is incurred.

EXHIBIT A

Public Improvement Districts

Special districts created by petition to privately fund public improvements or special supplemental services over and above those provided by City, when such services are supportive of related City investments in capital improvements.

Foreign Trade Zone

Allows duty-free importing of foreign-made components into the Zone, where they may be assembled, manufactured, processed or packaged. Duties are charged only when products are subsequently distributed into the U.S. market - if they are shipped to international markets, no duty is levied.

State Incentives

The City of Dallas will facilitate applications for assistance from State programs including Enterprise Zone Projects, Texas Enterprise Fund, and the Texas Emerging Technology Fund.

To obtain more detail on these programs, or to inquire regarding other assistance, contact:
Office of Economic Development, Dallas City Hall, Room 5CS, Dallas, Texas 75201, Phone: (214) 670-1685, Fax: (214) 670-0158.

October 10, 2011

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

WHEREAS, on June 23, 2010, the City Council elected to continue its participation in tax abatement and established appropriate Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 10-1731; and

WHEREAS, the City desires to construct certain public infrastructure improvements in order to promote the development around Daniieldale Road between Polk Street and Hampton Road; and

WHEREAS, the City of Dallas desires to enter into a Chapter 380 economic development grant with PR Crow I-20 II, LP in order to promptly complete the contemplated public improvements and to facilitate the relocation and expansion of a Home Depot distribution center in the area; and

WHEREAS, the City desires to amend Resolution No. 11-1190 related to a development agreement with PR Crow I-20 II, LP for road construction and other public and private improvements for properties on Daniieldale Road between Polk Street and Hampton Road in southeast Dallas; and

WHEREAS, the City desires to amend the executed development agreement to extend the completion date of the project from March 31, 2012 to August 31, 2012.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute an amendment to Resolution No. 11-1190, Section 2 related to the development agreement to include a new (a), (d), (e), and (f).

- (a) That the actual amount and payment of the grant shall equal the actual hard and soft costs incurred that include: road, engineering, design, draining, streets lights, traffic signals, financing costs, construction, utilities, road financing costs, and other public and private improvements associated with the distribution facility up to \$2,475,000 from the City and up to \$1,300,000 from the County.

October 10, 2011

Section 1. (Continued)

- (d) PR Crow I-20 II LP and TCDFW Investment and Development, Inc., shall comply with the rules, regulations and requirements of all City, State and Federal law. PR Crow I-20 II LP and TCDFW Investment and Development, Inc., intend to treat all reimbursements it receives from the City for the Project costs as an Economic Development Grant pursuant to Section 380.001 of the Texas Local Government Code and the City's Public/Private Partnership Program - Guidelines and Criteria. Accordingly, PR Crow I-20 II LP and TCDFW Investment and Development, Inc., shall not publicly bid any of the Project improvements described in this PSA.
- (e) PR Crow I-20 II, LP will be responsible for any costs above the City's \$2,475,000 funding and \$2,100,000 provided by other entities for the improvements associated with the project.
- (f) That the proposed private distribution center improvements will be substantially completed by August 31, 2012. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion date for a period up to six months for just cause.

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

Distribution: Office of Economic Development – Tenna Kirk, 2CN
Office of Economic Development – Sajid Safdar, 2CN
Office of Economic Development – Carlos Guzman, 5CS
City Attorney's Office - Barbara Martinez

October 10, 2011

WHEREAS, the City encourages the participation of interested citizens and entities for the benefit of the public in traffic management affairs through Participation Agreements; and

WHEREAS, PR Crow I-20 II LLP is willing to participate in the construction of the signal installation by paying the full cost of the signal hardware and installation; and

WHEREAS, the City desires to amend Resolution No. 11-1192 related to an authorization to install traffic signal light signals at the intersection of Polk Street and Daniieldale.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute an amendment to Resolution No. 11-1192, previously approved on April 27, 2011, related to the development agreement to include a new Section 1 to: (1) rescind the authority to install a traffic signal at the intersection of Polk Street and Daniieldale Road; and (2) authorize an alternative traffic signal at the intersection of Kestrel and Daniieldale Road in accordance with the design specifications of the City, subject to inspection and final acceptance by the City.

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

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Public Works, Hazel Baker, L1BS
City Attorney's Office - Barbara Martinez

AGENDA ITEM # 40

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 45 K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new Subdistrict within Planned Development District No. 619 for mixed uses on the northeast corner of Elm Street and North Griffin Street
Recommendation of Staff: Approval, subject to a development plan and conditions
Z101-269(WE)

FILE NUMBER: Z101-269(WE) **DATE FILED:** May 13, 2011
LOCATION: Elm Street and N. Griffin Street, northeast corner
COUNCIL DISTRICT: 14 **MAPSCO:** 45-K
SIZE OF REQUEST: Approx. 138,000 sq. ft. **CENSUS TRACT:** 31.01

APPLICANT / OWNER: Lowen 1025 Elm, LLC

REPRESENTATIVE: Aguirre Roden, Inc
Dan Powyszynski

REQUEST: An application for the creation of a new Subdistrict within Planned Development District No. 619 for mixed uses.

SUMMARY: The purpose of this request is to create a new subdistrict to modify certain ground level retail requirements of PD No. 619 and allow the entire tract to be treated as one lot for purposes of determining applicable setback and floor area requirements.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions

BACKGROUND INFORMATION:

- On June 12, 2002, the City Council approved Planned Development District No. 619 with retention of the CC City Core Subdistrict, Secondary Parking Subdistrict, H Historic, CP Core Pedestrian Precinct and SP Secondary Pedestrian Precinct.
- Planned Development District No. 619 was created as a result of several public and private studies that developed retail strategies for the CBD area and promote the downtown core as a “full time” activity area. Moreover, the goal was to encourage the development of retail and service uses in the area and create a mixed use urban activity center.
- Planned Development District No. 619 retained the existing underlying CA-1(A) zoning district development standards and regulations except for the following:
 - Tailor the permitted use list to encourage a higher level of retail and pedestrian activity;
 - Alcoholic beverage establishments shall be allowed by right in tracts adjacent to or across from pedestrian ways or plazas to allow for some clustering of such uses, otherwise, they will be allowed by SUP. Restaurants with bars are not subject to this amendment.
 - Require 75% of the street frontage of a building/property at street level to be occupied by retail uses.
- The applicant’s request to create a new Subdistrict in PDD No. 691 that will allow for the modification of the certain ground retail uses as well as retain the existing development rights for a proposed hotel development.

Zoning History: There has not been any recent zoning request in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Elm Street	Collector	80 ft.	80 ft.
N. Griffin Street	Minor Arterial	100 ft.	100 ft.
Pacific Avenue	Local	60 ft.	60 ft.

Land Use:

	Zoning	Land Use
Site	PDD 691	Office
North	CA-1(A)	Surface parking
South	PDD 691	Office
East	PDD 691 & SUP No. 644	Office
West	CA-1(A)	Hotel

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The existing hotel development is located within the Downtown Building Block which provides high intensity, concentrated regional job and commercial activity supported by high-density housing. Ground floors of tall buildings feature shops with many windows for visual interest and safety while the streetscape incorporates trees for shade, wide sidewalks and easy-to-use signs for finding points of interest.

Land Use

Goal 1.1 Align land use strategies with economic development priorities

Policy 1.1.3 Build a dynamic and expanded Downtown.

Goal 1.2 Promote Desire development

Policy 1.2.1 Use Vision building blocks as a general guide for desired development patterns

STAFF ANALYSIS:

Land Use Compatibility: The request site is developed with a multi-story office building with approximately 138,000 square feet of floor area. The applicant is requesting to create a new Subdistrict in PDD No. 691 that will allow for the modification of certain ground retail uses as well as retain the existing development rights for the proposed hotel development. Currently, the existing building does not comply with the restrictions of uses in Subdistrict A in PDD No. 619. The applicant is proposing to renovate the ten story, 138,000 square foot office building into a 130 room hotel, with a restaurant use on street level. The proposed restaurant will be used mainly by hotel guests.

Planned Development District No. 619 created vertical Subdistricts that permit specific uses on the street level, below street level and above street level to operate within the designated Subdistricts. The request site is located within the CBD area and is adjacent to various retail, hotel and office uses.

Staff has reviewed and supports the applicant’s request to create a new Subdistrict in PDD No. 691. The applicant’s request will create one additional vertical Subdistrict within the Planned Development District, which will allow for the proposed hotel development to operate a restaurant use as well as a hotel use on the street level.

The PDD indicates that pedestrian-oriented uses is any use that is not a retail and personal service use, a financial institution without drive-in window, or a transportation use, and is located in a building in Subdistrict A is not permitted if, at the time of the request for a certificate of occupancy, less than 75 percent of the frontage of that building at street level (excluding docking and loading areas, driveways, exit ramps, and entrance ramps) is occupied by, or is made available exclusively for use by, retail and personal service uses, financial institution without drive-in window, and/or transportation uses that extend at least 50 feet into the building. Staff can support the omission of this provision in the new Subdistrict because the building was constructed in 1923, prior to the creation of Planned Development District No. 619. The building elevator shafts and stairwells are located within 50 feet of the buildings façade and therefore will not be able to comply with the restrictions on uses in Subdistrict A. Subdistrict A are the street level Properties within Planned Development District No. 619, excluding the properties that are defined as Subdistrict F and G.

Staff recommends approval of the creation of a new Subdistrict, subject to the development plan and conditions. The request should not have an adverse impact on the surrounding retail and office uses because there are no changes to the development rights of the proposed development, except for removing the provision within the PDD conditions referencing the restrictions on uses on the street level.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 619 Central area	0'	0'	20.0 FAR	Any legal height	100%	75% of street frontage retail	Retail, Office High Density Residential

Landscaping: Landscape in this district must comply with all landscaping requirements set forth for the CA-1(A) District, and should be consistent with any design guidelines for the district approved by the council.

Parking: The off-street parking and loading regulations contained in Section 51A-4.124(a)(5) and Section 51A-4.306 for the CA-1-A Central Area District apply in this district. There is an adjacent parking structure that is attached to the proposed hotel use.

Traffic: The Engineering Section of the Department Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

CPC Action (September 1, 2011)

Motion: It was moved to recommend **approval** of the creation of a new Subdistrict within Planned Development District No. 619 for mixed uses, subject to a development plan and conditions on the northeast corner of Elm Street and N. Griffin Street.

Maker: Shellene
Second: Peterson
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 500 Mailed: 178
Replies: For: 7 Against: 0

Speakers: None

**LIST OF OFFICERS
Lowen 1025 Elm, LLC**

- Bimal Naik
- Sanjay Naik
- Ajay Desai

**CPC PROPOSED PD
CONDITIONS**

PD 619.

SEC. 51P-619.101. LEGISLATIVE HISTORY.

PD 619 was established by Ordinance No. 24960, passed by the Dallas City Council on June 12, 2002.

SEC. 51P-619.102. PROPERTY LOCATION AND SIZE.

PD 619 is established on property bounded by the centerlines of Pacific Avenue, Harwood Street, Jackson Street, and Griffin Street, in the city of Dallas. The size of PD 619 is approximately 34 acres.

SEC. 51P-619.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions in Chapter 51A apply to this article.
- (b) DATA CENTER means a facility for storing, managing, processing, converting, warehousing, or disseminating data or information and includes the equipment that supports the data center, including computers, servers, and other data storage devices.
- (c) STREET LEVEL means, in a multi-level building, the level having the floor closest in elevation to the adjacent street. If the floors of two levels are equally close in elevation to the adjacent street, the level with the higher elevation is the street level.
- (d) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (e) This district is considered to be a nonresidential zoning district.
- (f) The symbol *[E]* appearing after a listed use means that the use is not permitted when located at street level, except that it is permissible to have an entrance for the use at street level if the entrance provides access to a level of the building on which the use is permitted. (Ord. Nos. 24960; 27470)

SEC. 51P-619.103.1. GENERAL MERCHANDISE OR FOOD STORE.

- (a) Unless otherwise stated, the regulations set forth in Section 51A-4.210 for a general merchandise or food store 3,500 square feet or less apply to a general merchandise or food store 2,000 square feet or less in this article, except that the maximum size of this use is 2,000 square feet.

(b) Unless otherwise stated, the regulations set forth in Section 51A-4.210 for a general merchandise or food store greater than 3,500 square feet apply to a general merchandise or food store greater than 2,000 square feet in this article, except that the size of this use must be greater than 2,000 square feet.

SEC. 51P-619.103.2. TATTOO OR BODY PIERCING STUDIO.

Unless otherwise stated, the regulations set forth in Section 51A-4.210 for a personal service use apply to a tattoo or body piercing studio in this article.

SEC. 51P-619.104. DEVELOPMENT PLAN.

(a) In general. A development plan is required, and the provisions of Section 51A-4.702 regarding submission of a development plan and a development schedule apply. The location and type of all proposed street level uses must be indicated on the development plan. The provisions of Section 51A-4.702 regarding submission of a site analysis, conceptual plan, and landscape plan do not apply. Amendments to the development plan must follow the same procedure set forth in this section for a development plan, and the provisions of Section 51A-4.702(h) do not apply.

(b) Pre-application conference. An applicant shall consult with the director to determine whether the proposed project complies with the requirements of this article, and the extent to which the project is consistent with any design guidelines for the district approved by city council.

(c) Copies to be provided to advisory bodies. When the application is submitted to the director, the applicant shall also send a copy of the proposed development plan and development schedule to the Board of Directors of Tax Increment Financing Reinvestment Zone No. 5 (City Center TIF), c/o Area Redevelopment Manager, Economic Development Department, 1500 Marilla Street, Room 5CS, Dallas, Texas 75201, and to the Downtown Partnership, Inc., 1623 Main Street, Dallas, Texas 75201, or their successors.

SEC. 51P-619.105. SUBDISTRICTS.

(a) Subdistrict A is street level Property, except Property in Subdistricts F, G, and J. In general terms, this is all street level Property except Property adjacent to the south side of Pegasus Plaza, Property bounded by Field Street, Commerce Street, Jackson Street, and Browder Street, and Property bounded by Pacific Avenue, Griffin Place, Elm Street, and North Griffin Street.

(b) Subdistrict B is Property that is below street level, except Property in Subdistricts D and H. In general terms, this is all underground Property except Property adjacent to Pegasus Plaza and Stone Street Mall and Property bounded by Field Street, Commerce Street, Jackson Street, and Browder Street.

(c) Subdistrict C is Property that is one or more levels above street level, except Property that is in Subdistricts E and I. In general terms, this is all Property above ground level except Property above the area adjacent to Pegasus Plaza and Stone Street Mall and Property bounded by Field Street, Commerce Street, Jackson Street, and Browder Street.

(d) Subdistrict D is Property that is below street level, in the area described in Exhibit 619A. In general terms, this is all underground Property that is adjacent to Pegasus Plaza and Stone Street Mall.

(e) Subdistrict E is Property that is one or more levels above street level, in the area described in Exhibit 619A. In general terms, this is all Property above ground level in the area adjacent to Pegasus Plaza and Stone Street Mall.

(f) Subdistrict F is street level Property in the area described in Exhibit 619B. In general terms, this is all street level Property that is adjacent to the south side of Pegasus Plaza.

(g) Subdistrict G is street level Property in the area described on Exhibit 619C. In general terms, this is all street level Property that is bounded by Field Street, Commerce Street, Jackson Street, and Browder Street.

(h) Subdistrict H is Property that is below street level in the area described on Exhibit 619C. In general terms, this is all underground Property that is bounded by Field Street, Commerce Street, Jackson Street, and Browder Street.

(i) Subdistrict I is Property that is one or more levels above street level in the area described on Exhibit 619C. In general terms, this is all Property above ground level that is bounded by Field Street, Commerce Street, Jackson Street, and Browder Street.

(j) Subdistrict J is street level Property in the area described in Exhibit 619F. In general terms, this is all street level Property that is bounded by Pacific Avenue, Griffin Place, Elm Street, and North Griffin Street.

SEC. 51P-619.106.1. MAIN USES PERMITTED IN SUBDISTRICTS A, F, G, AND J (STREET LEVEL).

(a) Agricultural uses.

-- None permitted.

(b) Commercial and business service uses.

-- Catering service. [See Section 51P-619.106.4.]

-- Custom business services. [See Section 51P-619.106.4.]

- Custom woodworking, furniture construction, or repair. *[E][See Section 51P-619.106.4.]*
- Electronics service center. *[E][See Section 51P-619.106.4.]*
- Job or lithographic printing. *[E][See Section 51P-619.106.4.]*
- Medical or scientific laboratory. *[E][See Section 51P-619.106.4.]*
- Technical school. *[E][See Section 51P-619.106.4.]*
- Tool or equipment rental. *[E][See Section 51P-619.106.4.]*

(c) Industrial uses.

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(d) Institutional and community service uses.

- Adult day care facility. *[E][See Section 51P-619.106.4.]*
- Child-care facility. *[See Section 51P-619.106.4.]*
- Church. *[See Section 51P-619.106.4.]*
- College, university, or seminary. *[See Section 51P-619.106.4.]*
- Community service center. *[E][See Section 51P-619.106.4.]*
- Convalescent and nursing homes, hospice care, and related institutions. *[E][See Section 51P-619.106.4.]*
- Convent or monastery. *[E][See Section 51P-619.106.4.]*
- Hospital. *[See Section 51P-619.106.4.]*
- Library, art gallery, or museum. *[See Section 51P-619.106.4.]*
- Public or private school. *[See Section 51P-619.106.4.]*

(e) Lodging uses.

- Hotel or motel. *[See Section 51P-619.106.4.]*
- Lodging or boarding house. *[See Section 51P-619.106.4.]*

(f) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(g) Office uses.

- Financial institution without drive-in window. *[See Section 51P-619.106.4.]*
- Medical clinic or ambulatory surgical center. *[See Section 51P-619.106.4.]*
- Office. *[See Section 51P-619.106.4.]*

(h) Recreation uses.

- Private recreation center, club, or area. *[See Section 51P-619.106.4.]*

- Public park or playground. *[Golf course is not permitted.][See Section 51P-619.106.4.]*

(i) Residential uses.

- College dormitory, fraternity, or sorority house. *[E][See Section 51P-619.106.4.]*
- Group residential facility. *[E][SUP required if spacing component of Section 51A-4.209(3) is not met.][See Section 51P-619.106.4.]*
- Multifamily. *[E][See Section 51P-619.106.4.]*
- Retirement housing. *[E][See Section 51P-619.106.4.]*

(j) Retail and personal service uses.

- Alcoholic beverage establishments. *[E, otherwise by SUP only. See Section 51A-4.210(b)(4).]*
- Ambulance service.
- Business school. *[E]*
- Commercial amusement (inside). *[SUP]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage. *[Permitted only up to a maximum of 25 percent of the ground floor area of a building, and this use must be part of a multiple level parking garage; a single level commercial parking lot or garage is not permitted in this subdistrict.]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 2,000 square feet or less.
- General merchandise or food store greater than 2,000 square feet.
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Nursery, garden shop, or plant sales.
- Outside sales. *[Permitted only if the outside sales are adjacent to and accessory to a permitted retail and personal service use in this subdistrict.]*
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Tattoo or body piercing studio. *[SUP]*
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. *[SUP][Vehicle display is limited to the inside of a building.]*

(k) Transportation uses.

- Commercial bus station and terminal. *[SUP]*
- Heliport. *[E]*
- Helistop. *[E]*

- STOL (short takeoff or landing) port. *[E]*
- Railroad passenger station. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP]*

(l) Utility and public service uses.

- Commercial radio or television transmitting station. *[See Section 51P-619.106.4.]*
- Communications exchange facility. *[E][See Section 51P-619.106.4.]*
- Data Center. *[Subdistrict G only.]*
- Electrical substation. *[E][See Section 51P-619.106.4.]*
- Local utilities. *[See Section 51P-619.106.4.]*
- Police or fire station. *[See Section 51P-619.106.4.]*
- Post office. *[See Section 51P-619.106.4.]*
- Utility or government installation other than listed. *[See Section 51P-619.106.4.]*

(m) Wholesale, distribution, and storage uses.

- Freight terminal. *[E][See Section 51P-619.106.4.]*
- Mini-warehouse. *[E][See Section 51P-619.106.4.]*
- Office showroom/warehouse. *[See Section 51P-619.106.4.]*
- Recycling drop-off container. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.][See Section 51P-619.106.4.]*
- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.3) are not satisfied.][See Section 51P-619.106.4.]*
- Trade center. *[See Section 51P-619.106.4.]*
- Warehouse. *[E][See Section 51P-619.106.4.]*

SEC. 51P-619.106.2. MAIN USES PERMITTED IN SUBDISTRICTS B, D, AND H (BELOW STREET LEVEL).

(a) Agricultural uses.

- None permitted.

(b) Commercial and business service uses.

- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. *[RAR]*

- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.

(c) Industrial uses.

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(d) Institutional and community service uses.

- Child-care facility. *[See Section 51P-619.106.4.]*
- Church.
- College, university, or seminary.
- Community service center. *[SUP]*
- Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*
- Convent or monastery.
- Hospital.
- Library, art gallery, or museum. *[SUP]*
- Public or private school.

(e) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(f) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(g) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.

(h) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground. *[Golf course is not permitted.]*

(i) Residential uses.

- College dormitory, fraternity, or sorority house.

- Group residential facility. *[SUP required if spacing component of Section 51A-4.209(3) is not met.]*
- Multifamily.
- Retirement housing.

(j) Retail and personal service uses.

- Alcoholic beverage establishments. *[This use is permitted only when the use has direct public access to the exterior of the building at street level. See Section 51A-4.210(b)(4). By SUP only in Subdistricts B and H.]*
- Ambulance service.
- Business school.
- Commercial amusement (inside). *[By SUP only in Subdistricts B and H.]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 2,000 square feet or less.
- General merchandise or food store greater than 2,000 square feet. *[SUP]*
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Nursery, garden shop, or plant sales. *[SUP]*
- Personal service uses. *[SUP required if this use exceeds 2,000 square feet.]*
- Restaurant without drive-in or drive-through service. *[SUP required if this use exceeds 2,000 square feet.]*
- Tattoo or body piercing studio. *[SUP]*
- Temporary retail use. *[SUP]*
- Theater.
- Vehicle display, sales, and service. *[SUP][Vehicle display is limited to the inside of a building.]*

(k) Transportation uses.

- Commercial bus station and terminal. *[SUP]*
- Railroad passenger station. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP]*

(l) Utility and public service uses.

- Commercial radio or television transmitting station.
- Communications exchange facility.
- Data Center. *[Subdistrict H only.]*
- Electrical substation.
- Local utilities.
- Police or fire station.

- Post office.
- Utility or government installation other than listed.

(m) Wholesale, distribution, and storage uses.

- Freight terminal. *[DIR]*
- Mini-warehouse.
- Office showroom/warehouse.
- Recycling drop-off container. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.]*
- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.3) are not satisfied.]*
- Trade center.
- Warehouse.

SEC. 51P-619.106.3. MAIN USES PERMITTED IN SUBDISTRICTS C, E, AND I (ABOVE STREET LEVEL).

(a) Agricultural uses.

- None permitted.

(b) Commercial and business service uses.

- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. *[RAR]*
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.

(c) Industrial uses.

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(d) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. *[SUP]*
- Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*

- Convent or monastery.
- Hospital.
- Library, art gallery, or museum.
- Public or private school.

(e) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(f) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(g) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.

(h) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground. *[Golf course is not permitted.]*

(i) Residential uses.

- College dormitory, fraternity, or sorority house.
- Group residential facility. *[SUP required if spacing component of Section 51A-4.209(3) is not met.]*
- Multifamily.
- Retirement housing.

(j) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4). By SUP only in Subdistricts C and I.]*
- Ambulance service.
- Business school.
- Commercial amusement (inside). *[By SUP only in Subdistricts C and I.]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.

- General merchandise or food store 2,000 square feet or less.
- General merchandise or food store greater than 2,000 square feet.
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Tattoo or body piercing studio. [SUP]
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. [SUP][*Vehicle display is limited to the inside of a building.*]

(k) Transportation uses.

- Commercial bus station and terminal. [SUP]
- Heliport. [SUP]
- Helistop. [SUP]
- Railroad passenger station. [SUP]
- STOL (short takeoff or landing) port. [SUP]
- Transit passenger shelter.
- Transit passenger station or transfer center. [SUP]

(l) Utility and public service uses.

- Commercial radio or television transmitting station.
- Communications exchange facility. [SUP]
- Data center. [*Subdistrict I only.*]
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Tower/antenna for cellular communication.
- Utility or government installation other than listed.

(m) Wholesale, distribution, and storage uses.

- Mini-warehouse.
- Office showroom/warehouse.
- Recycling drop-off container. [SUP *required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.*]
- Recycling drop-off for special occasion collection. [SUP *required if the requirements of Subparagraph (E) of Section 51A-4.213(11.3) are not satisfied.*]
- Trade center.
- Warehouse.

SEC. 51P-619.106.4. RESTRICTIONS ON USES IN SUBDISTRICT A.

(a) Pedestrian-oriented uses. Any use that is not a retail and personal service use, a financial institution without drive-in window, or a transportation use, and is located in a building in Subdistrict A is not permitted if, at the time of the request for a certificate of occupancy, less than 75 percent of the frontage of that building at street level (excluding docking and loading areas, driveways, exit ramps, and entrance ramps) is occupied by, or is made available exclusively for use by, retail and personal service uses, financial institution without drive-in window, and/or transportation uses that extend at least 50 feet into the building. The 50-foot measurement is made perpendicularly from the facade of the building having the frontage. For the purpose of this subsection, "frontage" means the length of property between property or lease boundary lines along one side of a street that is: (1) at least 35 feet wide; or (2) a closed street that has not been abandoned by the city.

(b) Special exception.

(1) The board may grant a special exception to reduce the minimum 75 percent requirement in Subsection (a) to no less than 50 percent upon making a special finding from the evidence presented that:

(A) strict compliance with the requirements of this section will unreasonably burden the use of the property;

(B) the special exception will not adversely affect neighboring property;

and

(C) the proposed use will not discourage street level activity.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors: the location of the site, and the extent to which existing or proposed amenities will compensate for the reduction of retail and personal service uses, financial institution without drive-in window, and/or permitted transportation uses in this subdistrict.

(3) The board may waive the filing fee for a special exception under Paragraph (1) when the board finds that payment of the fee would result in financial hardship to the applicant. The applicant may either pay the fee and request reimbursement as part of his appeal or request that the matter be placed on the board's miscellaneous docket for predetermination. If the matter is placed on the miscellaneous docket, the applicant may not file his appeal until the merits of the request for waiver have been determined by the board.

SEC. 51P-619.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory uses are permitted in this district only when accessory to a commercial parking garage:

- Vehicle or engine repair or maintenance. *[DIR]*
- Auto service center.
- Car wash.
- Motor vehicle fueling station.

(c) The following accessory use is permitted in this district by SUP only:

- Private street or alley.

SEC. 51P-619.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Except as provided below, the yard, lot, and space regulations contained in Section 51A-4.124(a)(4) for the CA-1(A) Central Area District, and where CP Core Pedestrian Precinct and SP Secondary Pedestrian Precinct overlays exist, the yard, lot, and space regulations contained in Section 51A-4.124(a)(8)(B), apply to this planned development district.

(b) Front yard. No minimum front yard.

(c) Side and rear yard. No minimum side and rear yard.

(d) Maximum floor area ratio. Subdistricts G, H, and I are considered one lot for purposes of calculating maximum floor area ratio.

SEC. 51P-619.109. OFF-STREET PARKING AND LOADING.

(a) In general. Unless otherwise provided, the off-street parking and loading regulations contained in Section 51A-4.124(a)(5) and Section 51A-4.306 for the CA-1(A) Central Area District apply in this district. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for multifamily uses. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(b) Parking bay dimensions. Each off-street parking space must be provided in accordance with the following dimensional standards:

(1) A parking space parallel with the access lane must be 22 feet long and 8 feet wide. A one-way access lane must be at least 10 feet wide; a two-way access lane must be at least 20 feet wide.

(2) The following restrictions apply to the use of 7.5-foot-wide stalls to satisfy off-street parking requirements:

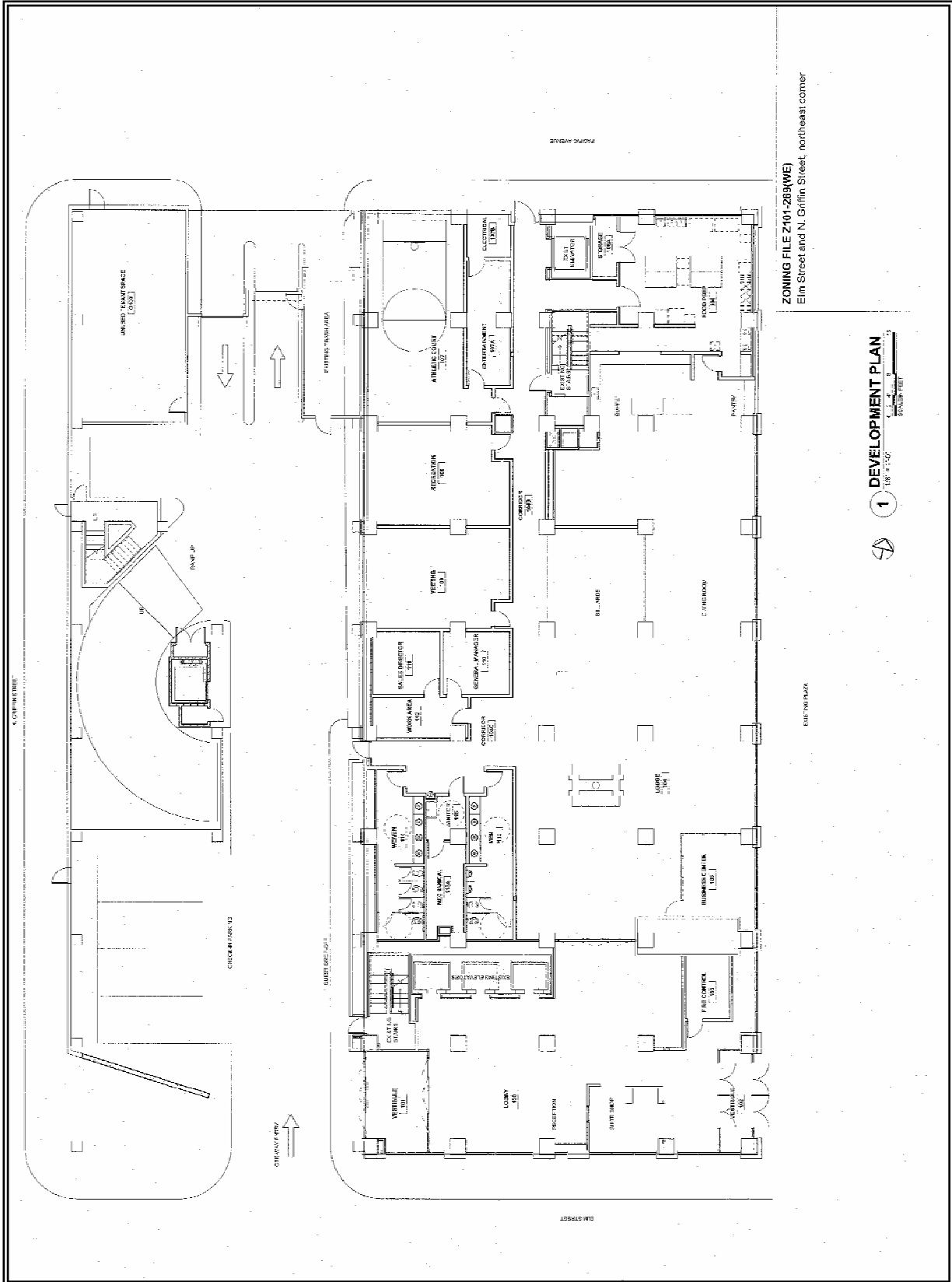
(A) 7.5-foot-wide stalls must be double-striped and identified by pavement markings to indicate that the stalls are for small car parking.

(B) 7.5-foot-wide stalls may constitute no more than 35 percent of the required parking spaces for any use.

(C) The following parking bay widths must be provided.

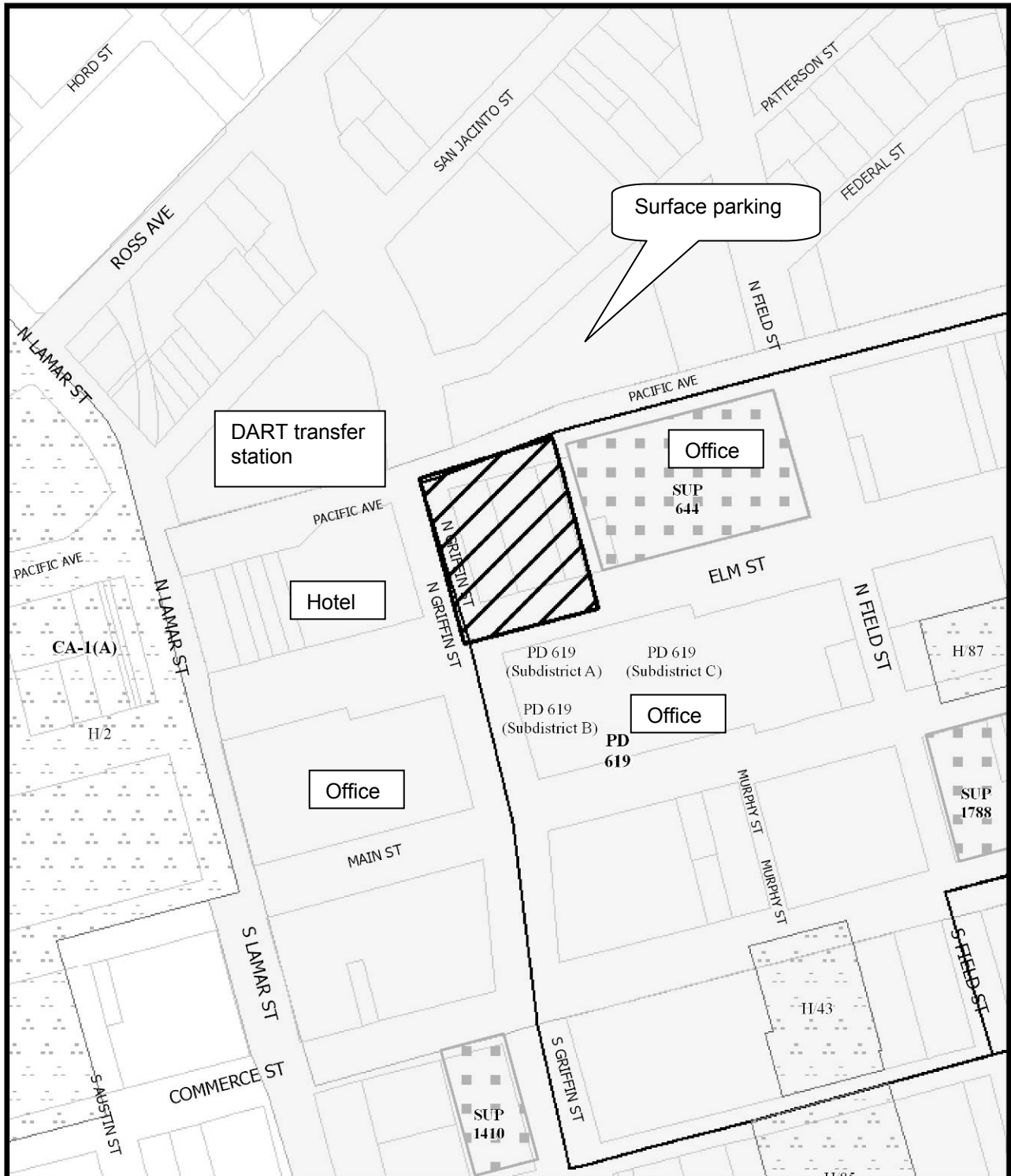
Aisle	Aisle	One Row	One Row	Two Rows	Two Rows	
Parking Angle	One Way	Two Way	One Way	Two Way	One Way	Two Way
30	12.0'	18.0'	26.5'	32.5'	41.0'	47.0'
40	12.0'	18.0'	28.0'	34.0'	44.0'	50.0'
50	12.0'	18.0'	29.1'	35.1'	46.2'	52.2'
60	14.0'	18.0'	31.6'	35.6'	49.2'	53.2'
70	15.0'	18.0'	32.6'	35.6'	50.2'	53.2'
80	18.0'	18.0'	35.1'	35.1'	52.2'	52.2'
90	18.0'	18.0'	34.0'	34.0'	50.0'	50.0'

PROPOSED DEVELOPMENT PLAN



ZONING FILE Z101-269(WE)
Elm Street and N. Griffin Street, northeast corner

1 DEVELOPMENT PLAN
1/8" = 1'-0"
SCALE: FEET



1:2,400

ZONING AND LAND USE

Map no: J-7
Case no: Z101-269

DATE: July 28, 2011

CPC RESPONSES



178	Property Owners Notified (60 parcels)
7	Replies in Favor (8 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
9/1/2011	Date

Z101-269
J-7
CPC



1:2,400

Notification List of Property

Z101-269

178 Property Owners Notified 0 Property Owners Opposed 7 Property Owners in Favor

Vote	Label	Address	Owner
	1	1025 ELM	BACM 2000-2 ELM ST OFFICES LLC
	2	1201 ELM	BINYAN REALTY LP
	3	1029 ELM	BACM 2000-2 ELM STREET OFFICE LLC
	4	815 ELM	GRIENAUER JOSEPH J ET AL
	5	1015 ELM	TOG HOTELS DOWNTOWN
	6	907 ELM	HARMON FRANK G III ET AL
	7	905 ELM	DART
O	8	911 ELM	HIRSH FAMILY TRUST ET AL
	9	915 SAN JACINTO	RADER HOMER J JR
	10	900 MAIN	DALLAS MAIN LP
	11	100 LAMAR	INTERFIRST BANK DALLAS
	12	901 MAIN	INTERFIRST BANK DALLAS
	13	1401 ELM	ELM TOWER REALTY LP
	14	1401 ELM	ELM STREET PORTFOLIO LP
	15	1411 ELM	SCIROEV TEXAS PARTNER LP
	16	1201 ELM	BANK ONE TEXAS TRUSTEE OF
	17	1201 MAIN	RAK MAIN PLACE ASSOC LP
	18	1302 ELM	DAVIS METRO LP
	19	1301 MAIN	CREEKBEND PPTIES LP
	20	1309 MAIN	DAVIS METRO LP
	21	1217 MAIN	FWS GROUP DALLAS LLC
	22	912 ROSS	ZADIK MARC Y TRUSTEE
	23	400 LAMAR	UNG LY EAV &
O	24	505 GRIFFIN	SCHWARTZ HYMIE TRUST &
	25	909 SAN JACINTO	ANDERSON PATRICIA P
O	26	1012 ROSS	SCHWARTZ JEANNETTE

Wednesday, September 07, 2011

Vote	Label	Address	Owner
O	27	1003 SAN JACINTO	FONBERG PETER D
	28	907 SAN JACINTO	UNG LY EAV & KIM CHHOUR
	29	905 SAN JACINTO	UNG LY EAV & CHHOUR KIM
	30	913 SAN JACINTO	ANDERSON PATRICIA
	31	913 SAN JACINTO	ANDERSON PATRICIA P
	32	1401 PACIFIC	DALLAS AREA RAPID TRANSIT
	33	1109 PATTERSON	DALLAS FORT WORTH ARGYLE
O	34	1115 SAN JACINTO	CHAVEZ PROPERTIES
	35	500 GRIFFIN	BLASSINGAME & OSBURN
O	36	1205 PATTERSON	CP CANTONPATTERSON ST LTD
O	37	1100 PATTERSON	CHAVEZ LAND INCOME
	38	1201 PACIFIC	PRUDENTIAL INSURANCE CO
	39	1212 SAN JACINTO	SJ ACQUISITION LP
	40	1215 PATTERSON	SWEARING COMP TR
	41	1311 FEDERAL	MORGAN W B & JACK S
	42	1307 PACIFIC	J & D MERRIMAN LTD
	43	705 MAIN	DALLAS COUNTY COMMUNITY
	44	800 ROSS	JEFFERSON ON ROSS AVE
	45	1200 MAIN	BELLINGHAUSEN WIL J
	46	1200 MAIN	NEWMAN PAULETTE E
	47	1200 MAIN	PETREAS JAMES G
	48	1200 MAIN	FLEEMAN WILLIAM B &
	49	1200 MAIN	SHAH VINAY
	50	1200 MAIN	DIXON GLORIA D
	51	1200 MAIN	GONZALO 1200 MAIN LLC
	52	1200 MAIN	SMITH DANIEL E & HERMA A
	53	1200 MAIN	FREEMAN SCOTT
	54	1200 MAIN	BOYD CURTIS W & GLENNA
	55	1200 MAIN	GARZA STEVEN
	56	1200 MAIN	NEVAREZ HECTOR O

Wednesday, September 07, 2011

Vote	Label	Address	Owner
57		1200 MAIN	AMONGKOL JITTADA KITTY
58		1200 MAIN	CRIST EUGENE SCOTT
59		1200 MAIN	TERESI MARK A &
60		1200 MAIN	WEBER JOHN C
61		1200 MAIN	SANADI NISAR & THU NGUYET
62		1200 MAIN	LYONS JOE
63		1200 MAIN	MASTAGLIO LINDA R
64		1200 MAIN	BAILEY PETER & MARY
65		1200 MAIN	PERRI ANTHONY J &
66		1200 MAIN	RATH OMKAR R &
67		1200 MAIN	BAGARIA SAPNA & SURESH
68		1200 MAIN	PARKER RUBY
69		1200 MAIN	SALVANT WAYNE
70		1200 MAIN	ELLER KELLEY
71		1200 MAIN	FLEEMAN WILLIAM B &
72		1200 MAIN	DASH PRIYARANJAN &
73		1200 MAIN	RASHID TYRONE &
74		1200 MAIN	CUEVAS ISRAEL F
75		1200 MAIN	EDWARDS JAMES & BARBARA
76		1200 MAIN	THOMPSON JAMES E
77		1200 MAIN	KADAN PROPERTIES LP
78		1200 MAIN	ADAMS WILHELMINA J
79		1200 MAIN	BEVERS MARC
80		1200 MAIN	WHITE JESSICA
81		1200 MAIN	MATZ TIMOTHY L & PATRICE A
82		1200 MAIN	BLACK PAUL
83		1200 MAIN	HAQUE NAZ &
84		1200 MAIN	SCHNAPPAUF MICHAEL
85		1200 MAIN	GARRISON DANIEL L
86		1200 MAIN	ANDRES DANIEL & MICHELLE
87		1200 MAIN	NGUYEN MICHAEL

Wednesday, September 07, 2011

Vote	Label	Address	Owner
88		1200 MAIN	KORE ALTIN
89		1200 MAIN	SAIED ANNA M
90		1200 MAIN	BURNS CHRISTOPHER J
91		1200 MAIN	CRIST EUGENE SCOTT
92		1200 MAIN	DAVID CRANE & ASSOC PPTY LTD
93		1200 MAIN	ELLER TOM & ROBYN
94		1200 MAIN	SULLIVANMCMULLEN DAVID
95		1200 MAIN	THEIS LANGSTON
96		1200 MAIN	VONALI RITTER &
97		1200 MAIN	BROWN GLENN ALAN
98		1200 MAIN	ROMERO GERALD & LOURDES
99		1200 MAIN	BENITEZ RONALD A
100		1200 MAIN	SMITH RICHARD
101		1200 MAIN	CHOY MIRNA
102		1200 MAIN	FANNIE MAE
103		1200 MAIN	SALVANT BRIAN
104		1200 MAIN	DOMINGUEZ JOSE R &
105		1200 MAIN	GRIEGO MANUEL R JR &
106		1200 MAIN	LO TYRONE & PILAR
107		1200 MAIN	MA MAU & JUYEI
108		1200 MAIN	STOUT DORIS
109		1200 MAIN	PATRO LOKANATH
110		1200 MAIN	LIN JEFF P
111		1200 MAIN	SENDKER JAN
112		1200 MAIN	RADFORD TRACI
113		1200 MAIN	SETO BRIAN &
114		1200 MAIN	TRAN DONG V
115		1200 MAIN	HOSKINS BRIAN
116		1200 MAIN	LITTLE STERLING
117		1200 MAIN	LIN XIEQING
118		1200 MAIN	ASHON HASSEB
119		1200 MAIN	WEBER DANIEL T & GAIL G

Wednesday, September 07, 2011

Vote	Label	Address	Owner
120		1200 MAIN	KHUNTIA ASHOK
121		1200 MAIN	ABRAS MARKIN
122		1200 MAIN	SALVANT WAYNE F &
123		1200 MAIN	YATES RALPH & FAYE
124		1200 MAIN	HILL DANIEL &
125		1200 MAIN	KAMAL ZEBA
126		1200 MAIN	TRIPP THOMAS
127		1200 MAIN	LUTZ CHRISTINE &
128		1200 MAIN	KHAN MOIN
129		1200 MAIN	LOS ANGELES MANAGEMENT TRUST
130		1200 MAIN	POLANCO PAUL
131		1200 MAIN	METRO 1609 LLC
132		1200 MAIN	PATTERSON JEFF
133		1200 MAIN	BROWNELL SUSAN K &
134		1200 MAIN	AHUMADA MUCIO
135		1200 MAIN	VIRANI ASIF
136		1200 MAIN	JACKSON JILL A
137		1200 MAIN	CARTON JEFF
138		1200 MAIN	LIN JAMES
139		1200 MAIN	GARCIA WAYNE
140		1200 MAIN	ZOLLER ROBERT W
141		1200 MAIN	LEWIS KRISTOPHER KYLE
142		1200 MAIN	SLAUGHTER JUSTIN
143		1200 MAIN	VANSANT CAROLYN
144		1200 MAIN	ROMERO ROBERT R &
145		1200 MAIN	ALDINGER CRAIG & LAUREN M
146		1200 MAIN	FARTHING DANIEL
147		1200 MAIN	MCCLAIN JONI L
148		1200 MAIN	TARVER CHRISTOPHER T &
149		1200 MAIN	YING KEN W
150		1200 MAIN	PERRY BEVERLY

Wednesday, September 07, 2011

Vote	Label	Address	Owner
151		1200 MAIN	WAYGOOD PATRICK S &
152		1200 MAIN	DURRA OMAR
153		1200 MAIN	PHILLIPS DAVID G
154		1200 MAIN	MARKHOFF STEVEN
155		1200 MAIN	TIBI ZUHAIR B
156		1200 MAIN	FEDERAL HOME LOAN MTG CORP
157		1200 MAIN	PERRI ANTHONY J III MD
158		1200 MAIN	MERRITT THOMAS JOSEPH &
159		1200 MAIN	LUDWIG CURTIS A
160		1200 MAIN	SCHWARTZ GREGORY A
161		1200 MAIN	PAZDZIOR JOSEPH M
162		1200 MAIN	RODRIGUEZ PETRA
163		1200 MAIN	BOWENS BARRY C
164		1200 MAIN	KRIDER SUE E
165		1200 MAIN	BORICHEVSKY BRIAN &
166		1200 MAIN	ENGRAM AARON
167		1200 MAIN	COX JOHN VERNON & GAY GAYLE
168		1200 MAIN	BIERI MATTHEW B & REBECCA
169		1200 MAIN	GILMAN ALEX
170		1200 MAIN	SARDARABADI ABDOL M &
171		1200 MAIN	JAY STEPHEN C
172		1200 MAIN	ACKER PARLEY E III
173		1200 MAIN	WELKER EDWARD & JOANNE
174		1200 MAIN	TRAMMELL DUANE &
175		1200 MAIN	MAURER IAN S
176		1200 MAIN	MERCHANT REHAN I &
177		1200 MAIN	REAGANS KIMBERLY
178		1200 MAIN	WAYGOOD DAVID NEAL & LISA

Wednesday, September 07, 2011

AGENDA ITEM # 41

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 46 K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, west of Parry Avenue

Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions

Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions

Z101-287(MG)

FILE NUMBER: Z101-287(MG)

DATE FILED: June 3, 2011

LOCATION: Southwest Line of Exposition Avenue, West of Parry Avenue

COUNCIL DISTRICT: 7

MAPSCO: 46 K

SIZE OF REQUEST: 3,250 Sq. Ft.

CENSUS TRACT: 29

REPRESENTATIVE/

APPLICANT: Ulisses Rusher

OWNER: Expo Park Partners, Ltd.

REQUEST: An application for a Specific Use Permit for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

SUMMARY: The applicant is requesting an SUP in order to continue operation of an existing bar, lounge, or tavern use.

CPC RECOMMENDATION: Approval for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site consists of a two-story structure. The second story is utilized as a residence with direct access from the rear of the property.
- The existing bar encompasses 1,085 square feet of floor area (first floor).
- On June 14, 2006, the City Council approved an amendment to PDD No. 269 which requires an SUP for this use category.
- Specific Use Permit No. 1693 for an alcoholic beverage establishment limited to a bar, lounge or tavern was previously approved for this site, but expired on December 12, 2010.

Zoning History:

There have been two recent zoning requests within the general vicinity.

1. Z101-172
On March 25, 2011 City Council approved to the renewal of Specific Use Permit No. 1691 for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
2. Z101-126
On March 9, 2011, City Council approved an application for the renewal of Specific Use Permit No. 1692 for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
3. Z067-340
On December 12, 2007 City Council approved an SUP for a Bar, lounge, or tavern on property zoned Planned Development District No. 269 (current request site).

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW	Proposed ROW
Exposition Avenue	Collector	80 ft.	80 ft.

Land Use:

	Zoning	Land Use
Site	PDD No. 269	Bar/lounge/tavern, residential
North	PDD No. 269	Retail
South	PDD No. 269	Retail
East	PDD No. 269	Retail
West	PDD No. 269 w/SUP 1692	Bar/lounge/tavern

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 an 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 mid-rise 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.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

Land Use Compatibility: The request site consists of a two-story structure with the existing bar occupying 1,100 square feet of floor area. The applicant is requesting an SUP in order to continue operation of an existing bar. A certificate of occupancy for a bar, lounge or tavern was completed on May 28, 2009.

The site is surrounded by a mix of office/retail/restaurant uses that are served by various surface parking lots and metered spaces along Exposition Avenue.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request, subject to staff's recommended conditions, complies with the general provisions for consideration of an SUP.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 269 Mixed use-	0'	0'	4.0 FAR	130/150"	NA	Proximity Slope U-form setback	Retail, bar, lounge, tavern, residential

Parking: PDD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for this use located within an original building on the first floor. The applicant occupies 1,100 square feet of floor area and is not required to provide any designated parking for the use. It should be noted that a significant number of metered on-street parking spaces exist as well as surface parking lots throughout the immediate area.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has determined that the proposed development will not significantly impact the surrounding street system.

CPC Action: September 1, 2011

Motion: It was moved to recommend **approval** of a Specific Use Permit for a bar, lounge, or tavern for a five-year period, subject to a site plan and revised

conditions to include the deletion of the provision prohibiting the application of delta credits on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, west of Parry Avenue.

Maker: Bagley
Second: Tarpley
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0


Absent: 1 - Lavallaisaa

Vacancy: 0

Notices: Area: 200 Mailed: 8
Replies: For: 0 Against: 0

Speakers: For: Ulisses Rusher, 835 Exposition Ave., Dallas, TX, 75226
Against: None




DPD Report



**DALLAS POLICE
DEPARTMENT**


[UCR Codes](#) [Year Codes](#) [Property Class Codes](#)

Virtual Viewer - Public Access
Welcome

Search Records - Offense Filter

Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0007678-W	01/08/2009	*FALLOUT	ROBBERY	00835		EXPOSITIONAVE	153	2082	03711	
0014857-W	01/16/2009	LOOSE, BRITANY	ROBBERY	00835		EXPOSITIONAVE	153	2082	03841	
0120286-W	04/28/2009	WHITMAN, SHAYNA	THEFT	00835		EXPOSITIONAVE	153	2082	06943	
0302050-V	09/27/2008	NEISES, TABITHA	THEFT	00835		EXPOSITIONAVE	313	2082	06941	
0309404-V	10/05/2008	DEVRIES, BRIAN	THEFT	00835		EXPOSITIONAVE	313	2082	06941	
0434567-T	06/11/2007	*FALL OUT LOUNGE	BURGLARY	00835		EXPOSITIONAVE	318	2082	05231	



Page 1 of 1 (6 items)

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**List of
Partners/Principles/Officers**

JSM Investments, Ltd.
309 W. 7th Street, Suite 1100
Fort Worth, Texas 76102

Expo Park Partners
309 W. 7th Street, Suite 1100
Fort Worth, Texas 76102

Reese Grandchildren Trust II
James Vetter Jr., Trustee
901 Main Street, Suite 2500
Dallas, Texas 75202-3714

LGAT
3100 Monticello Avenue, Suite 300
Dallas, Texas 75205

SDL Partners, Ltd.
3100 Monticello Avenue, Suite 300
Dallas, Texas 75025

CPC PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the property must comply with the attached site plan.

CPC's Recommendation:

3. TIME LIMIT: This specific use permit expires on (five years), pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended.

Staff's Recommendation:


3. TIME LIMIT: This specific use permit expires on (two years), pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended.

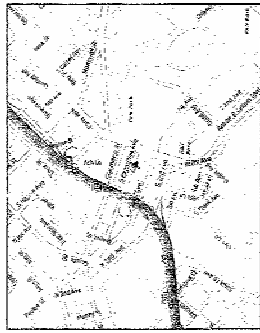
4. CERTIFICATE OF OCCUPANCY: The alcoholic beverage establishment limited to a bar, lounge, or tavern must obtain an amended certificate of occupancy from the building official by [30 days after the SUP is granted]. All requirements of this specific use permit and Planned Development District No. 269, the Deep Ellum Special Purpose District, must be met before the building official may issue the amended certificate of occupancy.
5. MAXIMUM FLOOR AREA: The maximum floor area is 1,100 square feet in the location shown on the attached site plan.
6. OFF-STREET PARKING: Parking must be provided in accordance with the remote and special parking requirements of Planned Development District No. 269, the Deep Ellum Special Purpose District.
7. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

A0_0
 SITE PLAN

FALLOUT LOUNGE
 836 EXPOSITION AVENUE
 DALLAS, TEXAS 75206



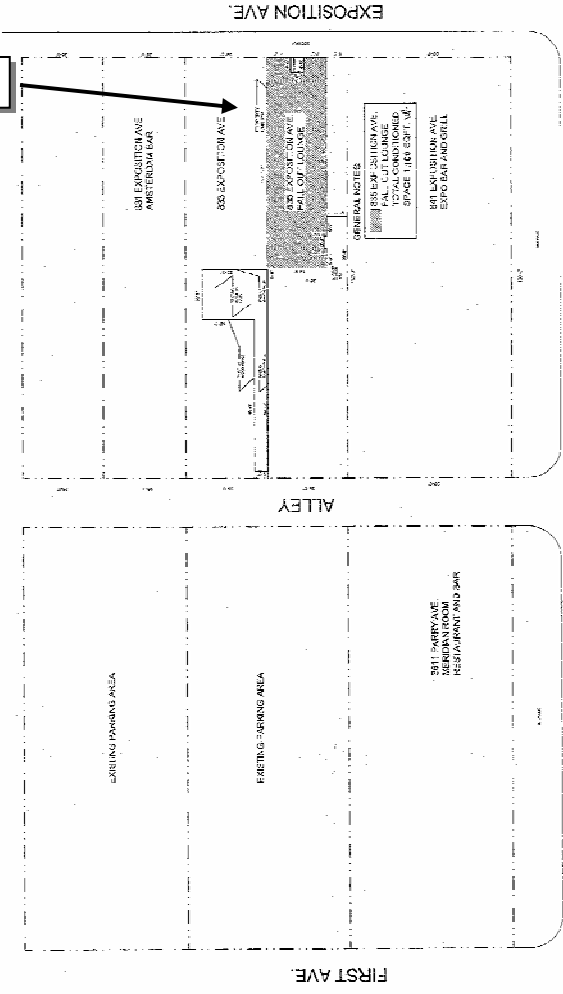


AREA MAP
SCALE: NTS

Handwritten notes:
 1. 100' Buffer Zone
 2. 100' Buffer Zone
 3. 100' Buffer Zone
 4. 100' Buffer Zone
 5. 100' Buffer Zone
 6. 100' Buffer Zone
 7. 100' Buffer Zone
 8. 100' Buffer Zone
 9. 100' Buffer Zone
 10. 100' Buffer Zone

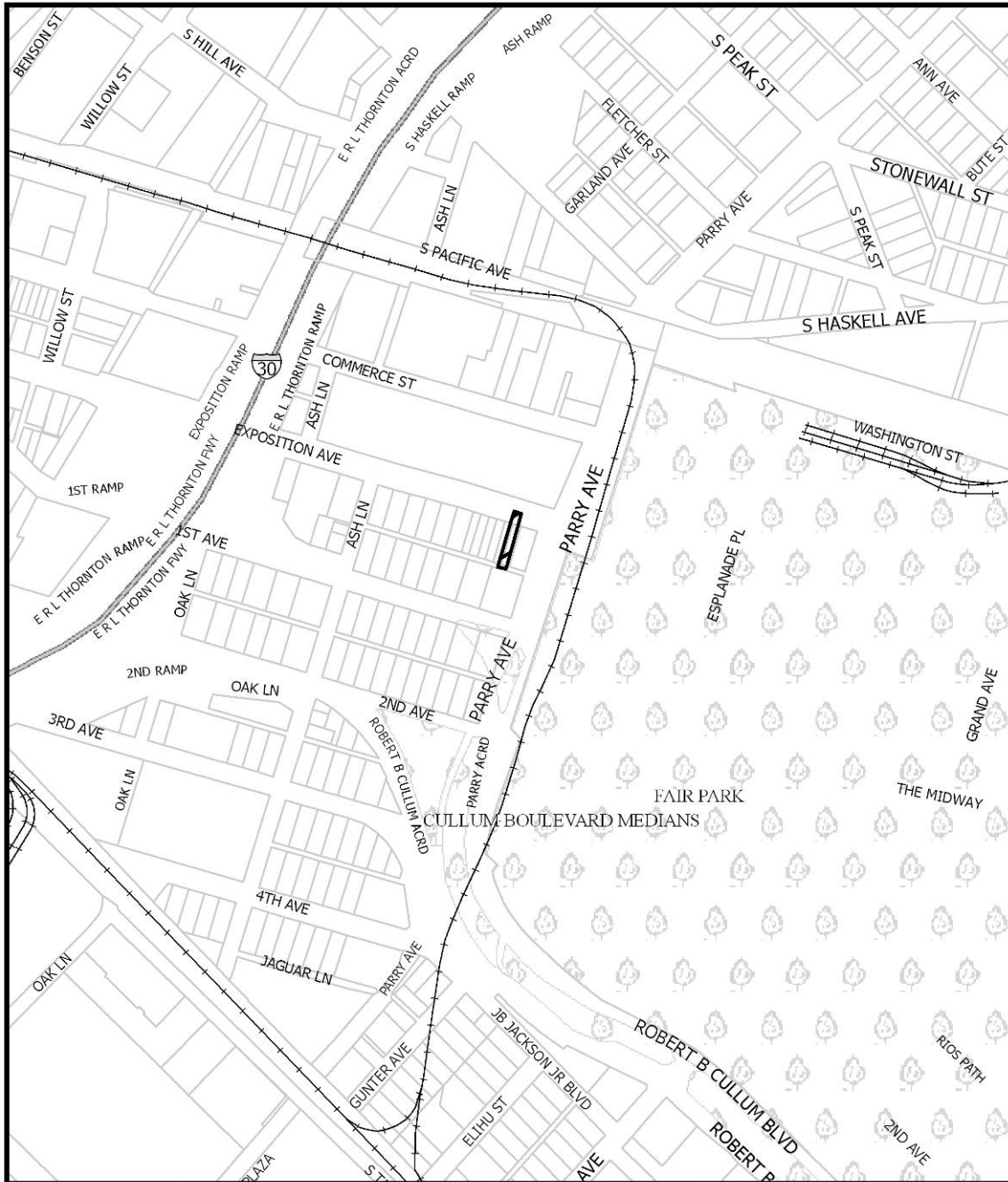
Z101-287

SUP Site Area



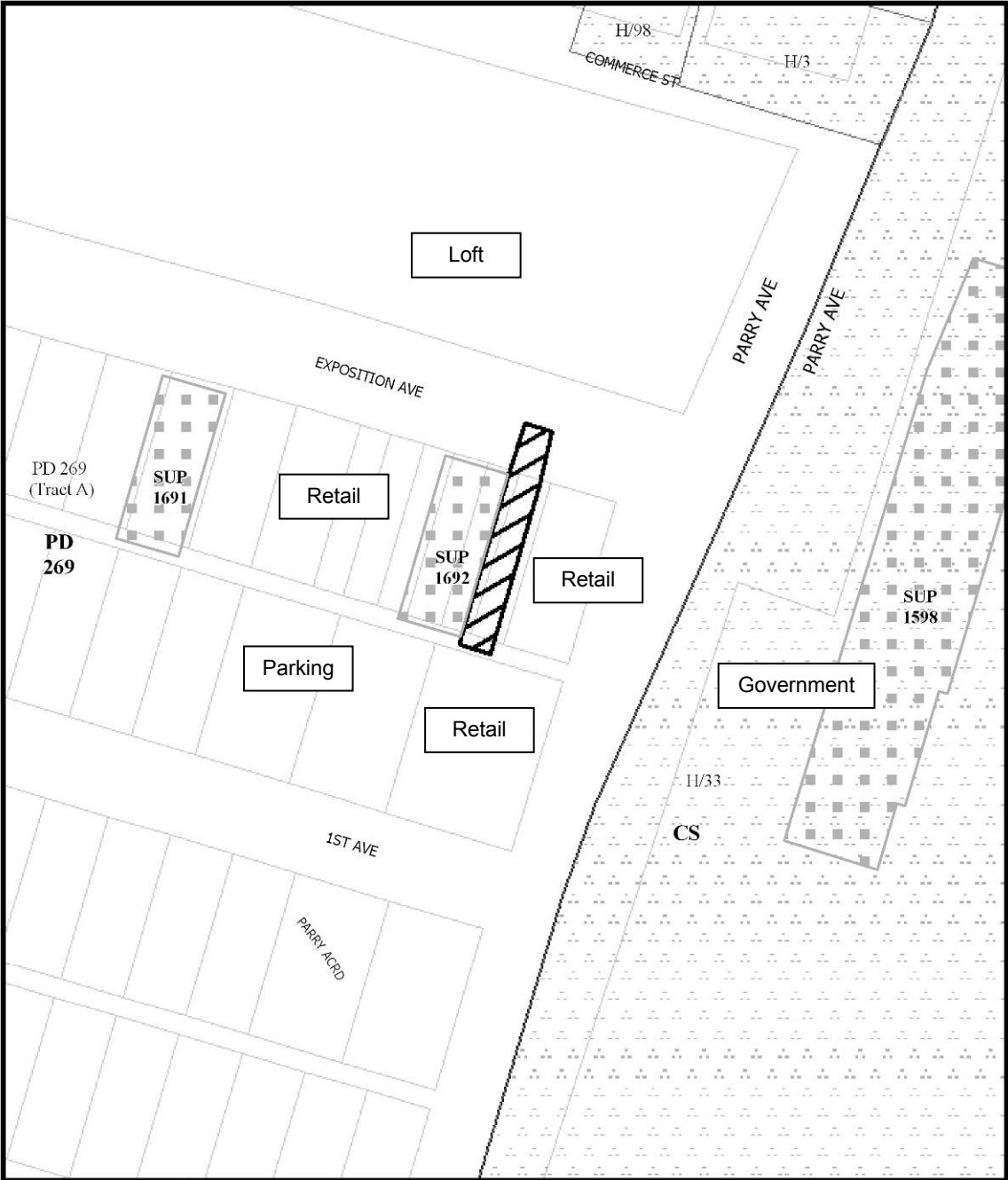
SITE PLAN
 SCALE: 1/8" = 1'-0"

FULL SIZED SETS @ 24X36
 HALF SIZED SETS AT 11X17



 1:4,800	<h1>VICINITY MAP</h1>	Map no: <u> J-8 </u> Case no: <u> Z101-287 </u>
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DATE: August 04, 2011



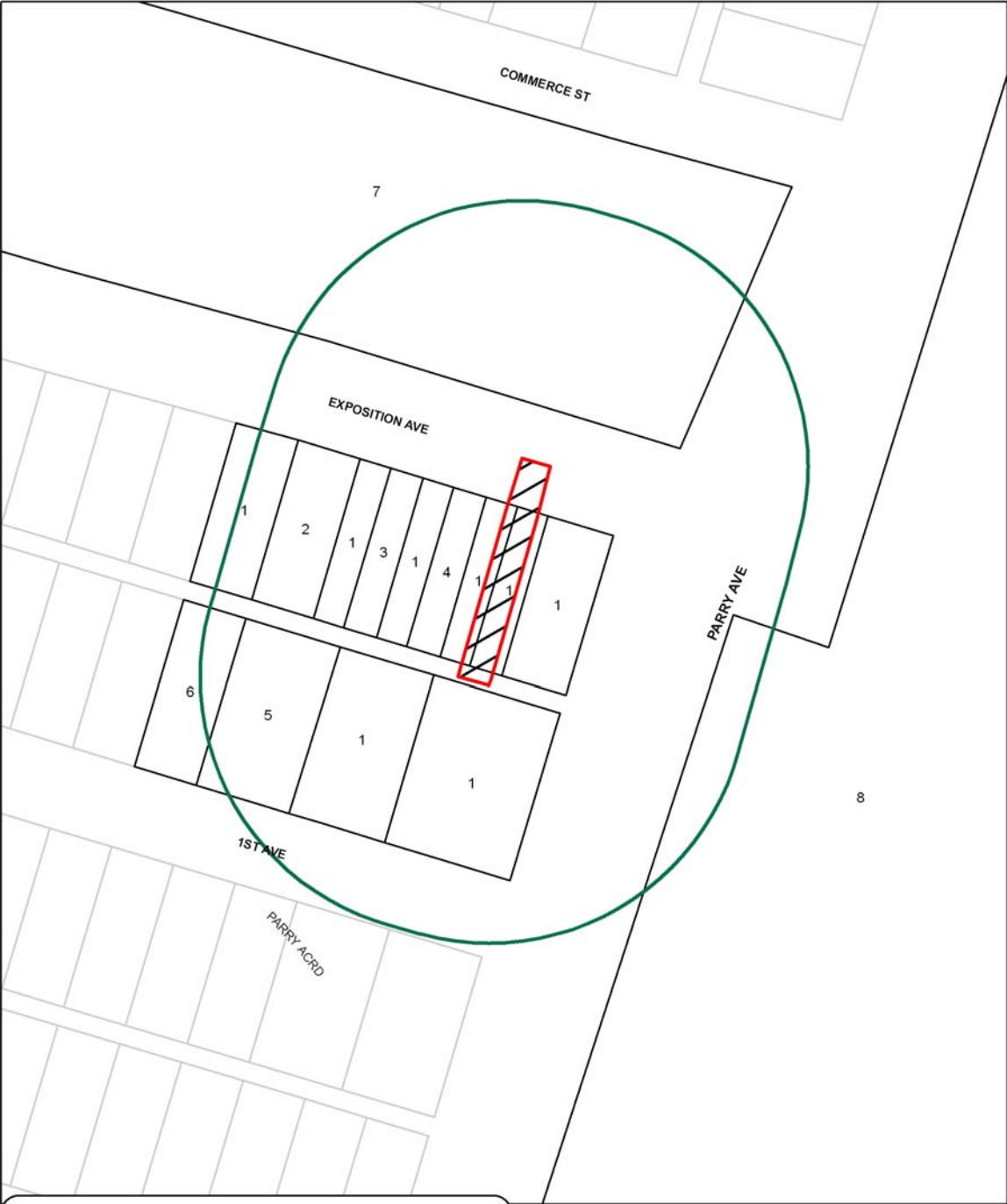
 1:1,200	ZONING AND LAND USE	Map no: <u> J-8 </u> Case no: <u> Z101-287 </u>
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DATE: August 04, 2011



DATE: August 04, 2011

CPC RESPONSES



<u>8</u>	Property Owners Notified (15 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/1/2011</u>	Date

Z101-287
J-8
CPC



1:1,200

Notification List of Property Owners

Z101-287

8 Property Owners Notified 0 Property Owners Opposed 0 Property Owners in Favor

<i>Vote</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	839	EXPOSITION	EXPO PARK PARTNERS LTD &
2	821	EXPOSITION	MCNEILL ROBERT K
3	827	EXPOSITION	GREENE PATRICK
4	829	EXPOSITION	HAYS BURL A
5	820	1ST	JAMES WILLIAM PRITCHETT REVOCABLE
6	816	1ST	JAMES W PRICHETT REVOCABLE LIVING
7	4115	COMMERCE	BLOCK 811 LTD
8	3839	FITZHUGH	MCA PACE AMPHITHEATERS LP

Tuesday, September 13, 2011

AGENDA ITEM # 42

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 36 E; F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 786 for MU-3 Mixed Use District uses on the southeast corner of SMU Boulevard and Worcola Street
Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions
Z101-296(MW)

FILE NUMBER: Z101-296(MW)

DATE FILED: June 6, 2011

LOCATION: Southeast corner of SMU Boulevard and Worcola Street

COUNCIL DISTRICT: 14

MAPSCO: 36-E; 36-F

SIZE OF REQUEST: ±3.629 acres

CENSUS TRACT: 79.05

REPRESENTATIVE: Jackson Walker, LLP

APPLICANT/OWNER: 5640 SMU Blvd., L.P

REQUEST: An application to amend Planned Development District No. 786 for an MU-3 Mixed Use District uses.

SUMMARY: The applicant is requesting to amend the PDD conditions to 1) clarify the multifamily parking standards and to 2) revise the development plan to reconfigure the parking on SMU Boulevard and to combine leasing area and clubhouse amenities with the area originally designated as ground floor retail, resulting in a reduced footprint for the non-residential area.

CPC RECOMMENDATION: Approval, subject to a revised development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a revised development plan and conditions.

BACKGROUND INFORMATION:

- The ±3.65-acre request site is currently under development with a mixed use project which will consist of residential units with ground floor retail.
- Planned Development District No. 786 was approved by the Dallas City Council on June 11, 2008 (zoning case Z078-168).
- The applicant is requesting to amend the PDD conditions to 1) clarify the multifamily parking standards and to 2) revise the development plan to reconfigure the parking on SMU Boulevard and to combine leasing area and clubhouse amenities with the area originally designated as ground floor retail, resulting in a reduced footprint for the non-residential area.
- Additional revisions to the development plan include refinement of the schematic parking layout (the parking remains labeled “schematic” to provide some flexibility as the project progresses.)
- The mixed use project is targeted to SMU students. When creating the PDD, specific considerations were given to the site’s proximity to public transit.
- SMU, the City of Dallas and the North Central Texas Council of Governments (NCTCOG) have been working in partnership on streetscape improvements which will include wider sidewalks, pedestrian lighting, and other amenities along SMU Boulevard between Central Expressway and Greenville Avenue.
- The request site is surrounded by a mix of office, retail and personal service uses to the north, an electric substation to the east across elevated Greenville Avenue, the University Park Fred N. Peek Service Center to the south and a restaurant and post office to the west.

Zoning History:

1) Z067-189: On September 26, 2007, the City Council approved a Planned Development District for MU-3 District uses on property zoned an MU-3 Mixed Use District.

2) Z067-284: On December 7, 2010, the City Council approved a Planned Development District for MU-3 District uses on property zoned an MU-3 Mixed Use District.

3) Z101- 243: On August 24, 2011, the City Council approved an amendment to Specific Use Permit No. 1140 for a Municipal Service Center on property zoned an MU-3 Mixed Use District.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Greenville Avenue	Principle Arterial	100 ft.
Yale Boulevard	Collector	100 ft.
Worcola Street	Minor Arterial	50 ft.

Land Use:

	Zoning	Land Use
Site	PDD 786	Under development with mixed use project
North	MU-3, PD 769	office, retail and personal service uses
East	MU-3	Electric substation (across Greenville Avenue)
South	MU-3 with SUP No. 1140	University Park Fred N. Peek Service Center
West	MU-3	Restaurant, post office

STAFF ANALYSIS:

Comprehensive Plan:

The subject site is identified as being within an Urban Mixed Use Building Block on the *forwardDallas! Vision Illustration*, adopted June 2006. The Urban Mixed Use Building Block provides for a healthy balance of housing, jobs and shopping that permits residents to live, work and play in the same neighborhood. These areas are linked to the rest of the city by means of the transit system and should be designed to encourage pedestrian mobility. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses.

The applicant's proposal to redevelop the site with mixed uses is consistent with the *forwardDallas! Vision* and further complies with the following goals and policies of the Comprehensive Plan.

ECONOMIC ELEMENT

GOAL 2.2: ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.2: Maximize development opportunities around DART stations.

HOUSING

GOAL 3.2 Answer the need for housing options.

Policy 3.2.2 Encourage higher density housing within a quarter-mile of DART stations.

The southwest portion of the request site is within ¼ mile of the Mockingbird Park and Ride station.

ENVIRONMENT ELEMENT

GOAL 6.3 IMPROVE ENERGY EFFICIENCY AND AIR QUALITY

Policy 6.3.3 Limit vehicle miles traveled.

URBAN DESIGN ELEMENT

GOAL 5.3: ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1: Encourage a balance of land uses within walking distance of each other.

GOAL 5.1 Promote a sense of place, safety, and walkability.

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

Land Use Compatibility:

The ±3.65-acre request site is currently under development with a mixed use project which will consist of residential units with ground floor retail. Planned Development District No. 786 was approved by the Dallas City Council on June 11, 2008 (zoning case Z078-168).

The applicant proposes to amend the PDD conditions to so that no parking is required for an accessory community center (private). This clarification to the multifamily parking standards will ensure that common areas for residents such as swimming pools, game courts, workout areas, tanning beds, computer areas and/or coffee/snack areas, which are ancillary to the multifamily portion of the project, do not require additional parking. Typically, Building Inspection classifies such uses as “accessory community center (private)”. Pursuant to the Dallas Development Code, an accessory community center (private) is defined as “an integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development and that is used by residents of the project or development for a place of meeting, recreation or social activity. Typically, the parking required for this accessory use require is one (1) space per 100 square feet of floor area.

The mixed use project is targeted to SMU students. When creating the PDD, specific considerations were given to the site’s proximity to public transit. SMU, the City of Dallas and the North Central Texas Council of Governments (NCTCOG) have been working in partnership on streetscape improvements which will include wider sidewalks, pedestrian lighting, and other amenities along SMU Boulevard between Central Expressway and Greenville Avenue.

The request site is surrounded by a mix of office, retail and personal service uses to the north, an electric substation to the east across elevated Greenville Avenue, the University Park Fred N. Peek Service Center to the south and a restaurant and post office to the west.

The proposed amendments are consistent with the intent of PDD No. 786; therefore, staff is recommending approval. CPC recommended revised conditions to include a minimum of 8,000 square feet of non-multifamily uses and non-multifamily accessory uses in the area labeled “Commercial/retail/clubhouse” on the southeast corner of SMU Boulevard and Worcola Street.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD 786	3'	0'	3.0 FAR max.	70' 6 stories above grade	95%	No Urban form setback Tower spacing does not apply	Retail and Residential

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Construction and Development has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Given the request site’s proximity to the Mockingbird Park and Ride station, a 22 percent reduction in required parking was approved for the PDD, consistent with the principles of transit oriented development. The approved parking ratios are as follows:

Multifamily uses.

(1) For each dwelling unit with 1,000 square feet or less of floor area, a minimum of one-and-two-tenths off-street parking spaces are required.

(2) For each dwelling unit with more than 1,000 square feet of floor area, a minimum of one-and-one-half off-street parking spaces is required.

Retail and personal service uses:

(1) Except for restaurant uses, a minimum of one off-street parking space for each 400 square feet of floor area is required.

(2) For a restaurant use, a minimum of one off-street parking space for each 200 square feet of floor area is required.

On-street parking spaces on SMU Boulevard may be counted toward meeting the parking requirements for any use.

The applicant proposes to amend the PDD conditions to clarify the multifamily parking standards to ensure that common areas for residents such as swimming pools, game courts, workout areas, tanning beds, computer areas and/or coffee/snack areas do not require additional parking. Typically, Building Inspection classifies such uses as “accessory community center (private)”. Pursuant to the Dallas Development Code, an accessory community center (private) is defined as “an integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development and that is used by residents of the project or development for a place of meeting, recreation or social activity. The parking required for this accessory use require is one (1) space per 100 square feet of floor area.

CPC recommended revised conditions to include a minimum of 8,000 square feet of non-multifamily uses and non-multifamily accessory uses in the area labeled “Commercial/retail/clubhouse” on the southeast corner of SMU Boulevard and Worcola Street.

The approved development plan included on-street back-in angled parking on SMU Boulevard. At the time of the PDD application, staff noted concerns with the alternative parking design, since such vehicular movements can delay traffic flow. The applicant proposes to revise the development plan to reconfigure the parking on SMU Boulevard to a standard angled parking layout.

Landscaping:

Landscaping must comply with the provisions of PDD No. 786. No changes are proposed by this request.

CPC Action: September 1, 2011

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 786 for MU-3 Mixed Use District uses, subject to a revised development plan and revised conditions to include a minimum of 8,000 square feet of non-multifamily uses and non-multifamily accessory uses in the area labeled "Commercial/retail/clubhouse" on the southeast corner of SMU Boulevard and Worcola Street.

Maker: Peterson
Second: M. Davis
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 500 Mailed: 46
Replies: For: 8 Against: 0

Speakers: For: Suzan Kedron, 901 Main St., Dallas, TX, 75202
Against: None

List of Partners/Principals/Officers:

LIST OF PARTNERS/PRINCIPALS/OFFICERS
5640 SMU BLVD, L.P.

PARTNER:

5640 SMU BLVD GP, LLC, a Delaware limited liability company, a general partner

Prescott Realty Group – **Vance Detwiler** and **Jud Pankey**
Apollo Real Estate Advisors Fund V

MC TOWNHOMES I, L.P., a Delaware limited liability company

By: Prescott MC Townhomes I Genpar LP, a Texas limited partnership, a general partner

Prescott Realty Group – **Vance Detwiler** and **Jud Pankey**

By: AP-GP Townhomes, LLC, a Delaware limited liability company, a general partner

Apollo Real Estate Advisors Fund V

PARTNER:

NM TWIN CREEKS GP, LLC, a Delaware limited liability company, its general partner

By: NM Imperial, LLC, a Delaware limited liability company, its sole member

By: NML Real Estate Holdings, LLC, a Wisconsin limited liability company, its sole member

By: The Northwestern Mutual Life Insurance Company, a Wisconsin corporation, a sole member

By: Northwestern Investment Management Company, LLC, a Delaware limited liability company, its wholly-owned affiliate and authorized representative

THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY, a Wisconsin corporation

By: Northwestern Investment Management Partnership, LLC, a Delaware limited liability company, its wholly-owned affiliate and authorized representative

Z101-296

**ARTICLE 786.
PD 786.**

SEC. 51P-786.101. LEGISLATIVE HISTORY.

PD 786 was established by Ordinance No. 27215, passed by the Dallas City Council on June 11, 2008. (Ord. 27215)

SEC. 51P-786.102. PROPERTY LOCATION AND SIZE.

PD 786 is established on property located on the south side of Yale Boulevard, east of Worcola Street. The size of PD 786 is approximately 3.65 acres. (Ord. 27215)

SEC. 51P-786.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A. In this article:

(1) DOOR YARD ZONE means the area between the edge of the sidewalk furthest from the street and the front building facade.

(2) ENHANCED PAVING means any permeable or nonpermeable decorative pavement materials intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass pavers, exposed aggregate concrete, and stamped or stained concrete.

(3) FACADE WALL means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building that encloses usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are considered as part of a single facade wall.

(4) ROOF COURTYARD means a recreational area on top of a structure that is open to the sky and may include landscaping, a pool, and other amenities.

(c) This district is considered to be a nonresidential zoning district. (Ord. 27215)

SEC. 51P-786.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 786A: development plan. (Ord. 27215)

SEC. 51P-786.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit 786A). If there is a conflict between the text of this article and the development plan, the text of this article controls. (Ord. 27215)

SEC. 51P-786.106. MAIN USES PERMITTED.

(a) The only main uses permitted are those main uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-3 Mixed Use District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this district; etc. (Ord. 27215)

(b) a minimum of 8,000 square feet of non-multifamily uses and non-multifamily accessory uses in the area labeled "Commercial/retail/clubhouse" on the southeast corner of SMU Boulevard and Worcola Street.

SEC. 51P-786.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A- 4.217.

(b) The following accessory uses are not permitted:
-- Accessory medical/infectious waste incinerator.
-- Private stable.

(c) The following accessory use is permitted by SUP only:
-- Accessory helistop. (Ord. 27215)

SEC. 51P-786.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A- 4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MU-3 Mixed Use District apply.

(b) Front yard.

- (1) Minimum front yard is three feet.
- (2) The urban form setback does not apply.
- (3) Underground off-street parking may extend to the property line.

(c) Side and rear yard.

- (1) No minimum side and rear yard.

(2) Tower spacing does not apply.

(3) Underground off-street parking may extend to the property line.

(d) Density. Maximum number of dwelling units is 450.

(e) Floor area ratio.

(1) Maximum floor area ratio is 3.0.

(2) Maximum floor area of retail uses combined is 22,000.

(f) Height. Maximum structure height is 70 feet.

(g) Lot coverage. Maximum lot coverage is 95 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(h) Lot size. No minimum lot size.

(i) Stories. Maximum number of stories above grade is six. (Ord. 27215)

SEC. 51P-786.109. DESIGN STANDARDS FOR WORCOLA STREET FRONTAGE.

(a) Purpose. Continuous facades along pedestrian-oriented streets often have negative impacts on community aesthetics, pedestrian circulation, and the scale and rhythm of streetscapes. These design standards are intended to ensure that continuous facades that are located along well-traveled pedestrian ways are compatible with the surrounding area and mitigate the negative impact of continuous facades, while allowing creativity, flexibility, and variety in design. These design standards are also intended to make adaptive reuse of structures possible and compatible with surrounding land uses.

(b) Worcola Street facade walls. Worcola Street facade walls must incorporate at least three of the following design elements. The cumulative length of these design elements must extend for at least 60 percent of the facade wall's horizontal length.

(1) A repeating pattern of wall recesses and projections, such as bays, offsets, reveals, or projecting ribs, that have a relief of at least eight inches.

(2) At least three of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street:

(A) Architectural details such as arches, friezes, tile work, murals, or moldings.

(B) Integral planters or wing walls that incorporate landscaping or seating.

(C) Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounting accent lights, or decorative pedestal lights.

(D) Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

(E) A repeating pattern of pilasters projecting from the facade wall by a minimum of eight inches or architectural or decorative columns.

(3) Arcades, awnings, canopies, covered walkways, or porticos.

(4) Display windows, faux windows, or decorative windows.

(5) Trim or accent elements using decorative contrasting colors or decorative neon lighting on at least 10 percent of the area of the facade wall exclusive of fenestration.

(c) Worcola Street facade wall changes. Worcola Street facade walls must have one or more of the following changes:

(1) Changes of color, texture, or material, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.

(2) Changes in plane with a depth of at least 24 inches, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.

(d) Worcola Street materials and colors. No more than 75 percent of the area of a Worcola street facade wall, exclusive of fenestration, may have a single material or color. (Ord. 27215)

SEC. 51P-786.110. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Multifamily uses.

(1) For each dwelling unit with 1,000 square feet or less of floor area, a minimum of one-and-two-tenths off-street parking spaces are required.

(2) For each dwelling unit with more than 1,000 square feet of floor area, a minimum of one-and-one-half off-street parking spaces is required.

(3) (No parking is required for an accessory community center (private)).

(c) Retail and personal service uses.

(1) Except for restaurant uses, a minimum of one off-street parking space for each 400 square feet of floor area is required.

(2) For a restaurant use, a minimum of one off-street parking space for each 200 square feet of floor area is required.

(d) On-street parking.

(1) Except as provided in this paragraph, on-street parking spaces on Yale Boulevard may be counted as a reduction of the parking requirement for any use on the Property.

(A) An on-street parking space may not be used to reduce the required parking for more than one use, except that on-street parking spaces on Yale Boulevard may be used to reduce the total parking requirement of a mixed use project.

(B) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of times that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 = \text{one-third}$). The total of the limited-availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(2) On-street back-in angled parking is permitted on Yale Boulevard in the locations shown on the development plan. If on-street back-in angled parking is provided, signs must be posted in compliance with city regulations stating that back-in parking is required.

(3) On-street parking spaces must be marked in accordance with city regulations. (Ord. 27215)

SEC. 51P-786.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

(a) In general. Except as provided in this section, see Article VI.

(b) Green building standards. The following green building standards apply:

(1) The landscape irrigation systems for open space must be designed to use 15 percent less water than the Environmental Protection Agency Act of 1992 baseline.

(2) The landscape irrigation system must use rain water harvesting that complies with the applicable building code to supplement the public water supply. (Ord. 27215)

SEC. 51P-786.112. LANDSCAPING.

(a) In general.

(1) Except as provided in this section, landscaping must be provided in accordance with Article X.

(2) Sections 51A-10.125, "Mandatory Landscaping Requirements," and 51A-10.126, "Design Standards," do not apply.

(3) The areas between the building and Yale Boulevard, Worcola Street, and Greenville Avenue are divided into three zones, as shown on the development plan:

(A) Planting zone.

(B) Sidewalk zone.

(C) Door yard zone.

(b) Planting zone.

(1) Number of parkway trees.

(A) The minimum number of parkway trees required on Yale Boulevard is determined by dividing the number of feet of street frontage, excluding visibility triangles, by 40.

(B) The minimum number of parkway trees required for the Worcola Street frontage from Yale Boulevard south to the north driveway is determined by dividing the number of feet of street frontage, excluding visibility triangles and driveways, by 40.

(C) The minimum number of parkway trees required for the Worcola Street frontage from the north driveway south to the Property line is determined by dividing the number of feet of street frontage, excluding visibility triangles, by 25.

(2) Location of parkway trees.

(A) Parkway trees must be planted at least 10 feet from any building and must be spaced as uniformly as practical.

(B) A minimum eight-and-one-half-foot-wide planting zone must be provided from back of curb parallel to Yale Boulevard in the location shown on the development plan. A minimum of 60 percent of the planting zone must contain living trees, turf, grass, flowers, or ground cover vegetation that is recommended by the building official.

(C) A minimum five-and-one-half-foot-wide planting zone must be provided from back of curb parallel to Worcola Street in the location shown on the development plan. A minimum of 60 percent of the planting zone must contain living trees, turf, grass, flowers, or ground cover vegetation that is recommended by the building official.

(D) A minimum six-foot-wide planting zone must be provided between a building and back of curb parallel to Greenville Avenue in the location shown on the development plan. A minimum of 20 percent of the planting zone must contain living trees, turf, grass, flowers, or ground cover vegetation that is recommended by the building official.

(3) Type of parkway trees.

(A) Except where small trees are allowed, parkway trees must be large trees with a minimum height of 12 feet and a minimum caliper of two-and-one-half inches at the time of planting.

(B) For the Worcola Street frontage from Yale Boulevard south to the north driveway, a minimum of two large trees and two small trees are required.

(C) Large trees must be one of the following species:

- Acer barbatum* 'Caddo' Caddo Maple
- Acer rubrum* Red Maple
- Fraxinus texensis* Texas Ash
- Ginkgo biloba* Ginkgo
- Pistacia chinensis* Chinese Pistache
- Pinus thunbergii* Japanese Black Pine
- Quercus shumardii* Shumard Oak
- Quercus virginiana* Live Oak
- Taxodium distichum* Pond Cypress
- Taxodium distichum* Bald Cypress
- Ulmus crassifolia* Cedar Elm
- Ulmus parvifolia* Lacebark Elm
- Acer rubrum* 'October Glory' October Glory Maple
- Liquidambar styraciflua* Sweetgum
- Magnolia grandiflora* Southern Magnolia

Magnolia grandiflora 'Claudia Wannamaker' Claudia Wannamaker Magnolia

Quercus virginiana 'Highrise' Highrise Live Oak

Ulmus parvifolia 'Drake' Drake Elm

Ulmus parvifolia 'Emerl' Allee Elm

(D) Small trees means a tree of a species that normally reaches a height of less than 30 feet upon maturity.

(4) Planting requirements.

(A) If trees are planted in an area with less than 450 cubic feet of permeable (planting) area, Cornell University structural soils, applied as specified by the Urban Horticultural Institute of Cornell University, must be used.

(B) Any tree planted within 18 inches of pavement must have a tree grate that is at least five feet by five feet.

(5) Other.

(A) Large parkway trees may count towards the tree replacement requirements in Division 51A-10.130.

(B) Wheel stops must be provided along Yale Boulevard between on-street parking spaces and parkway trees. The wheel stops must be located a minimum of five feet from the center of a parkway tree.

(c) Sidewalk zone.

(1) A minimum 10-foot-wide unobstructed sidewalk must be provided parallel to Yale Boulevard and Worcola Street as shown on the development plan. ADA-approved tree grates are not considered a sidewalk obstruction.

(2) Sidewalks may include enhanced paving.

(3) Sidewalks within the sidewalk zone must be dedicated as sidewalk easement to the city to assure their availability to the public as a permanent pedestrian way.

(d) Door yard zone.

(1) A four-foot-wide door yard zone must be provided parallel to Yale Boulevard in the location shown on the development plan.

(2) The door yard zone may contain hardscaping, landscaping, and pedestrian amenities.

(3) Fences or screening must be 50 percent open and may not exceed four feet in height.

(e) Pedestrian amenities.

(1) Pedestrian amenities must be located along Yale Boulevard or Worcola Street, and may be located within the planting zone, sidewalk zone (but a minimum 10-foot-wide unobstructed sidewalk must be provided), or door yard zone.

(2) At least 10 pedestrian street lamps (free-standing or wall-mounted) must be provided.

(3) A minimum of two of the following pedestrian amenities must also be provided:

- (A) At least three light fixtures.
- (B) At least two park benches.
- (C) At least two bicycle racks.
- (D) At least two pieces of outdoor furniture, including tables and chairs.
- (E) At least two umbrellas.
- (F) At least two trash receptacles.
- (G) At least one piece of public art.
- (H) At least one water feature.
- (I) At least two bollards.

(f) Open space. A minimum of 25,000 square feet of roof courtyard must be provided.

(g) Parking structure screening.

(1) Aboveground parking structures must have a facade that is similar in materials, architecture, and appearance to the facade of the main structure that the parking serves.

(2) Breaks in the parking structure facade not exceeding 40 feet in width are permitted at entrances and exits.

(3) Openings in the parking structure facade may not exceed 50 percent of the total parking structure facade area.

(4) A minimum of 750 square feet of the parking structure openings, other than ingress and egress points, must be screened with one or more of the following plant material that are capable of achieving 12 feet in height and six feet in width within three years of planting:

- Bignonia capreolata* L. Crossvine
- Campsis radicans* Trumpet Vine
- Gelsemium sempervirens* Carolina Jessamine
- Hedera Helix* English Ivy
- Jasminum multiflorum* Star Jasmine
- Parthenocissus tricuspidata* Boston Ivy
- Parthenocissus quinquefolia* Virginia Creeper
- Rosa* spp. 'Banksia' Lady Banks Rose
- Wisteria japonica* Wisteria

(h) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping or pedestrian amenity requirements of this article. "Parkway" means the portion of a street right-of-way between the street curb and the lot line. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of

the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(4) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(i) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the building official shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a parkway landscape permit to the property owner; otherwise, the building official shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the building official's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the building official's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

(j) Maintenance. Plant materials must be maintained in a healthy, growing condition. (Ord. 27215)

SEC. 51P-786.113. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII. (Ord. 27215)

SEC. 51P-786.114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. 27215)

SEC. 51P-786.115. COMPLIANCE WITH CONDITIONS.

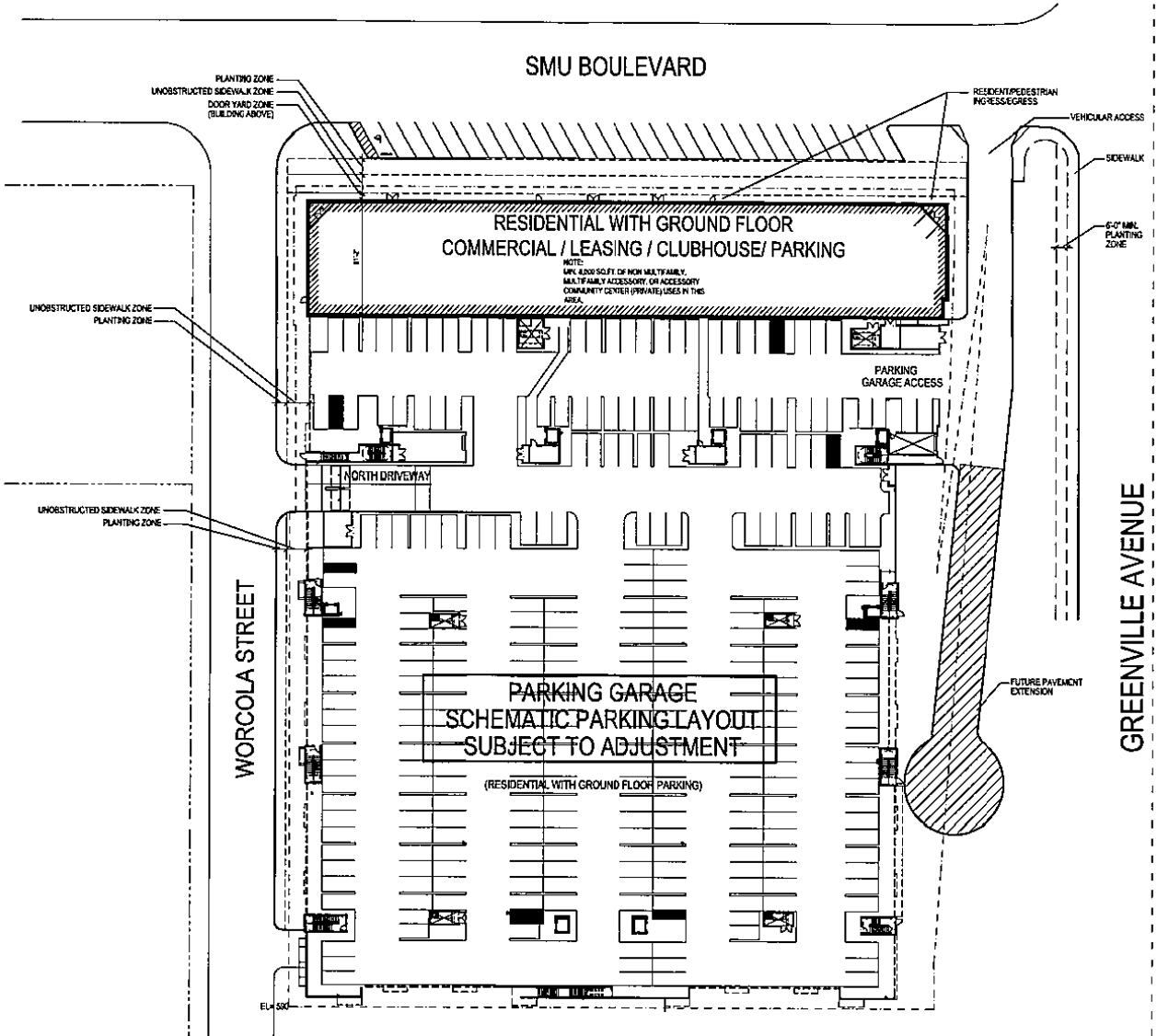
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 27215)

SEC. 51P-786.116. ZONING MAP.

PD 786 is located on Zoning Map Nos. G-8 and H-8. (Ord. 27215)

CPC Recommended Development Plan



DEVELOPMENT PLAN
PD 786 - EXHIBIT A



SCALE: 1" = 30' (24"x36" SHEET)



A2.01

Existing Development Plan

YALE BOULEVARD

PLANTING ZONE
UNOBSTRUCTED SIDEWALK ZONE
DOOR YARD ZONE
(BUILDING ABOVE)

RESIDENT/PEDESTRIAN
INGRESS/EGRESS

8' MINIMUM
PLANTING ZONE

RETAIL

(RESIDENTIAL ABOVE RETAIL AND PARKING)

LEASING

NORTH DRIVEWAY

UNOBSTRUCTED SIDEWALK ZONE
PLANTING ZONE

UNOBSTRUCTED SIDEWALK ZONE
PLANTING ZONE

WORCOLA STREET

GREENVILLE AVENUE

**PARKING GARAGE
SCHEMATIC PARKING LAYOUT
SUBJECT TO ADJUSTMENT**

(RESIDENTIAL ABOVE RETAIL AND PARKING)

FUTURE PAVEMENT
EXTENSION

EL. 600

081710

27215

APPROVED BY
CITY COUNCIL

JUN 11 2008

Richard Hamilton
City Secretary

Exhibit 786A

Planned Development
District No. 786

Approved
City Plan Commission
May 8, 2008

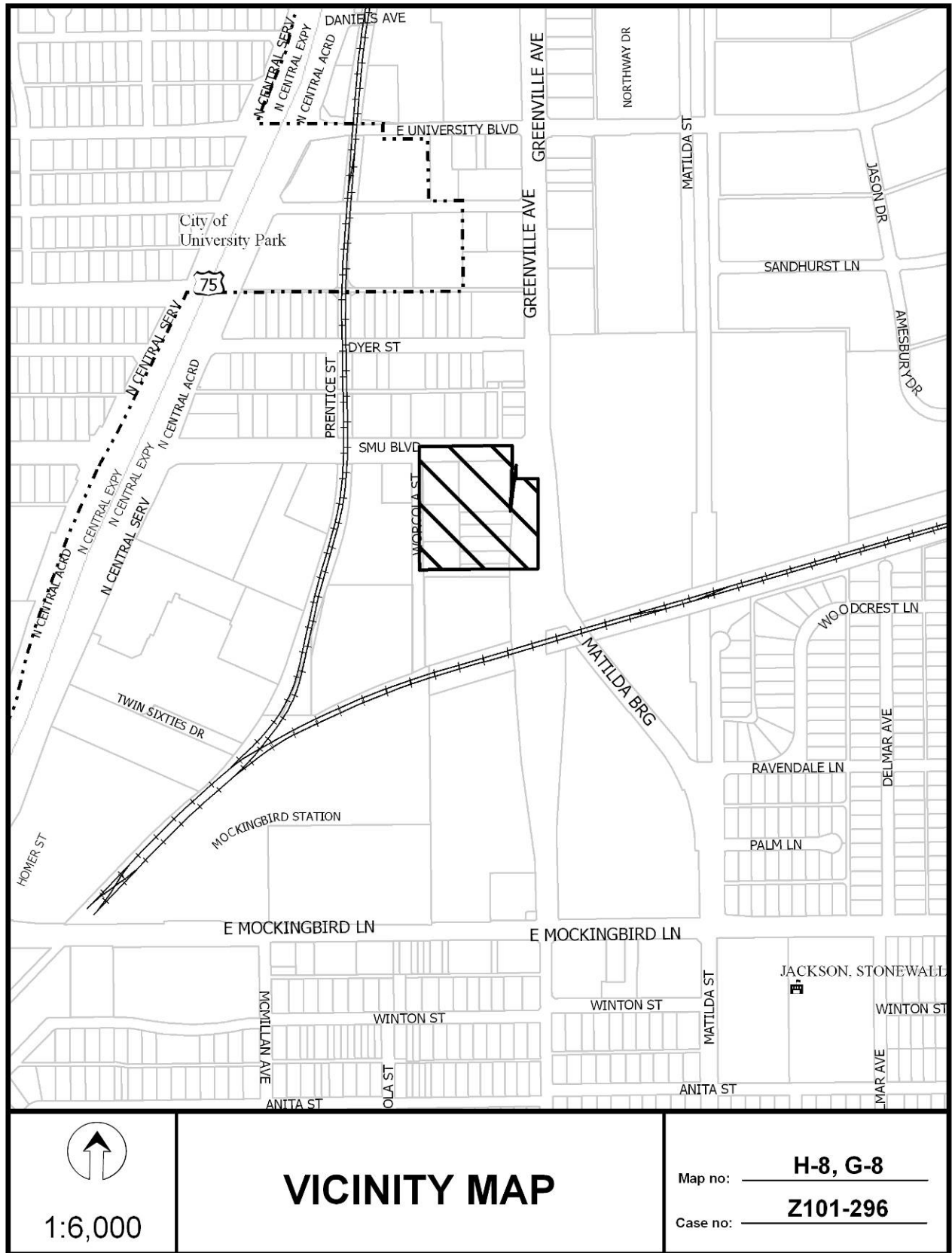
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3078-168**

DEVELOPMENT PLAN

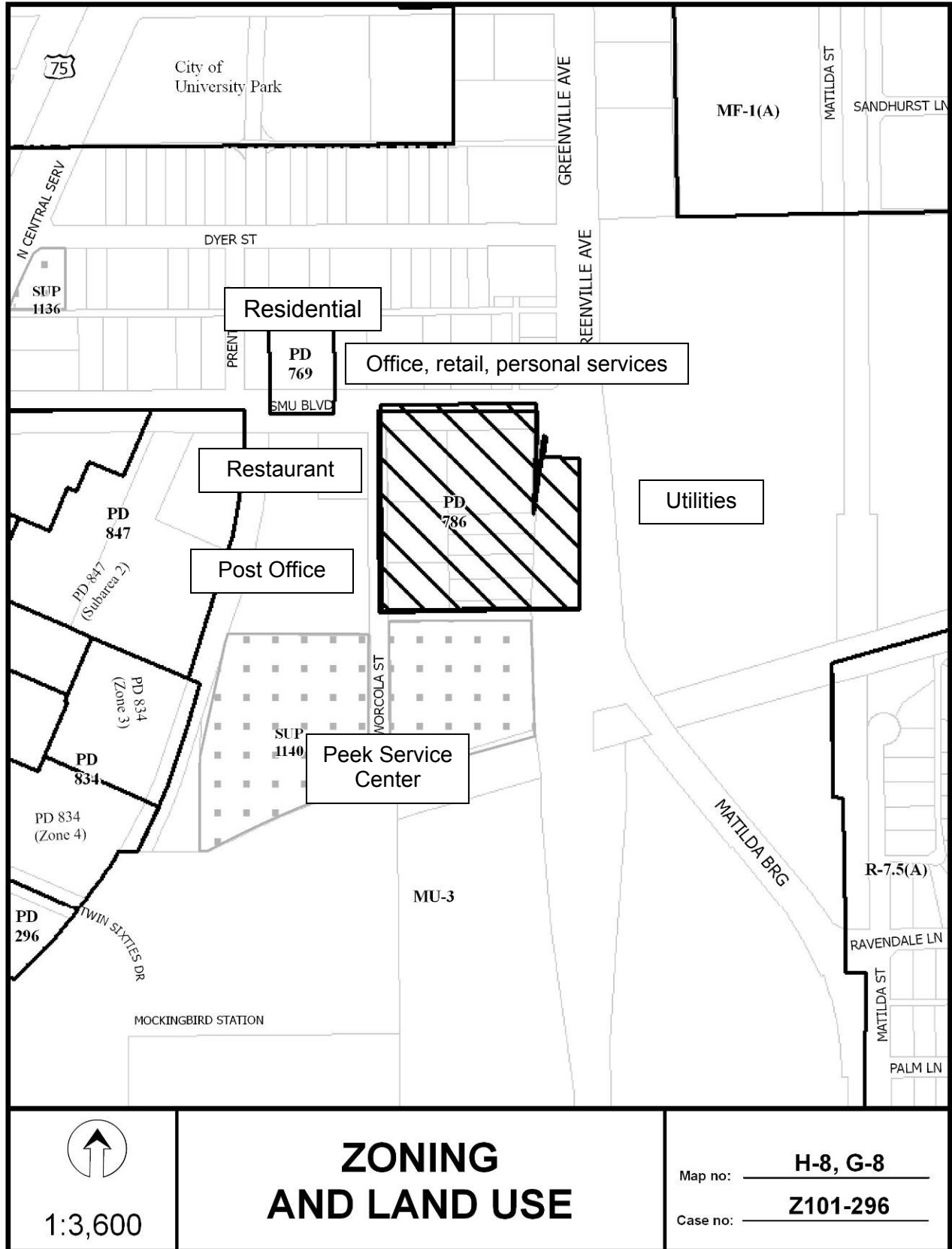


SCALE: 1" = 30' (24"x36" SHEET)

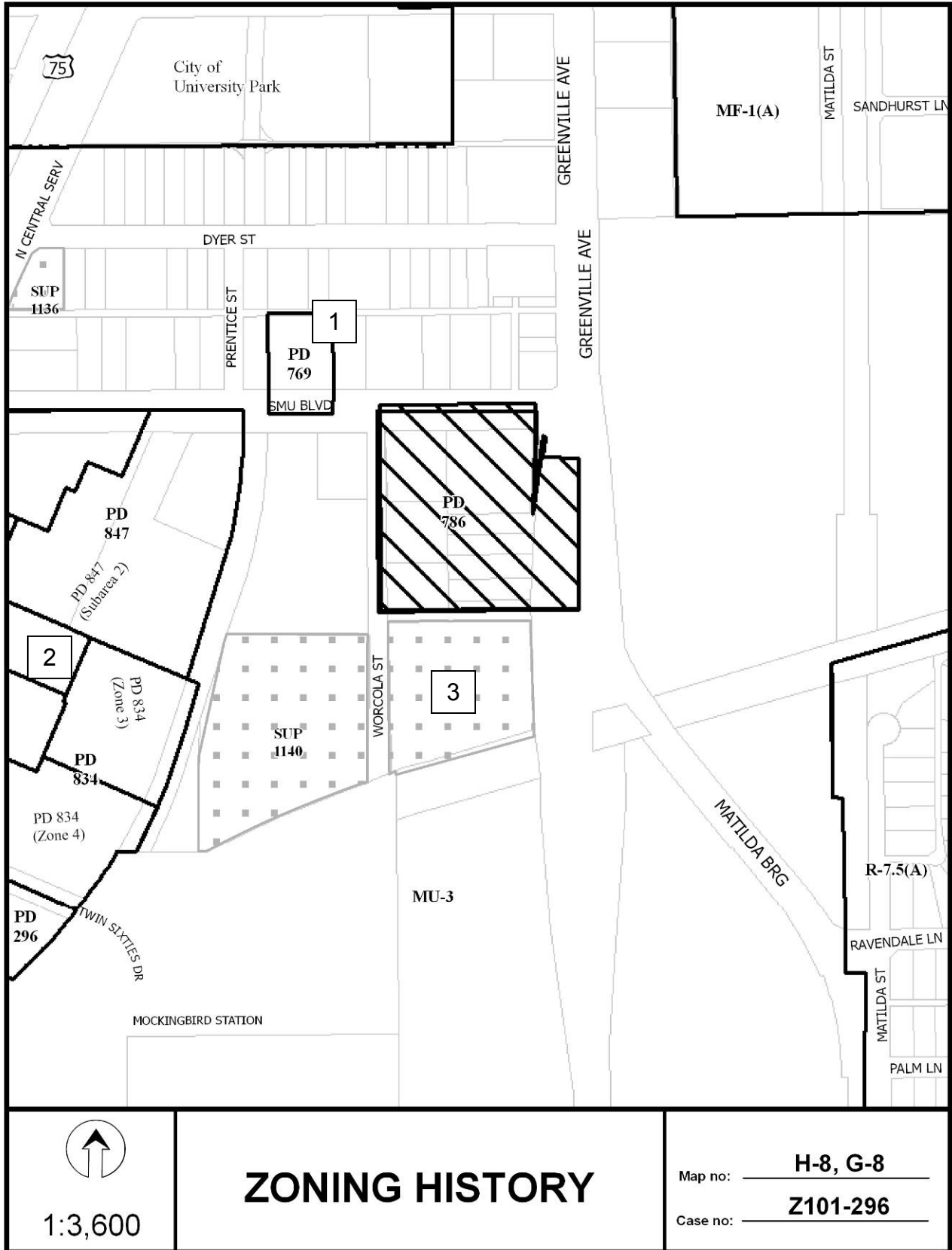
0' 30' 60' 120'



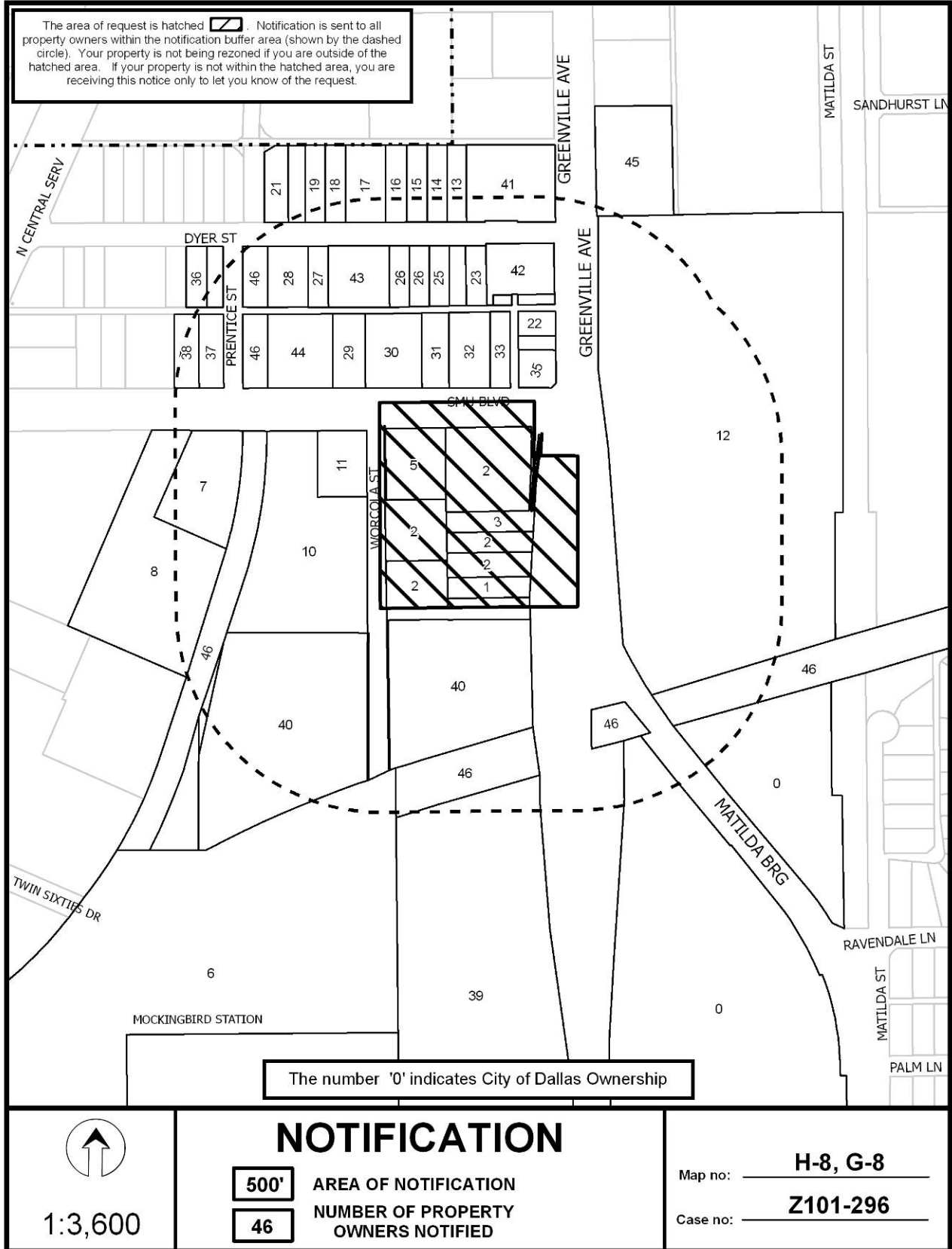
DATE: August 19, 2011



DATE: August 19, 2011



DATE: August 19, 2011



8/19/2011

Notification List of Property Owners

Z101-296

46 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4421 GREENVILLE	MC TOWNHOMES I LP STE 101
2	4436 WORCOLA	MC TOWNHOMES I LP STE 642
3	4439 GREENVILLE	MC TOWNHOMES I LP
4	4417 GREENVILLE	MC TOWNHOMES 1 LP
5	5630 YALE	MC TOWNHOMES I LP SUITE 101
6	5465 MOCKINGBIRD	DALLAS AREA RAPID TRANSIT
7	5550 YALE	SOUTHERN METHODIST UNIVERSITY
8	5540 YALE	SOUTHERN METHODIST UNIV OFFICE OF REAL E
9	4417 GREENVILLE	UNIVERSITY PARK CITY OF CITY HALL
10	5606 YALE	U S POSTAL SERVICE
11	5612 YALE	YALE CENTRAL LLC
12	4500 GREENVILLE	TEXAS UTILITIES ELEC CO % STATE & LOCAL
13	5641 DYER	SHELBY SHARON A
14	5639 DYER	PORTMANN W KRISTIN & PEGGY
15	5631 DYER	JACKSON LEASING PTNRS LTD % JERRY JACKSO
16	5627 DYER	GRINNAN PAULINE S % MANNING GRINNAN JR
17	5619 DYER	DYER STREET INVESTORS LP
18	5615 DYER	HAYS JERRY
19	5607 DYER	RUCKER GALE A & DONALD R POLAN
20	5605 DYER	BALLARD VENDORS INC % W L BALLARD JR
21	5601 DYER	BALLARD VENDORS INC % BILL BALLARD
22	4515 GREENVILLE	SMITH M NED
23	5644 DYER	HOLLYWOOD OVERHEAD DOOR CO
24	5642 DYER	HOLLYWOOD OVERHEAD DOOR CO INC
25	5634 DYER	PRENGLER HERSCHEL
26	5626 DYER	JACKSON LEASING PARTNERS LTD

8/19/2011

Label #	Address	Owner
27	5610 DYER	DIFRANCESCO PSP PARTNERS LTD
28	5602 DYER	NAK JOINT VENTURE LTD
29	5619 YALE	HOLTVET HOLDINGS LLC
30	5629 YALE	HARBISON JEWELL G SUITE 603
31	5635 YALE	EDM ASSOCIATES INC
32	5641 YALE	5641 YALE LTD PS
33	5645 YALE	MCAFEE MRS SUE N
34	4509 GREENVILLE	HUAMAN JAMES & LUPE MORENO
35	4503 GREENVILLE	4503 GREENVILLE AVE JOINT VENTURE &
36	5538 DYER	SOUTHERN METHODIST UNIVERSITY
37	5555 YALE	SECRET SALES CO INC
38	5551 YALE	STARK JERRY COMPANIES INC
39	5665 MOCKINGBIRD	KROGER TEXAS LP
40	4419 WORCOLA	UNIVERSITY PARK CITY OF
41	4615 GREENVILLE	MOONDANCE INVESTMENTS LTD
42	4529 GREENVILLE	MOONDANCE INV LTD
43	5622 DYER	DYER STREET INVESTORS LP
44	5609 YALE	MC 5609 YALE LP
45	4600 GREENVILLE	4600 GREENVILLE LLC % ANA PROPERTIES
46	555 2ND	DART

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 48 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Permit for the sale and service of alcoholic beverages in conjunction with a restaurant with a drive-through or drive-in on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south side of East R.L. Thornton Freeway (I-30), west of Buckner Boulevard
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a three-year with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions
Z101-306(MW)

FILE NUMBER: Z101-306(MW)

DATE FILED: June 23, 2011

LOCATION: South side of East RL Thornton Freeway, west of Buckner Boulevard.

COUNCIL DISTRICT: 7

MAPSCO: 48-F

SIZE OF REQUEST: ±0.713 acre

CENSUS TRACT: 122.07

REPRESENTATIVE: Jackson Walker, LLP

APPLICANT: Cabana Beverages, Inc.

OWNER: Mary Properties, LLC

REQUEST: An application for a Specific Permit for the sale and service of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south side of East RL Thornton Freeway, west of Buckner Boulevard.

SUMMARY: The applicant proposes to sell alcoholic beverages for on-premise consumption at an existing restaurant with drive-through service.

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

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

BACKGROUND INFORMATION:

- The ±0.713-acre request site is developed with a ±4,018-square foot restaurant with drive-through service.
- The applicant proposes to sell alcoholic beverages for on-premise consumption at the existing restaurant.
- The restaurant with drive-in or drive-through service is permitted by right. The sale of alcoholic beverages on the property requires a specific use permit due to the D-1 Liquor Control Overlay.
- The request site is surrounded by RL Thornton Freeway right-of-way to the north; a shopping center to the east; retail to the south and retail and a bank to the west.

Zoning History:

There have been no recent zoning requests within the immediate vicinity request site.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
RL Thornton Freeway	Primary Highway	Variable Lane Width

Land Use:

	Zoning	Land Use
Site	RR-D-1	Restaurant with drive-through service
North	RR-D-1	RL Thornton Freeway right-of-way
East	RR-D-1	Shopping Center
South	RR-D-1	Retail
West	RR-D-1	Retail; bank

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Business Center or Corridor* Building Block. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark 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.

In general, the applicant's request for a Specific Use Permit for the sale and service of alcoholic beverages in conjunction with a drive-through or drive-in restaurant is consistent with the following goal and policy of the Comprehensive Plan.

LAND USE ELEMENT

Goal 1.1: Promote desired development.

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The ±0.713-acre request site is developed with a ±4,018-square foot restaurant with drive-through service. The applicant proposes to sell alcoholic beverages for on-premise consumption at the existing restaurant. The restaurant with drive-through service is permitted by right. The sale of alcoholic beverages on the property requires a specific use permit due to the D-1 Liquor Control Overlay.

The request site is surrounded by RL Thornton Freeway right-of-way to the north; a shopping center to the east; retail to the south and retail and a bank to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The City Council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the City.

The applicant’s request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code.

Development Standards:

DISTRICT	SETBACKS	Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
RR-D-1 Regional retail	15' 20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Construction and Development has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a restaurant with drive-in or drive-through service is one (1) space per 100 square feet of floor area. Therefore, the ±4,018-square foot restaurant requires 40 parking spaces; 42 parking spaces are provided, as depicted on the site plan.

Landscaping:

Any new development on the property will require landscaping per Article X of the Dallas Development Code.

Police Reports:

An online search of the Dallas Police Department's offense incident reports for the period from January 1, 2005 to September 20, 2011 revealed no records.

DALLAS POLICE DEPARTMENT										
										Welcome
Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0009037-X	01/10/2010	DELAGARZA,RAMIRO	THEFT	09210	E	RLTHORNTON...	318	1217	06942	
0009649-R	01/03/2006	*TACO CABANA	FORGERY & COUNTERFEI...	09210	E	RLTHORNTON...	322	1217	10021	
0017476-V	01/17/2008	PEARSON,JAMES	TRAFFIC MOTOR VEHICLE	09210	E	RLTHORNTON...	323	1217	32090	
0031396-W	02/02/2009	*TACO CABANA	BURGLARY	09210	E	RLTHORNTON...	318	1217	06901	05259
0038276-R	01/15/2006	MENDOZA,GLORIA	THEFT	09210	E	RLTHORNTON...	322	1217	06951	
0044529-Y	02/21/2011	*TACO CABANA	FOUND PROPERTY	09210	E	RLTHORNTON...	318	1217	43020	
0098940-W	04/09/2009	*TACO CABANNA	THEFT	09210	E	RLTHORNTON...	318	1217	06901	
0107315-X	04/19/2010	GARCIA,ERIC	ASSAULT	09210	E	RLTHORNTON...	318	1217	08121	
0107318-X	04/19/2010	GARCIA,JUAN	ASSAULT	09210	E	RLTHORNTON...	318	1217	08121	
0142541-X	05/23/2010	*TACO CABANA #274	CRIMINAL MISCHIEF/VA...	09210	E	RLTHORNTON...	318	1217	14081	
0148048-Y	06/07/2011	GARCIA, SAUL	THEFT	09210	E	RLTHORNTON...	318	1217	06942	
0150578-X	05/30/2010	YARBROUGH,JERAMY	AGGRAVATED ASSAULT	09210	E	RLTHORNTON...	318	1217	04221	
0153042-R	03/02/2006	*TACO CABANA	THEFT	09210	E	RLTHORNTON...	322	1217	06904	
0155014-R	03/02/2006	HANKS, RAYMOND D.	AGGRAVATED ASSAULT	09210	E	RLTHORNTON...	322	1217	04261	
0177028-X	06/04/2010	SHIPNES,JEFFREY	THEFT	09210	E	RLTHORNTON...	318	1217	26000	06942

Page 1 of 2 (25 items)

DALLAS POLICE DEPARTMENT										
										Welcome
Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0190175-X	07/07/2010	*TACO CABANA	FORGERY & COUNTERFEI...	09210	E	RLTHORNTON...	318	1217	10022	
0202650-X	07/18/2010	MUNOZ, ISELA	ASSAULT	09210	E	RLTHORNTON...	318	1217	08322	08312
0262872-X	09/20/2010	*TACO CABANA #274	THEFT	09210	E	RLTHORNTON...	318	1217	06933	
0335605-W	11/11/2009	MCBROOM, MARTHA	ROBBERY	09210	E	RLTHORNTON...	318	1217	03911	
0356401-X	12/31/2010	PAINTER, WILLIAM	OTHER OFFENSES	09210	E	RLTHORNTON...	318	1217	26000	
0380018-W	12/26/2009	SELLERS,BRADLEY,DEWA...	OTHER OFFENSES	09210	E	RLTHORNTON...	318	1217	26000	
0560537-T	07/27/2007	GRANADOS,ROSA	TRAFFIC MOTOR VEHICLE	09210	E	RLTHORNTON...	322	1217	32090	
0695346-T	10/20/2007	ACOSTA,SANTOS	THEFT	09210	E	RLTHORNTON...	322	1217	06942	06941
0919461-P	11/16/2005	MENDOZA,GLORI	ASSAULT	09210	E	RLTHORNTON...	322	1217	08322	
0115281-P	12/24/2005	WALKER,IRRIELLE J.	MISSING PERSON	09210	E	RLTHORNTON...	322	1217	41024	

Page 2 of 2 (25 items)

CPC Action: September 1, 2011

Motion: It was moved to recommend **approval** of a Specific Permit for the sale and service of alcoholic beverages in conjunction with a drive-through or drive-in restaurant for a three-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south side of East RL Thornton Freeway, west of Buckner Boulevard.

Maker: Bagley
Second: Tarpley
Result: Carried: 14 to 0
For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 200 Mailed: 8
Replies: For: 0 Against: 0

Speakers: For (Did not speak): Suzan Kedron, 901 Main St., Dallas, TX, 75202
Against: None

Partners/Principals/Officers:

Applicant: Cabana Beverages, Inc.

Cabana Beverages, Inc. (TX, 11/4/91) FID 74-2616290	
Stockholder: TC Bevco LLC 100%	
License holder of all mixed beverage licenses in Texas (does not include private clubs)	
Management company: Texas Taco Cabana, LP	
President / Treasurer/ Director	Shanna M. Ramirez
Secretary/ Director	Armando Lopez
VP/ Director	Rodney Dunn
Registered Agent	CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201

Owner: Mary Properties LLC

The Mary L Macchiaroli Family Trust
Mary L Macchiaroli, Trustee, Manager

- Thomas G. Kindred, Jr. – SVP
- Todd V. Jones – VP & Assistant Secretary
- Carolyn Craft Martin - VP & Assistant Secretary
- Barbara Habhab - VP & Assistant Secretary
- Deborah Barker – VP
- Lisa Everroad – VP
- Delaine Gordon – VP
- Kelly Hallford – VP
- Kenneth R. Heimlich – VP
- Donna Ramsay – VP
- Sheila Samples – VP
- Anton (Butch) Tratar – VP
- Dale van Gelder – VP
- Harold Vinson - VP

**Z101-306
CPC Recommended Conditions**

- **USE:** The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service.
- **SITE PLAN:** Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

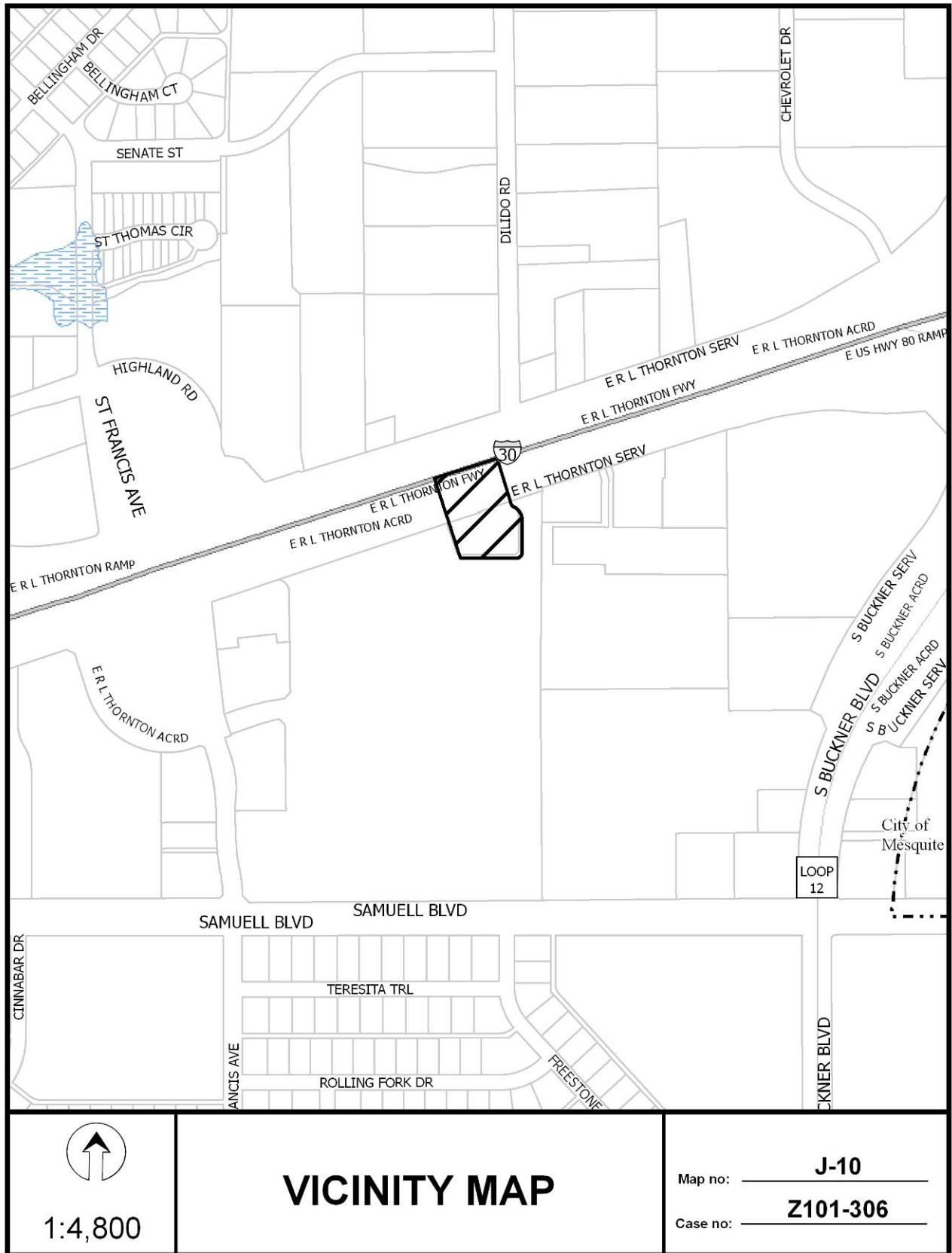
- **TIME LIMIT:** This specific use permit expires on (three years), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

Staff Recommendation:

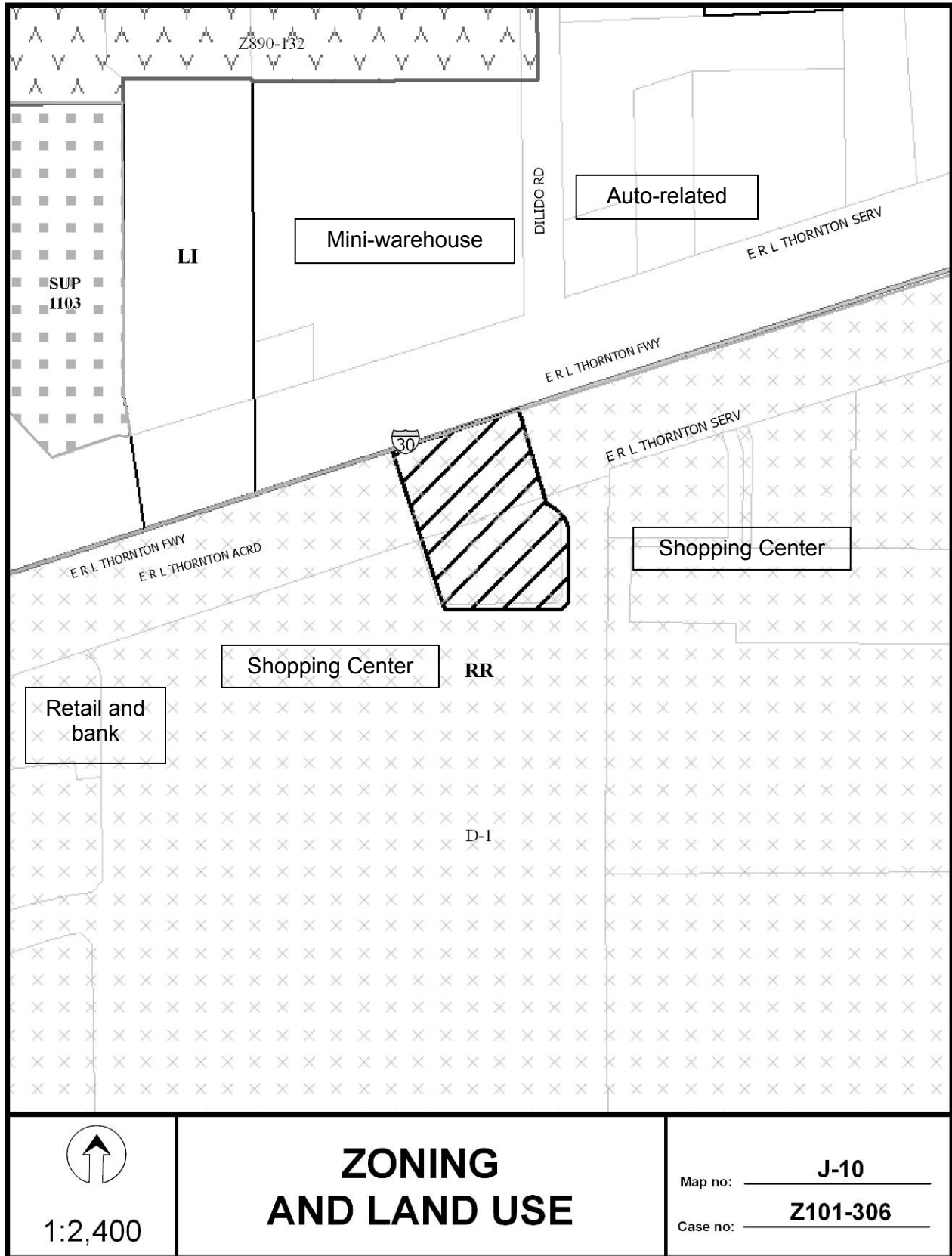
- **3. TIME LIMIT:** This specific use permit expires on (two years), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

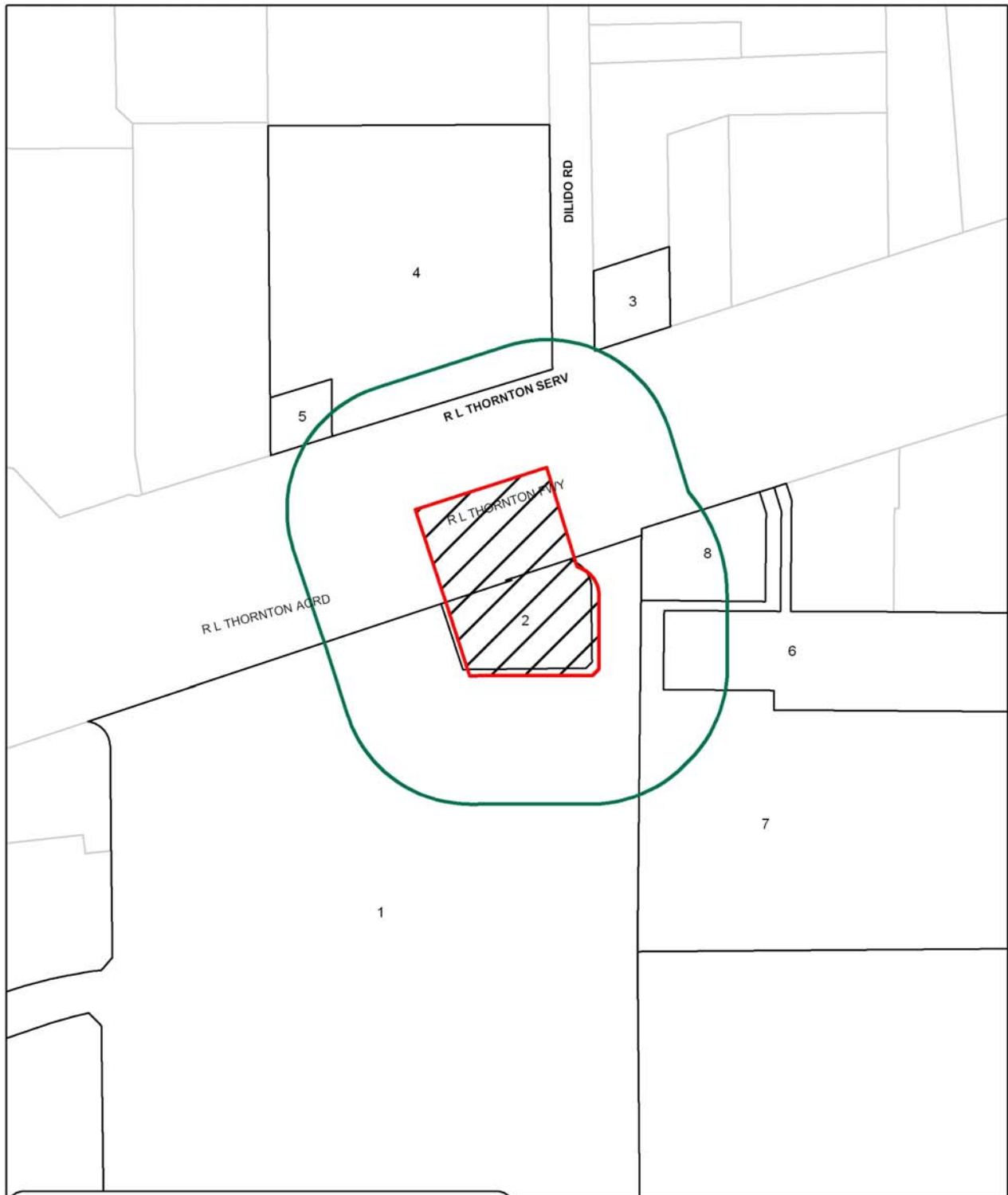
- **DRIVE-THROUGH WINDOW:** A retail use may not use a drive-through window for retail sales of alcoholic beverages.
- **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
- **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Z101-306(MW)



DATE: August 18, 2011





<u>8</u>	Property Owners Notified (8 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/1/2011</u>	Date

Z101-306
J-10
CPC



1:2,400

Notification List of Property Owners

Z101-306

8 Property Owners Notified 0 Property Owners Opposed 0 Property Owners in Favor

<i>Vote</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9100	R L THORNTON	WAL MART REAL EST BUS TR
2	9210	R L THORNTON	MARY PPTIES LLC
3	9103	R L THORNTON	GARLAND E PARTNERSHIP LP
4	9001	R L THORNTON	LAMPLIGHTER MOTEL LTD
5	9001	R L THORNTON	SINNI CORPORATION
6	9222	R L THORNTON	IACONO ELANA FAMILY LTD
7	9208	R L THORNTON	BUCKNER SHOPPING CE LP
8	9214	R L THORNTON	BUCKNER SHOPPING CE LP

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 13
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 23 R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of Walnut Hill Lane and Marsh Lane

Recommendation of Staff and CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z101-307(WE)

FILE NUMBER: Z101-307(WE) **DATE FILED:** January 10, 2011

LOCATION: Walnut Hill Lane and Marsh Lane, northwest corner

COUNCIL DISTRICT: 13 **MAPSCO:** 23-R

SIZE OF REQUEST: Approx. 1.34 acres **CENSUS TRACT:** 97.02

APPLICANT: CVS Corporation

OWNER: Gupta Walnut Hill Investments

REPRESENTATIVE: MASTERPLAN
Santos Martinez

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing drug store.

CPC RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two year time period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two year time period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a general merchandise or food store greater than 3,500 square feet.
- The proposed use is to sell alcohol for off-premise consumption in conjunction with the existing general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.
- In March 1992, the City Council recommended approval of Specific Use Permit No. 1100 for a radio, television or microwave tower for a permanent time period.
- The surrounding land uses consist of a variety of retail uses to the north and west of the site. The properties east of Marsh Lane are developed with retail uses. South of the site, across Walnut Hill Lane is developed with office and single family uses

Zoning History: There has not been any zoning changes requested in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Marsh Lane	Principal Arterial	100 ft.	100 ft.
Walnut Hill Lane	Principal Arterial	90 ft.	90 ft.

Land Use:

	Zoning	Land Use
Site	CR-D w/SUP No. 1100	General Merchandise store & Radio, television or microwave tower
North	CR-D	Retail
South	R-7.5(A), NO(A) w/ deed restrictions, SUP 748	Single Family, Offices & Bus Shelter
East	CR	General Merchandise store, Service Station
West	CR-D	Retail

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 is in the Residential Neighborhoods Building Block.

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

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 approximately 1.34 site is zoned a CR-D Community Retail District with a D Liquor Control Overlay and is currently developed with a general merchandise or food store greater than 3,500 square feet within a retail strip center. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, which is not allowed by the D Liquor Control Overlay but requires a Specific Use Permit in the D-1 Liquor Control Overlay.

The surrounding land uses consist of a variety of retail uses to the north and west of the site. The properties east of Marsh Lane are developed with retail uses. South of the site, across Walnut Hill Lane is developed with office and single family uses.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as

the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant’s request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CR-D 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

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area. The development requires 55 spaces with 65 being provided per the attached site plan.

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

Dallas Police Department: A copy of a police report of the past 5 years of offenses is provided below.

DALLAS POLICE DEPARTMENT										UCR Codes	Year Codes	Property Class Codes
Virtual Viewer - Public Access											Welcome	
Search Records - Offense											Filter	
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2		
0000946-W	01/01/2009	GARCIA, MARIA	AGGRAVATED ASSA...	10003		MARSHLN	534	3035	04311			
0002706-Y	01/04/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06932			
0010637-Y	01/10/2008	FOREMAN, SHERYL	THEFT	10003		MARSHLN	534	3035	06941			
0013812-Y	01/17/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06935			
0019934-Y	01/24/2011	@CITY OF DALLAS	FOUND PROPERTY	10003		MARSHLN	554	3035	43020			
0027324-X	01/28/2010	@CITY OF DALLAS	NARCOTICS DRUG ...	10003		MARSHLN	554	3035	18711			
0032231-Y	02/07/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
0032528-Y	02/07/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
0032931-W	01/03/2009	*OLSHAN FONDATION	THEFT	10003		MARSHLN	554	3035	06952			
0051301-X	02/23/2010	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
0063327-X	03/07/2010	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06932			
0083355-Y	04/04/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06933			
0084415-Y	04/05/2011	*CVS PHARMACY #7748	THEFT	10003		MARSHLN	554	3035	26000	06933		
0087289-Y	04/08/2011	*CVS PHARMACY - 7748	THEFT	10003		MARSHLN	554	3035	06934			
0090331-Y	04/11/2011	NORWOOD,RICHARD	ASSAULT	10003		MARSHLN	554	3035	08121			
0108414-Y	04/28/2011	*CVS PHARMACY 7748	THEFT	10003		MARSHLN	554	3035	06933			
0118416-X	04/29/2010	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06932			
0121965-Y	05/12/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06933			
0122787-X	05/03/2010	*CVS	THEFT	10003		MARSHLN	554	3035	06932			
0127901-W	05/05/2009	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06901			
0128694-W	05/06/2009	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06935			
0129530-Y	05/20/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06932			
0134939-Y	05/25/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06934			
0141725-Y	06/01/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
0156943-T	03/07/2007	*CVS 7748	CRIMINAL MISCHIE...	10003		MARSHLN	654	3035	14082			
0174073-Y	07/03/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
0190981-W	06/30/2009	*CVS PHARMACY	NARCOTICS DRUG ...	10003		MARSHLN	554	3035	18711			
0198279-T	03/21/2007	*CVS	THEFT	10003		MARSHLN	654	3035	06934			
0206111-V	07/02/2008	*CVS PHARMACY #7748	THEFT	10003		MARSHLN	534	3035	06933			
0215538-X	08/01/2010	*CVS	THEFT	10003		MARSHLN	554	3035	06932			
0243126-X	08/29/2010	@CITY OF DALLAS	FOUND PROPERTY	10003		MARSHLN	554	3035	43020			
0243127-X	08/29/2010	@CITY OF DALLAS	FOUND PROPERTY	10003		MARSHLN	554	3035	43020			
0251509-T	04/10/2007	*CVS PHARMACY	BURGLARY	10003		MARSHLN	654	3035	05131			
0255722-V	08/18/2008	BUNCH, FLORA	THEFT	10003		MARSHLN	534	3035	06941			
0322674-W	10/30/2009	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
0664848-T	09/22/2007	*CVS PHARMACY #7748	BURGLARY	10003		MARSHLN	654	3035	05131			
0686689-T	10/12/2007	JONES,POLIET,R.	MISSING PERSON	10003		MARSHLN	654	3035	41021			
0689617-R	09/10/2006	CANTRELL, GARY	THEFT	10003		MARSHLN	654	3035	06941			
0892268-R	11/27/2006	*CVS	THEFT	10003		MARSHLN	654	3035	06901			

CPC Action (September 1, 2011)

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store greater than 3,500 square feet for a two-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of Walnut Hill Lane and Marsh Lane.

Maker: Shellene
Second: Peterson
Result: Carried: 14 to 0

For: 14 -R. Davis, Wally, Anglin, M. Davis, Rodgers,
Hinojosa, Bagley, Tarpley, Shellene, Bernbaum,
Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 300 Mailed: 26
Replies: For: 2 Against: 3

Speakers: None

LIST OF OFFICERS
CVS

- Thomas Ryan Chairman of the Board
- Larry Merio President, COO
- Thomas S. Mofatt Vice President and Assistant Secretary

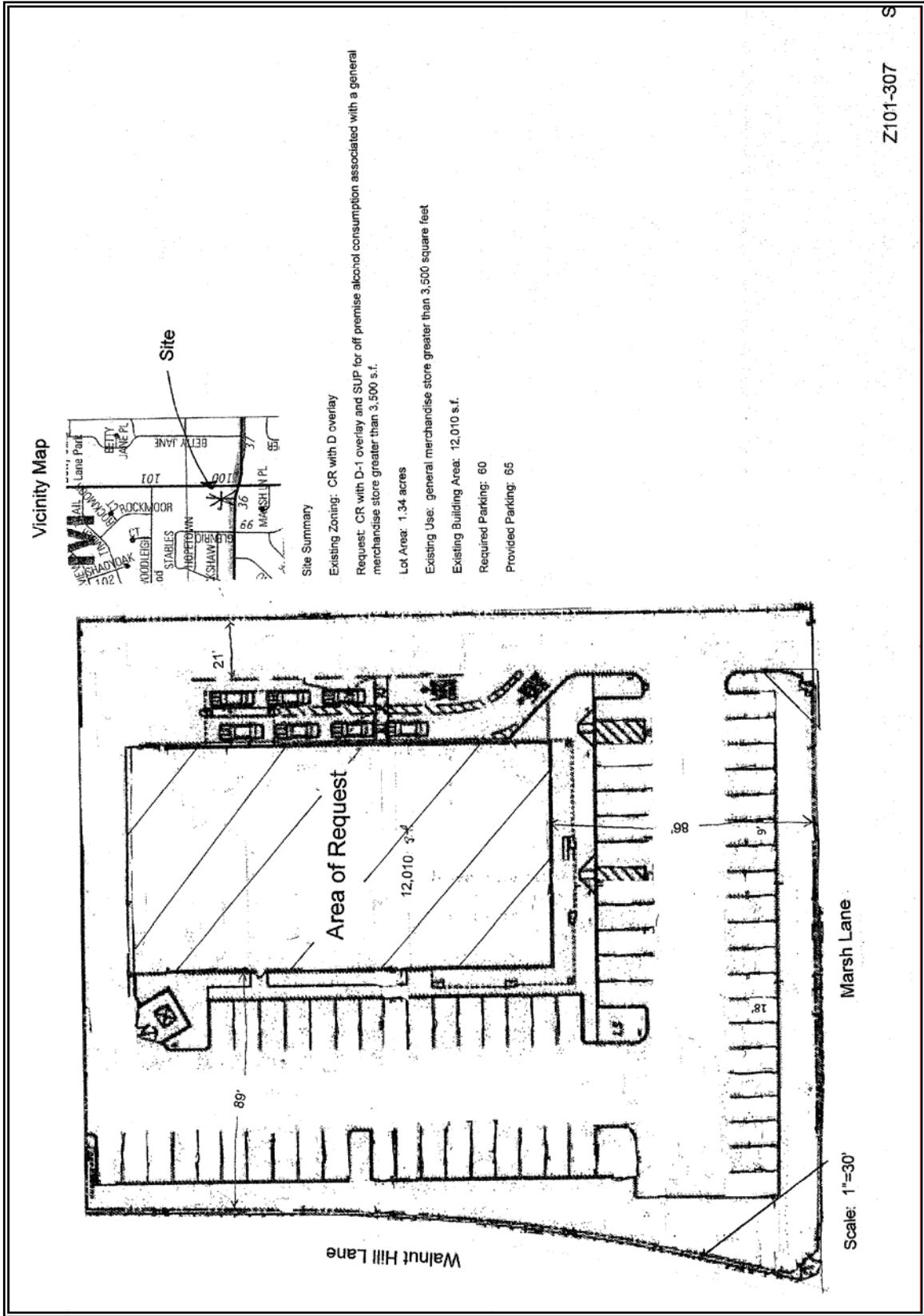
LIST OF OFFICERS
Gupta Walnut Hill Investments

- Pushpa Gupta – Sole Owner

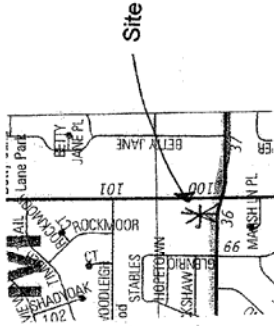
CPC SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Off-street parking must be located as shown on the attached site plan.
6. DRIVE-THROUGH WINDOW: A retail use may not use a drive-through window for retail sales of alcoholic beverages.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



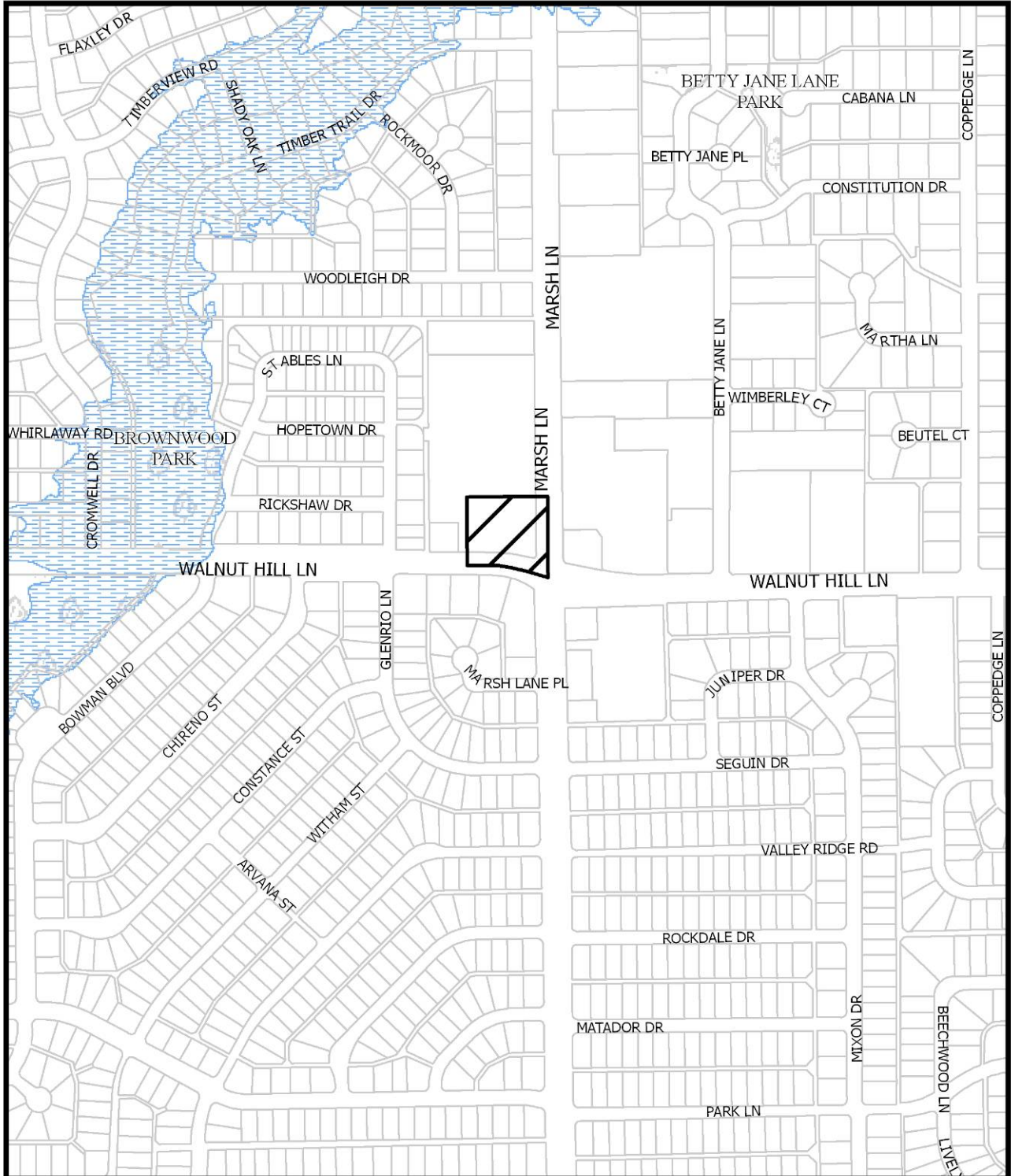
Vicinity Map



Site Summary

- Existing Zoning: CR with D overlay
- Request: CR with D-1 overlay and SUP for off premise alcohol consumption associated with a general merchandise store greater than 3,500 s.f.
- Lot Area: 1.34 acres
- Existing Use: general merchandise store greater than 3,500 square feet
- Existing Building Area: 12,010 s.f.
- Required Parking: 60
- Provided Parking: 65

Z101-307 S



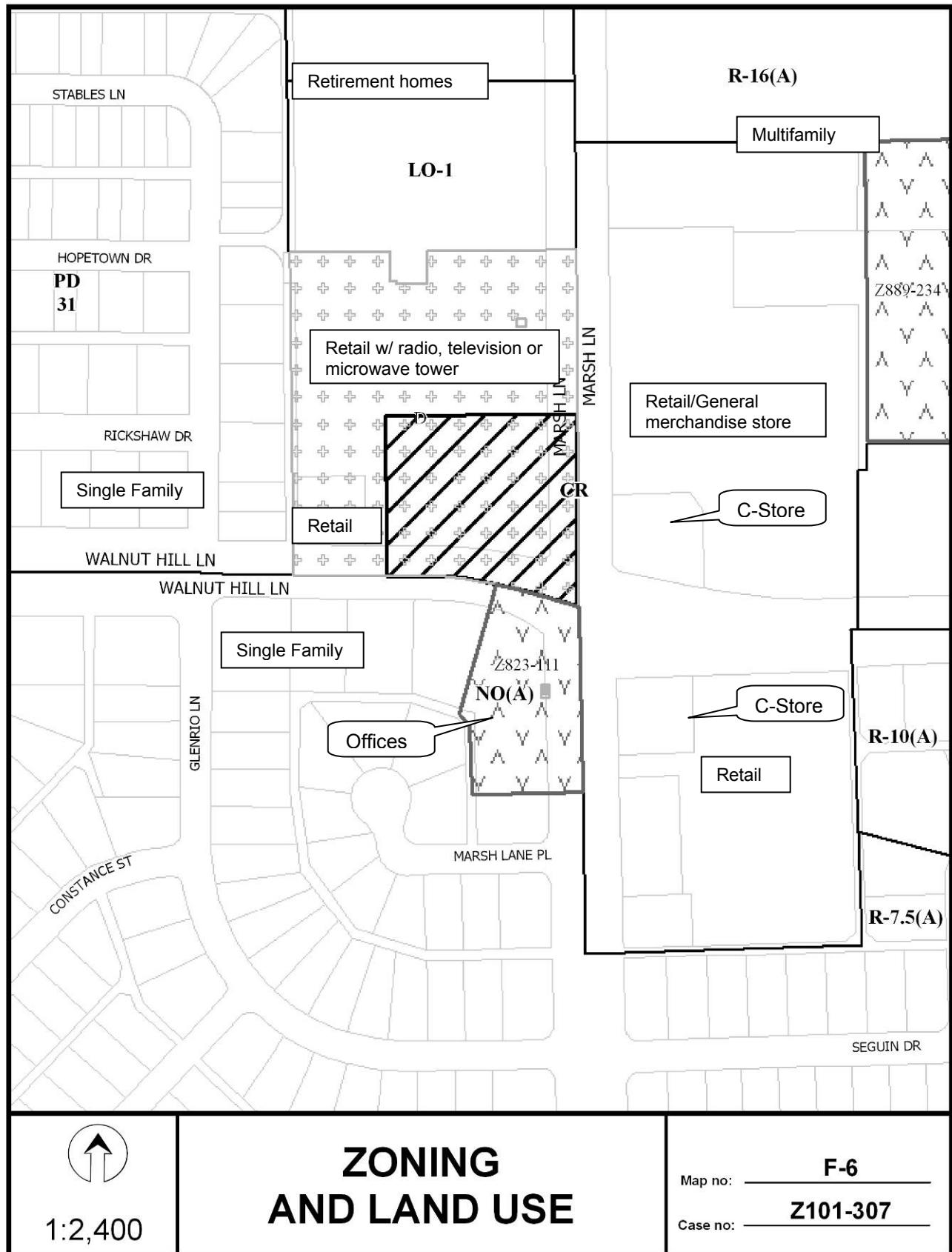
1:6,000

VICINITY MAP

Map no: F-6

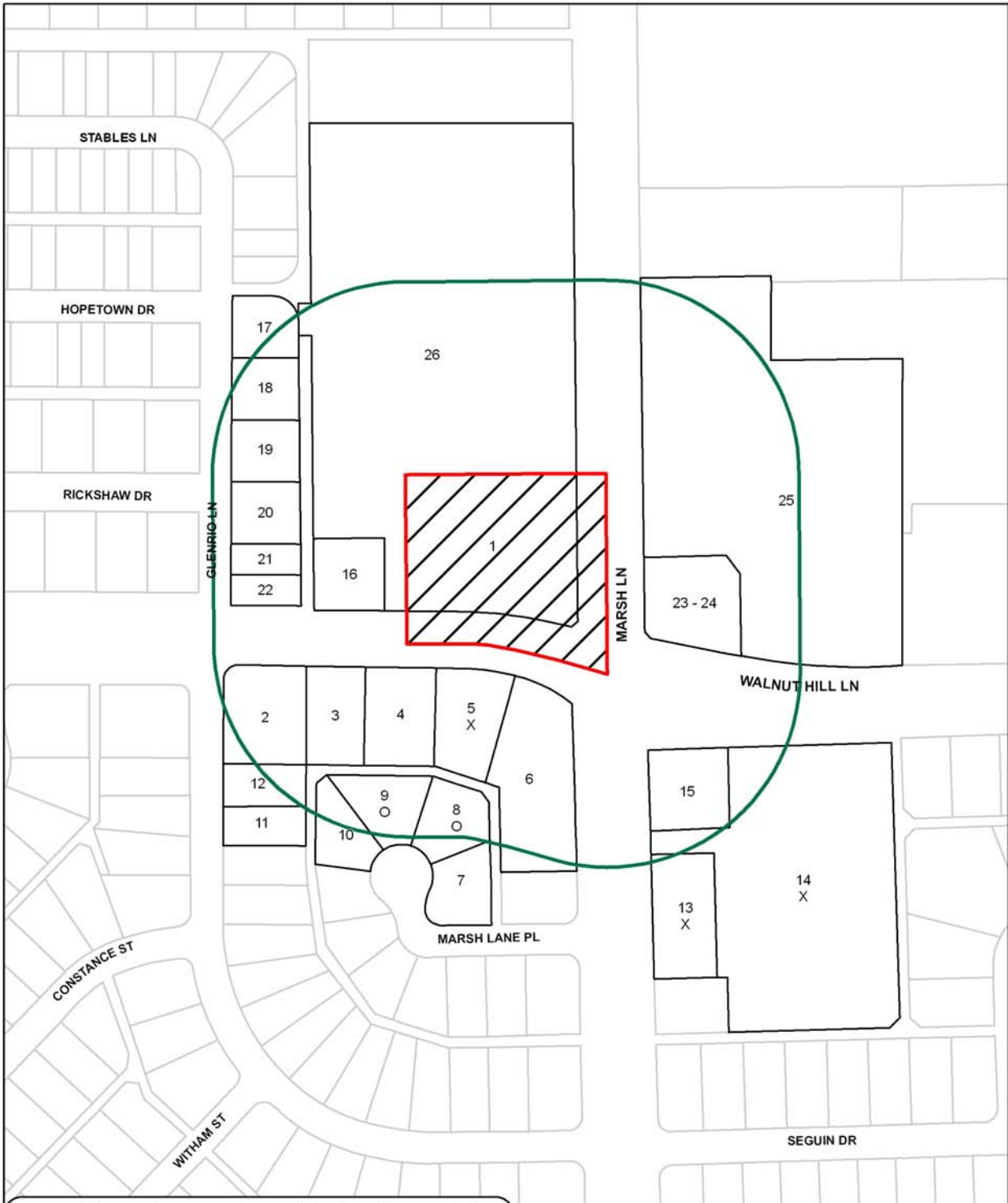
Case no: Z101-307

DATE: July 21, 2011



DATE: July 21, 2011

CPC RESPONSES



<u>26</u>	Property Owners Notified (25 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>3</u>	Replies in Opposition (3 parcels)
<u>300'</u>	Area of Notification
<u>9/1/2011</u>	Date

Z101-307
F-6
CPC

N
W —+— E
S

1:2,400

Notification List of Property Owners

Z101-307

26 Property Owners Notified 3 Property Owners Opposed 2 Property Owners in Favor

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
	1	10003 MARSH	GUPTA WALNUT HILL
	2	3634 WALNUT HILL	DALTON GEORGE R &
	3	3642 WALNUT HILL	ESTRELLO ERNEST
	4	3650 WALNUT HILL	DENTON EDWARD J
X	5	3658 WALNUT HILL	DENTON EDWARD J
	6	9991 MARSH	BERMANI PROPERTIES LTD
	7	3611 MARSH LANE	FOSTER BRAD W &
O	8	3607 MARSH LANE	ANDERSON JOHN B
O	9	3603 MARSH LANE	NASTASI RAYMOND L
	10	3602 MARSH LANE	GORDON DWIGHT N
	11	9928 GLENRIO	JOLON GUILLERMO
	12	9932 GLENRIO	AGUILAR FERMIN & VIRGINIA
X	13	9976 MARSH	BERLIN RONALD P & GAIL M
X	14	3720 WALNUT HILL	ZIMMERMANN ENTERPRISES LLC
	15	9998 MARSH	MPC PROPERTIES LTD
	16	10031 MARSH	PICKERING MARY K ETAL
	17	10040 GLENRIO	MAGELLAN FUNDING PTRS FUND I LP
	18	10028 GLENRIO	TADESSE TEWABECH N
	19	10022 GLENRIO	BRODEUR LAURA D & ERIC R FAMILY
	20	10010 GLENRIO	ENGRAM BRYAN H
	21	10004 GLENRIO	DAKINGKING SERAFIN V &
	22	10002 GLENRIO	PAMPELL PATRICIA D
	23	10002 MARSH	COPPEDGE HAROLD G TR ETAL
	24	10004 MARSH	CHEVRON USA INC
	25	10020 MARSH	COPPEDGE HAROLD G ET AL
	26	10051 MARSH	MARSH LANE PLAZA LP

Wednesday, September 07, 2011

AGENDA ITEM # 45

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 48 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the southeast corner of Samuell Boulevard and North Jim Miller Road

Recommendation of Staff: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions

Z101-310(WE)

FILE NUMBER: Z101-310(WE) **DATE FILED:** January 10, 2011

LOCATION: N. Jim Miller Road and Samuell Boulevard, southeast corner

COUNCIL DISTRICT: 7 **MAPSCO:** 48-E

SIZE OF REQUEST: Approx. 0.98 acres **CENSUS TRACT:** 122.07

APPLICANT: CVS Corporation

OWNER: Michael Parker

REPRESENTATIVE: MASTERPLAN
Santos Martinez

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing drug store.

CPC RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two year time period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two year time period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a general merchandise or food store less than 3,500 square feet use.
- The proposed use is to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.
- The surrounding land uses consist of a variety of retail, office and auto related uses to the north. The properties west of Jim Miller Road are developed with auto related and retail and personal service uses and the development south of the site consist of retail and personal service uses.

Zoning History: There has not been any zoning changes requested in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Samuell Blvd.	Principal Arterial	120 ft.	120 ft.
N. Jim Miller Road	Principal Arterial	100 ft.	100 ft.

Land Use:

	Zoning	Land Use
Site	RR-D	General Merchandise store
North	RR-D-1	Auto related use, Restaurant, Office
South	RR-D	Retail
East	RR-D	Retail
West	RR-D	Auto Related use, Office

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 is within a Business Center or Corridor.

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 approximately 42,688.8 square foot site is zoned an RR-D Regional Retail District with a D Liquor Control Overlay and is currently developed with a general merchandise or food store greater than 3,500 square feet within a retail strip center. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, which is not allowed by the D Liquor Control Overlay but requires a Specific Use Permit in the D-1 Liquor Control Overlay.

The surrounding land uses consist of a variety of retail, office and auto related uses to the north. The properties west of Jim Miller Road are developed with auto related and retail and personal service uses and the development south of the site consist of retail and personal service uses.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing

certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant’s request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
RR-D Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area. The development requires 55 spaces with 55 being provided per the attached site plan.

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

Dallas Police Department: A copy of a police report of the past 5 years of offenses is provided below.

DALLAS POLICE DEPARTMENT										UCR Codes	Year Codes	Property Class Code
Virtual Viewer - Public Access											Welcom	
Search Records - Offense										Filter		
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2		
0002708-W	01/03/2009	LOPEZ, JUAN	THEFT	06004		SAMUELL...	323	1217	06951			
0004620-Y	01/06/2011	*CVS #2011	ROBBERY	06004		SAMUELL...	318	1217	03742			
0007519-X	01/08/2010	**CVS PHARMACY #6966	THEFT	06004		SAMUELL...	318	1217	06934			
0007856-W	01/09/2009	@CVS PHARMACY	BURGLARY	06004		SAMUELL...	318	1217	05134			
0018278-Y	01/22/2011	*ONCOR	CRIMINAL MISCHIEF/VA...	06004		SAMUELL...	318	1217	14081			
0018646-V	01/17/2008	*CVS STORE#6969	THEFT	06004		SAMUELL...	323	1217	06934	06933		
0020567-T	01/09/2007	*CVS PHARMACY	THEFT	06004		SAMUELL...	322	1217	06934			
0028467-V	01/28/2008	*CVS	THEFT	06004		SAMUELL...	323	1217	06933			
0029697-V	01/29/2008	MCCORD-SUMMEY, RAC...	ASSAULT	06004		SAMUELL...	323	1217	08322	08312		
0030426-V	01/30/2008	*CVS PHARMACY #6966	THEFT	06004		SAMUELL...	323	1217	06934			
0030564-V	01/30/2008	*CVS PHARMACY	THEFT	06004		SAMUELL...	323	1217	06933			
0030951-X	02/01/2010	@CITY OF DALLAS	FOUND PROPERTY	06004		SAMUELL...	318	1217	43020			
0032770-X	02/03/2010	*CVS	THEFT	06004		SAMUELL...	318	1217	06935			
0051857-W	02/18/2009	*CVS PHARMACY	NARCOTICS DRUG LAWS	06004		SAMUELL...	318	1217	18711			
0052969-Y	03/03/2011	MONREAL, ESTHER	ASSAULT	06004		SAMUELL...	318	1217	08322			

CPC Action (September 1, 2011)

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store greater than 3,500 square feet for a two-year time period, subject to a site plan and conditions on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the southeast corner of Samuell Boulevard and N. Jim Miller Road.

Maker: Bagley
 Second: M. Davis
 Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
 Absent: 1 - Lavallaisaa
 Vacancy: 0

Notices: Area: 200 Mailed: 13

Z101-310(WE)

Replies: For: 3 Against: 0

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202

Against: None

<p style="text-align: center;">LIST OF OFFICERS CVS</p>
--

- Thomas Ryan Chairman of the Board
- Larry Merio President, COO
- Thomas S. Mofatt Vice President and Assistant Secretary

CPC SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation

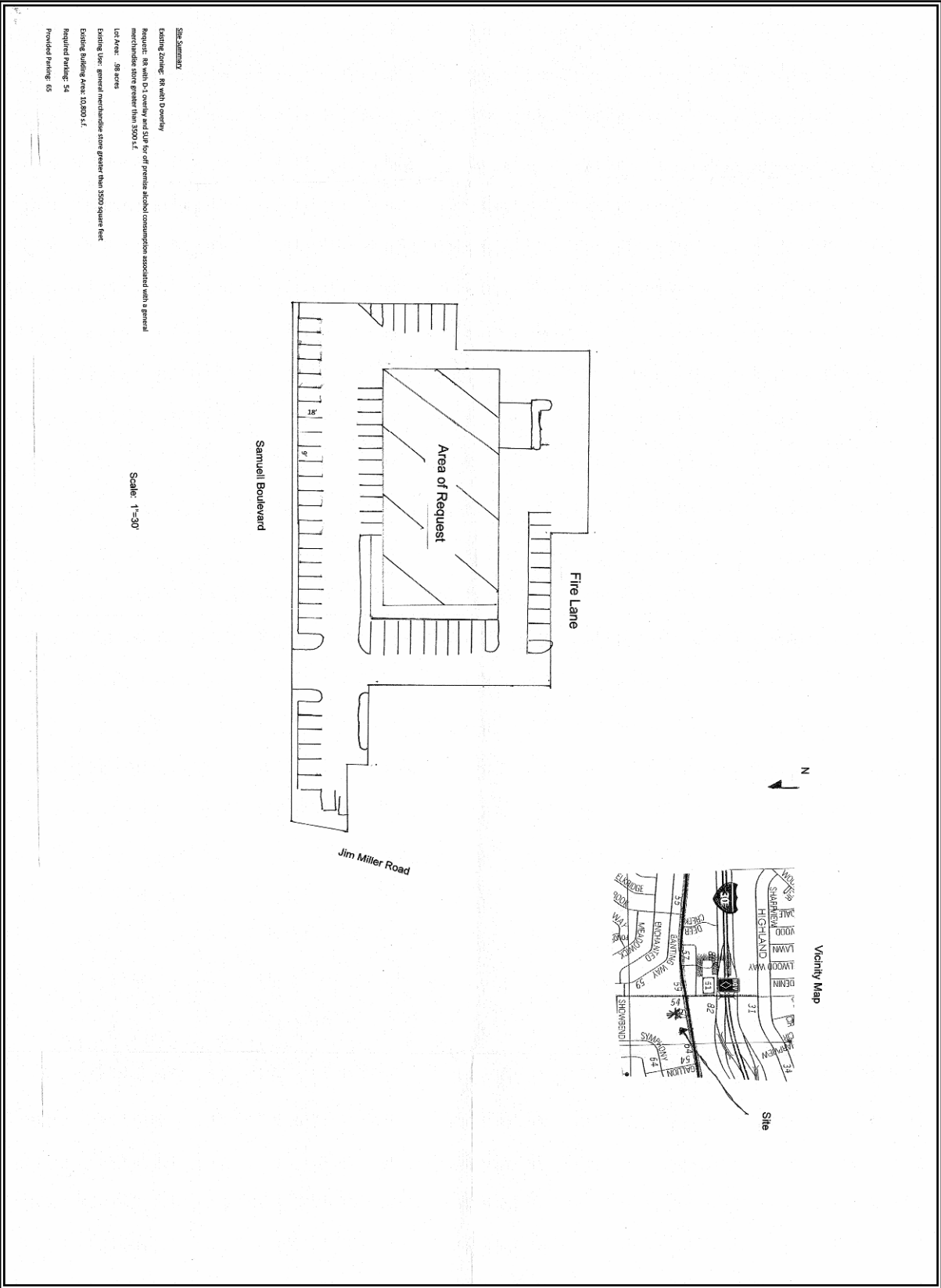
3. TIME LIMIT: This specific use permit terminates on_____, (two-year period from the passage of this ordinance).

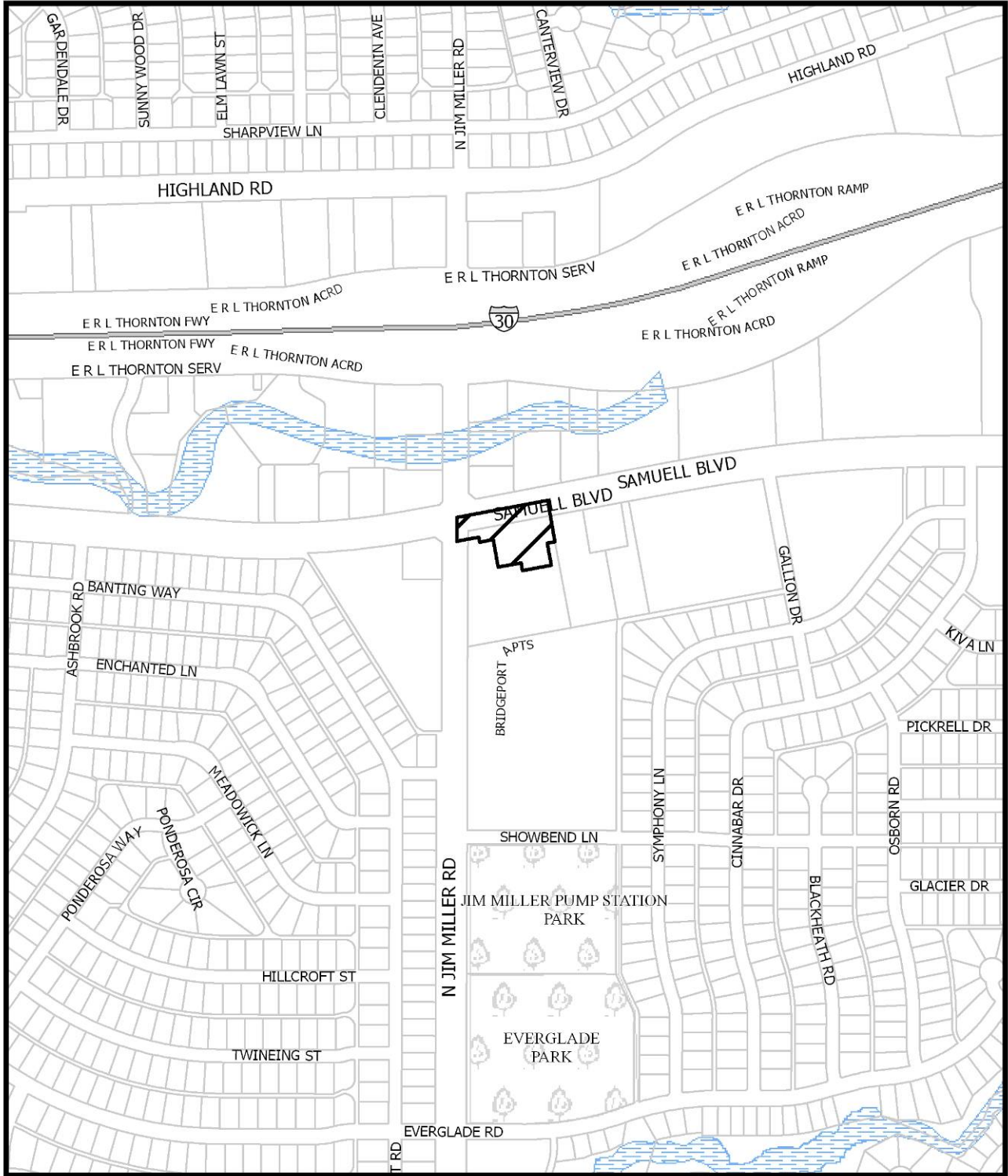
Staff's Recommendation

3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).

4. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Off-street parking must be located as shown on the attached site plan.
6. DRIVE-THROUGH WINDOW: A retail use may not use a drive-through window for retail sales of alcoholic beverages.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN





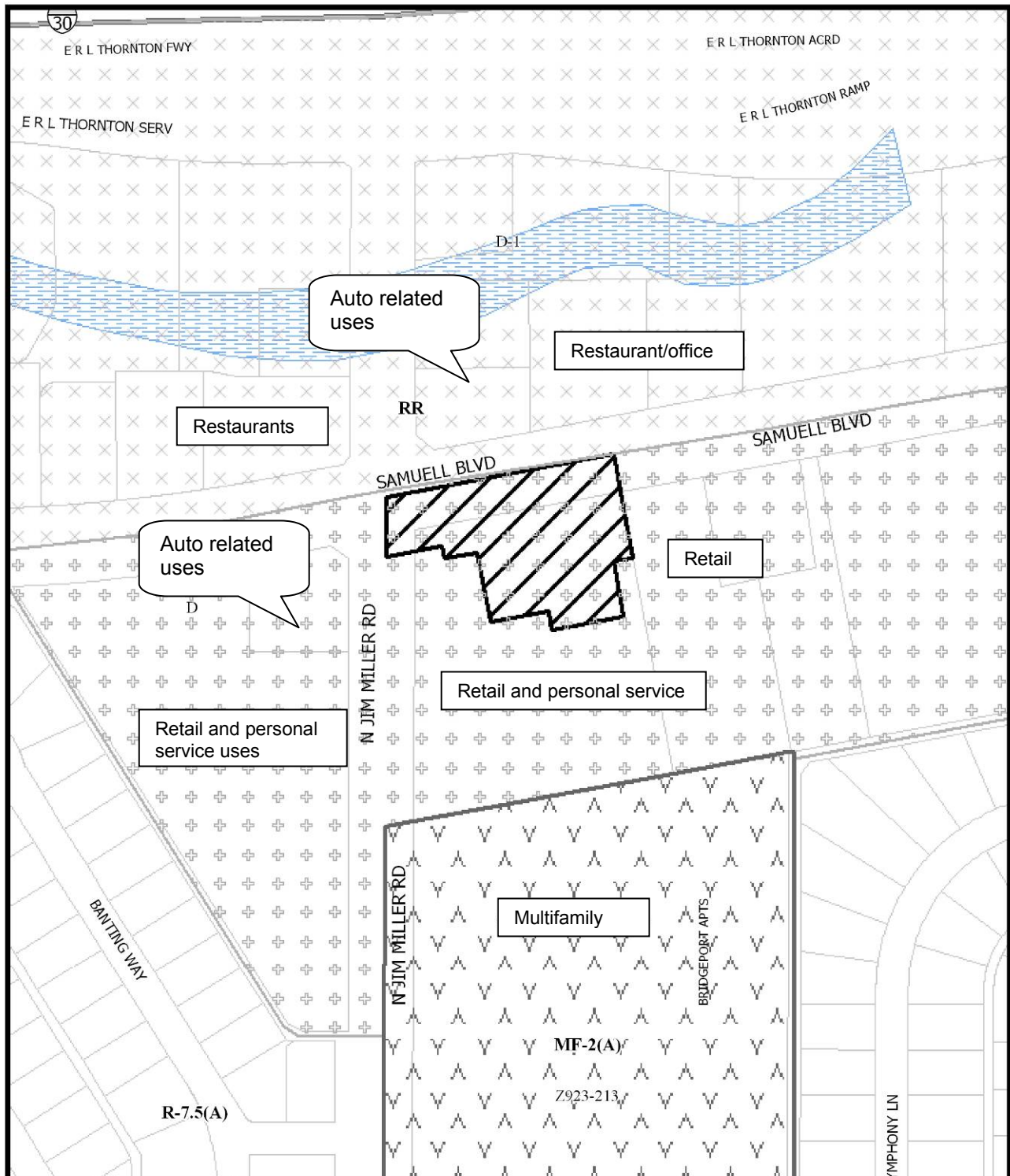
1:6,000

VICINITY MAP

Map no: J-10

Case no: Z101-310

DATE: July 21, 2011

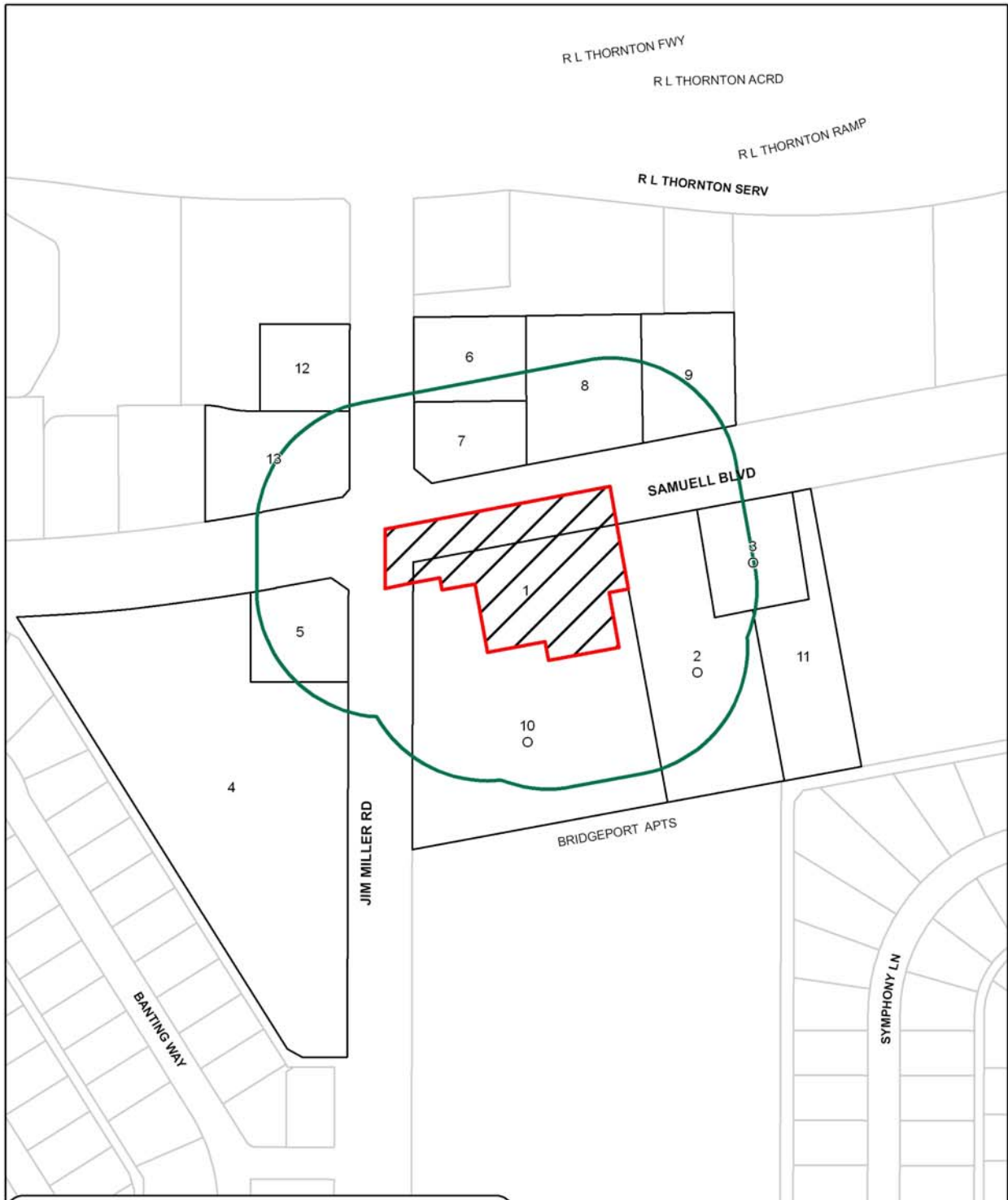


↑
1:2,400

ZONING AND LAND USE

Map no: J-10
Case no: Z101-310

CPC RESPONSES



<u>13</u>	Property Owners Notified (13 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/1/2011</u>	Date

Z101-310

J-10

CPC



1:2,400

Notification List of Property Owners

Z101-310

13 Property Owners Notified 0 Property Owners Opposed 3 Property Owners in Favor

Vote	Label	Address	Owner
	1	6004 SAMUELL	PARKER MICHAEL
O	2	6118 SAMUELL	BALLAS VICTOR
O	3	6000 SAMUELL	CHUNG JOE INKI TR &
	4	5409 JIM MILLER	JIM MILLER SHOPPING CENTER LP
	5	5475 JIM MILLER	ISSA DAVID
	6	5514 JIM MILLER	USRP FUNDING 2001 A LP
	7	5510 JIM MILLER	DAY MARIE L
	8	6885 SAMUELL	BURGER KING CORP 3997
	9	6155 SAMUELL	SAMUELL RETAIL LTD
O	10	5470 JIM MILLER	CFIC LLC
	11	6024 SAMUELL	DRY WAYNE F
	12	5575 JIM MILLER	SIDERIS BASIL K ET AL
	13	5555 JIM MILLER	SIDERIS BASIL K ET AL

Wednesday, September 07, 2011

AGENDA ITEM # 46

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 8
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 66 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1761 for a handicapped group dwelling unit on property zoned an R-7.5(A) Single Family District on the north side of Kirkley Street, west of Teague Drive

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions
Z101-313(MW)

FILE NUMBER: Z101-313(MW)

DATE FILED: June 27, 2011

LOCATION: North side of Kirkley Street, west of Teague Drive

COUNCIL DISTRICT: 8

MAPSCO: 66-S

SIZE OF REQUEST: 7,500 square feet

CENSUS TRACT: 114.01

APPLICANT/REPRESENTATIVE: Angela Prox

OWNER: Angela and Cecil Prox

REQUEST: An application to renew Specific Use Permit No. 1761 for a handicapped group dwelling unit on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant proposes to continue to operate an existing handicapped group dwelling unit. A handicapped group dwelling unit is allowed by right when located at least 1,000 feet from group residential facilities and all other licensed handicapped group dwelling units; otherwise, an SUP is required.

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods; subject to conditions.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods; subject to conditions.

BACKGROUND INFORMATION:

- The ±7,500-square foot request site is located within an established single family neighborhood and is developed with a ±1,269-square foot dwelling unit which was constructed on the site in 2005.
- On June 24, 2009, SUP No. 1760 was approved for a two-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions. However, the applicant missed the deadline for automatic renewal.
- The request site is surrounded by single family residential homes to the north, undeveloped property to the east and single family residential homes south and west.

Zoning History:

There has been no recent zoning activity within the immediate area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Kirkley Street	Local	50 feet
Teague Street	Local	60 feet

Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Single Family
North	R-7.5(A)	Single Family
East	R-7.5(A)	Undeveloped
South	R-7.5(A)	Single Family
West	R-7.5(A)	Single Family

STAFF ANALYSIS:

Comprehensive Plan:

The subject site is identified as being within a *Residential Neighborhood* on the **forwardDallas! Vision Illustration**, adopted June 2006.

The applicant's proposal to provide a residential use at this location is consistent with the *forwardDallas!* Vision and further complies with the following goals and policies of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

Land Use Compatibility:

The ±7,500-square foot request site is located within an established single family neighborhood and is developed with a ±1,269-square foot dwelling unit which was constructed on the site in 2005.

A handicapped group dwelling unit is allowed by right when located at least 1,000 feet from group residential facilities and all other licensed handicapped group dwelling units; otherwise, an SUP is required. The request site is within 1,000 feet of an existing handicapped group dwelling unit at 6324 Teague Drive.

Section 51A-4.209 of the Dallas Development Code defines a handicapped group dwelling unit as a single dwelling unit that is the domicile of not more than eight handicapped persons who are not a "family" as that term is defined in Chapter 51A, and who are living together as a single housekeeping unit. Up to two supervisory personnel may reside on the premises, provided that the total number of residents, including the supervisory personnel, does not exceed eight.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be compatible with the adjacent property and consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

The applicant's request; subject to conditions, complies with the general provisions for consideration of an SUP.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
R-7.5(A) Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%	N/A	Single family

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Construction and Development has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

A handicapped group dwelling unit requires one off-street parking space in the R-7.5(A) Single Family District. However, if an SUP is required, the off-street parking requirement may be established in the ordinance granting the SUP.

The site plan depicts one parking space within an attached garage.

Landscaping:

Landscaping is required per Article X of the Dallas Development Code.

Additional Provisions:

No certificate of occupancy is required for this use.

CPC Action: September 1, 2011

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1761 for a handicapped group dwelling unit for a five-year period with eligibility for automatic renewal for additional five-year periods; subject to conditions on property zoned an R-7.5(A) Single Family District on the north side of Kirkley Street, west of Teague Drive.

Maker: Shellene
Second: Peterson
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 200 Mailed: 33
Replies: For: 0 Against: 1

Speakers: None

Z101-313(MW)

List of Partners/Principals/Officers:

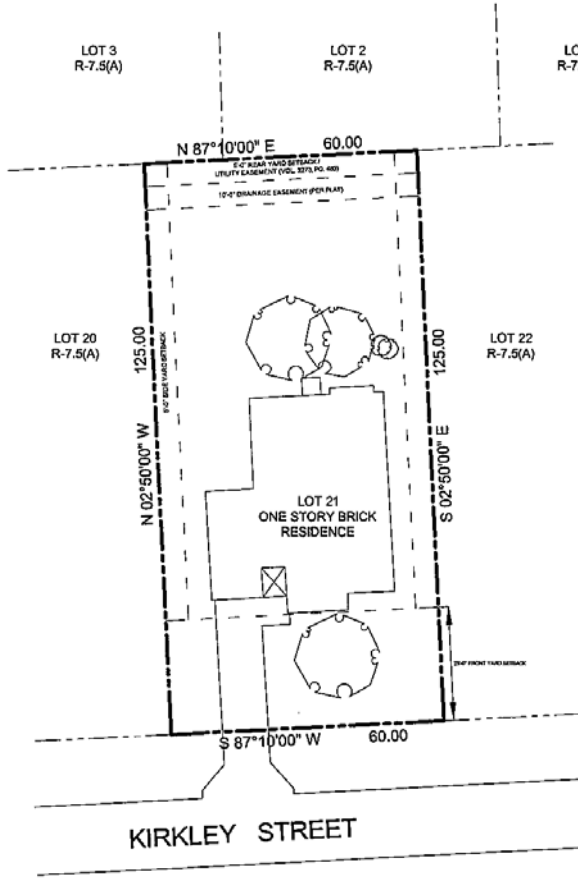
Applicant/Owner:

- Angela Prox, Director (owner/applicant)
- Cecil Prox (owner)

Z101-313

CPC Recommended Conditions

1. USE: The only use authorized by this specific use permit is a handicapped group dwelling unit.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (five-year period), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



VICINITY MAP (N.T.S.)

SITE NOTES:
 ADDRESS: 2539 KIRKLEY STREET
 LEGAL: LOT 21, BLOCK 13/0887
 ADDITION: ALAMEDA HEIGHTS ADDITION

ZONING: R-7.5(A)
 LOT AREA: 7,500 SF
 STRUCTURE SF: 1,612.22
 LOT COVERAGE: 21% (45% ALLOWED BY CODE)
 FRONT SETBACK: 25'-0"
 SIDE/REAR SETBACK: 5'-0"

PARKING:
 REQUIRED = 1 SPACE
 PROVIDED = 1 SPACE (GARAGE)

LARGE CANOPY TREE: EXISTING

Z089-183

(A) SITE PLAN
 SCALE: 1" = 10'-0"



HOME OF HOPE
 2539 KIRKLEY STREET
 DALLAS, TEXAS

Issue/Revisions		
No.	Date	Description
01	02/08/09	Issue
02	02/08/09	Issue
03	02/08/09	Issue
04	02/08/09	Issue
05	02/08/09	Issue
06	02/08/09	Issue

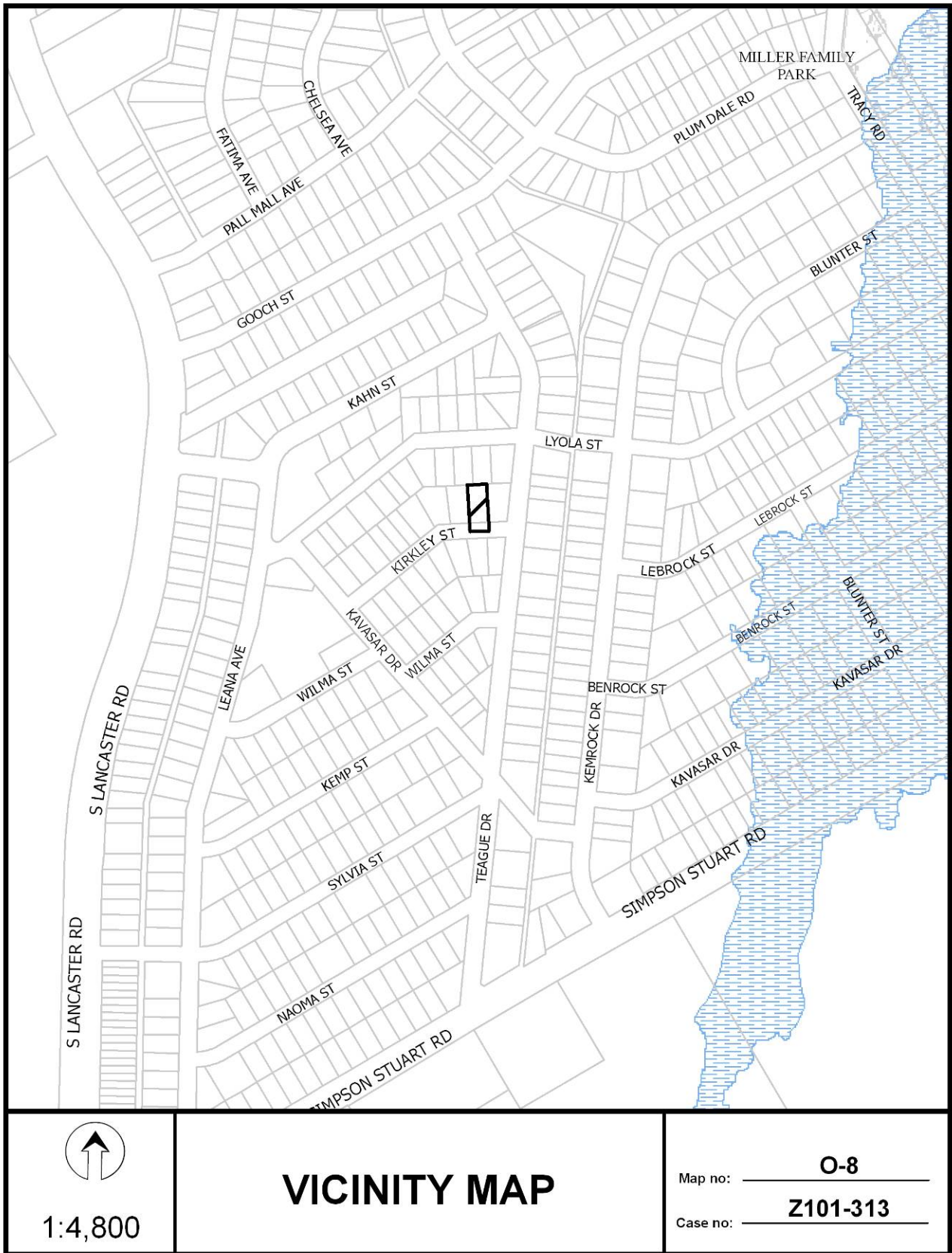
Drawing Title
SITE PLAN


Issue Date: 02/08/09
 Coker Co Project: 09-0002023
 Reviewed By: MKD
 Drawn By: eoc

Drawing Number
S-1

Filename: PROJ\489015

Existing Site Plan




1:4,800

VICINITY MAP

Map no: O-8
Case no: Z101-313

DATE: July 21, 2011



1:1,200

ZONING AND LAND USE

Map no: O-8

Case no: Z101-313

DATE: July 21, 2011

CPC Responses



<u>33</u>	Property Owners Notified (34 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>9/1/2011</u>	Date

Z101-313

O-8

CPC



1:1,200

Notification List of Property Owners***Z101-313******33 Property Owners Notified 1 Property Owner Opposed 0 Property Owners in Favor***

<i>Vote</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2539	KIRKLEY	PROX CECIL
2	6304	TEAGUE	JOHNSON RAY
3	6310	TEAGUE	PENDLETON TOM
4	6308	TEAGUE	WHITE LEROY JR
5	6316	TEAGUE	LEVY SHEVEY
6	6324	TEAGUE	ASKEW CHARLES R &
7	6330	TEAGUE	HARLEY BETTY JOANN
8	2510	LYOLA	SOMMERS LOU
9	2540	KIRKLEY	BECK WILLIE FAYE
10	2536	KIRKLEY	STURNS RILEY JR
11	2530	KIRKLEY	JOHNSON EMMA LEE
12	2524	KIRKLEY	KING OLANDO
13	2520	KIRKLEY	NPOT PARTNERS I LP
14	2519	WILMA	REED VERONICA D &
15	2523	WILMA	TAYLOR LESLIE
16	2527	WILMA	RANKIN YOLANDA
17	2526	LYOLA	RABB VIRGIE MAE
18	2520	LYOLA	GERST KRISTIN
19	2514	LYOLA	ADVANCED INVESTMENT INC
20	2506	LYOLA	TURKNETT L E
21	2430	LYOLA	TURKNETT L E &
22	2426	LYOLA	TURKNETT LE & ODESSA
23	2519	KIRKLEY	TERRIS HOLDINGS LLC
24	2523	KIRKLEY	YETTER EDWARD
25	2527	KIRKLEY	SHEPHERD ROBERT
26	2531	KIRKLEY	VU MINH & MYLINH

Wednesday, September 21, 2011

Z101-313(MW)

<i>Vote</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2535 KIRKLEY	PINERES SHEILA
X	28	2545 KIRKLEY	MCGLOTHLIN IRENE
	29	6227 TEAGUE	JBIII INV INC
	30	2525 LYOLA	SOMMERS LOUIS
	31	2519 LYOLA	GONZALEZ MARIA
	32	2513 LYOLA	BARNES VANNESSA A ETAL
	33	2560 LYOLA	MITCHELL WILLIE JR

AGENDA ITEM # 47

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 8
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 69A - R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the southeast corner of C.F. Hawn Freeway (U.S. 175) and South Belt Line Road

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions

Z101-317(MG)

FILE NUMBER: Z101-317 (MG)

DATE FILED: June 29, 2011

LOCATION: Southeast corner of C.F. Hawn Freeway (U.S. 175) and S. Belt Line Road

COUNCIL DISTRICT: 8

MAPSCO: 69A-R

SIZE OF REQUEST: Approx. 1.1 acres

CENSUS TRACT: 170.01

REPRESENTATIVE: Kenneth D. Baca

**APPLICANT/
OWNER:** Alamo Investments, LTD

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet on property zoned a CS-D-1 Community Service District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with a general merchandise or food store.

CPC RECOMMENDATION: Approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal of additional five year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with an approximately 5,430 square foot building containing 3,860 sq. ft. general merchandise/food store and motor vehicle fueling station and a 1,570 sq. ft. restaurant with drive-in or drive-through service.
- The sale of alcohol is prohibited in the D Liquor Control Overlay district.
- The general merchandise/food store, motor vehicle fueling station and restaurant with drive-in or drive-through service uses are permitted by right in the CS Community Service District. The sale of alcoholic beverages on property regulated by the D-1 Liquor Control Overlay requires a specific use permit.
- The request for the Specific Use Permit is in conjunction with the general merchandise/food store use.

Zoning History:

1. Z101-320 On September 1, 2011, CPC recommended approval of an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive through service on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay. (Scheduled for the October 10, 2011 City Council.)
2. Z101-259 On August 24, 2011, City Council approved an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet.
3. Z101-156 On Wednesday, April 27, 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet.
4. Z101-142 On Wednesday April 13, 2011, the City Council approved an application for a Specific Use Permit for a commercial amusement (inside) use for a dance hall.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
S. Belt Line Rd.	Principle	100 ft.	100 ft.

Land Use:

	Zoning	Land Use
Site	CS-D-1	General Merchandise/food store/motor vehicle fueling station/restaurant
North	CS-D-1	Undeveloped
South	CS-D-1	Undeveloped
West	CS-D-1	Undeveloped
East	CS-D-1	General Merchandise/food store/motor vehicle fueling station

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 Commercial Center or Corridor.

These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor's experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other "town center" features. Public transit enhancements as

well as quality access and visibility are important components of successful auto-oriented development.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

Land Use Compatibility:

The approximately 1.1 acre request site is zoned a CS-D-1 Community Service District with a D-1 Liquor Control Overlay and is currently developed with an approximately 5,430 square foot building containing 3,860 sq. ft. general merchandise/food store and motor vehicle fueling station and a 1,570 sq. ft. restaurant with drive-in or drive-through service. No additional improvements are proposed. The applicant proposes to sell alcohol for off-premise consumption in conjunction with general merchandise. A Specific Use Permit for the sale of alcoholic beverages is required in the D-1 Liquor Control Overlay.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space

accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant’s request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The applicant is proposing to continue the general merchandise, motor vehicle fueling station and restaurant with drive-in or drive-through service uses with the sale of alcoholic beverages for off premise consumption. The initial short time period will also require that the request be re-evaluated to ensure the use is compatible in this location.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CS- existing Community Retail	15/0"	20' adjacent to residential OTHER: No Min.	NA	45'	80%	Proximity Slope Visual Intrusion	Commercial, business service, retail

Landscaping: Landscaping required per Article X of the Dallas Development Code.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise use at one space for each 200 square feet of floor area plus two additional spaces for the motor vehicle fueling station use. Restaurant with drive-in or drive-through service use requires one space for each 100 square feet of floor area. The existing uses are to remain and require a total of 37 parking spaces. The attached site plan illustrates 37 spaces.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has no objections.

CPC Action: September 1, 2011

Motion: It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet for a two-year period, subject to a site plan and revised conditions restricted to the site location on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the southeast corner of C.F. Hawn Freeway (U.S. 175) and S. Belt Line Road.

Maker: Rodgers
Second: M. Davis
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0

Absent: 1 - Lavallaisaa

Vacancy: 0

Notices: Area: 300 Mailed: 13

Replies: For: 5 Against: 1

Speakers: None

BAMA MASRI INVESTMENT INC. D.B.A. TIGERMART 48

Officers

Mohammad Masri, President-Secretary

Abdelrazak Masri, Vice President

DPD Report Page 1

DALLAS POLICE DEPARTMENT										
Virtual Viewer - Public Access										Welcome
Search Records - Offense Filter										
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0005020-X	01/02/2010	*TIGERMART #48	THEFT	01920	S	BELTLINERD	356	4435	06934	
0006073-V	01/06/2008	*EXXON	THEFT	01920	S	BELTLINER	357	4435	06932	
0006718-X	01/07/2010	*EXXON	THEFT	01920	S	BELTLINERD	356	4435	26000	06905
0007711-X	01/08/2010	*TIGER MART	THEFT	01920	S	BELTLINERD	356	4435	06902	
0014380-T	12/28/2006	*SONIC	FORGERY & COUNTERFEITING	01920	S	BELTLINERD	359	4435	10021	
0031897-X	02/02/2010	*EXXON TIGERMART #48	THEFT	01920	S	BELTLINERD	356	4435	06934	
0031930-W	02/02/2009	GOLDMAN,YVONNE	ASSAULT	01920	S	BELTLINERD	356	4435	08311	
0034879-X	02/06/2010	MASRI, MOHAMMAD	ASSAULT	01920	S	BELTLINERD	356	4435	08111	
0047828-Y	02/25/2011	*TIGERMART	THEFT	01920	S	BELTLINERD	356	4435	06901	06931
0061038-Y	03/12/2011	@CITY OF DALLAS	FOUND PROPERTY	01920	S	BELTLINERD	356	4435	43020	
0105715-T	02/15/2007	*TIGERMART	THEFT	01920	S	BELTLINERD	359	4435	06932	
0107318-T	02/15/2007	*EXXON MOBILE GAS STATION	CRIMINAL MISCHIEF/VANDALISM	01920	S	BELTLINERD	359	4435	14082	
0117549-V	04/21/2008	*MASRI, MOHAMMAD	THEFT	01920	S	BELTLINERD	357	4435	06971	
0120594-W	04/29/2009	@CITY OF DALLAS	TRAFFIC MOTOR VEHICLE	01920	S	BELTLINERD	356	4435	32090	
0123199-W	05/01/2009	*TIGER MART	THEFT	01920	S	BELTLINER	356	4435	06934	

Page 1 of 4 (57 items)

0126402-V	04/29/2008	*TIGER MART	THEFT	01920	S	BELTLINERD	357	4435	06902	
0126521-T	02/22/2007	*TIGERMART	THEFT	01920	S	BELTLINERD	359	4435	06902	
0127906-V	05/01/2008	@ARLINGTON POLICE DEPT	FOUND PROPERTY	01920	S	BELTLINERD	357	4435	43030	
0129262-W	05/07/2009	*EXXON #48	FRAUD	01920	S	BELTLINERD	356	4435	11020	11051
0129348-W	05/07/2009	MAHATHIRATH,WILLIAM,	FOUND PROPERTY	01920	S	BELTLINERD	356	4435	43020	
0135599-V	05/07/2008	*TIGERMART CONVENIENCE ST	THEFT	01920	S	BELTLINERD	357	4435	06901	
0139135-X	05/19/2010	*EXXON TIGER MART #048	THEFT	01920	S	BELTLINERD	356	4435	06932	
0142479-V	05/14/2008	*EXXON TIGERMART	THEFT	01920	S	BELTLINERD	357	4435	06932	
0149547-W	05/25/2009	*EXXON TIGERMART	THEFT	01920	S	BELTLINERD	356	4435	06975	
0153652-X	06/02/2010	DELAROSA, ERMA	THEFT	01920	S	BELTLINER	356	4435	06932	06902
0158356-X	06/06/2010	ROBERTS, DAVID	ACCIDENTAL INJURY - PUBLIC PROPER...	01920	S	BELTLINERD	356	4435	33070	
0166889-Y	06/26/2011	*TIGER MART #48	THEFT	01920	S	BELTLINERD	356	4435	06932	
0169037-X	06/16/2010	*TIGERMART#48	THEFT	01920	S	BELTLINERD	356	4435	06932	
0179659-V	06/16/2008	@CITY OF DALLAS	FOUND PROPERTY	01920	S	BELTLINERD	357	4435	43020	
0183232-V	06/20/2008	*TIGERMART	CRIMINAL MISCHIEF/VANDALISM	01920	S	BELTLINERD	357	4435	14082	

Page 2 of 4 (57 items)

DPD Report Page 2

Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0199133-T	03/21/2007	*SONIC	THEFT	01920	S	BELTLINERD	359	4435	06901	
0214220-W	07/22/2009	STEAKS, BECKY	ASSAULT	01920	S	BELTLINERD	356	4435	08311	
0223968-W	07/30/2009	FRAUMAN, GARY	CRIMINAL MISCHIEF/VANDALISM	01920	S	BELTLINERD	356	4435	14081	
0235798-X	08/22/2010	*TIGERMART	FORGERY & COUNTERFEITING	01920	S	BELTLINERD	356	4435	10022	
0239918-V	08/03/2008	MOHAMED, BAOBAID	ASSAULT	01920	S	BELTLINERD	357	4435	08111	
0240442-Y	09/10/2011	*TIGERMART#48	ROBBERY	01920	S	BELTLINERD	356	4435	03311	
0254111-T	04/11/2007	*EXXON/TIGERMART	ROBBERY	01920	S	BELTLINERD	359	4435	03411	
0259266-W	08/31/2009	*EXXON	OTHER OFFENSES	01920	S	BELTLINERD	356	4435	26000	
0260238-W	08/31/2009	*TIGER MART	ROBBERY	01920	S	BELTLINERD	356	4435	03241	06935
0276044-T	04/19/2007	*EXXON	THEFT	01920	S	BELTLINE	359	4435	06935	
0297487-V	09/24/2008	*TIGERMART	THEFT	01920	S	BELTLINERD	357	4435	06934	
0305093-X	11/03/2010	SHELTON,TAMI	OTHER OFFENSES	01920	S	BELTLINERD	356	4435	26000	
0312394-X	11/11/2010	*TIGERMART	THEFT	01920	S	BELTLINERD	356	4435	06934	
0316903-V	10/12/2008	GOLDMAN,YVONN	ASSAULT	01920	S	BELTLINERD	357	4435	08312	
0330431-W	11/06/2009	*TIGER MART #48	THEFT	01920	S	BELTLINERD	356	4435	06933	



0342179-W	11/18/2009	*TIGER MART	THEFT	01920	S	BELTLINERD	356	4435	06975	
0353894-W	11/30/2009	*TIGERMART	FRAUD	01920	S	BELTLINERD	356	4435	11020	
0381714-W	12/28/2009	JUAREZ, SUSIE	CRIMINAL MISCHIEF/VANDALISM	01920	S	BELTLINERD	356	4435	14082	
0426920-T	06/09/2007	CUMBIE,KATHY	ASSAULT	01920	S	BELTLINERD	359	4435	08322	
0469639-T	06/24/2007	RETTA, HANNA	THEFT	01920	S	BELTLINERD	359	4435	06901	
0644413-T	09/03/2007	THOMAS,JOE BIRDIE	ACCIDENTAL INJURY - PUBLIC PROPER...	01920	S	BELTLINERD	359	4435	33082	
0657144-T	09/15/2007	*TIGERMART	ROBBERY	01920	S	BELTLINERD	359	4435	03461	
0776862-R	10/13/2006	*EXXON	THEFT	01920	S	BELTLINERD	359	4435	06933	
0783806-R	10/15/2006	MARI,MOHAMMAD,	OTHER OFFENSES	01920	S	BELTLINERD	359	4435	26530	
0808925-R	10/23/2006	ORTIZ,DANIEL,AUSTIN	THEFT	01920	S	BELTLINERD	359	4435	06941	
0809058-R	10/24/2006	*TIGER MART #48	THEFT	01920	S	BELTLINE	359	4435	069F3	
0922040-R	10/20/2006	*TIGER MART 48	FRAUD	01920	S	BELTLINERD	359	4435	11051	



CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

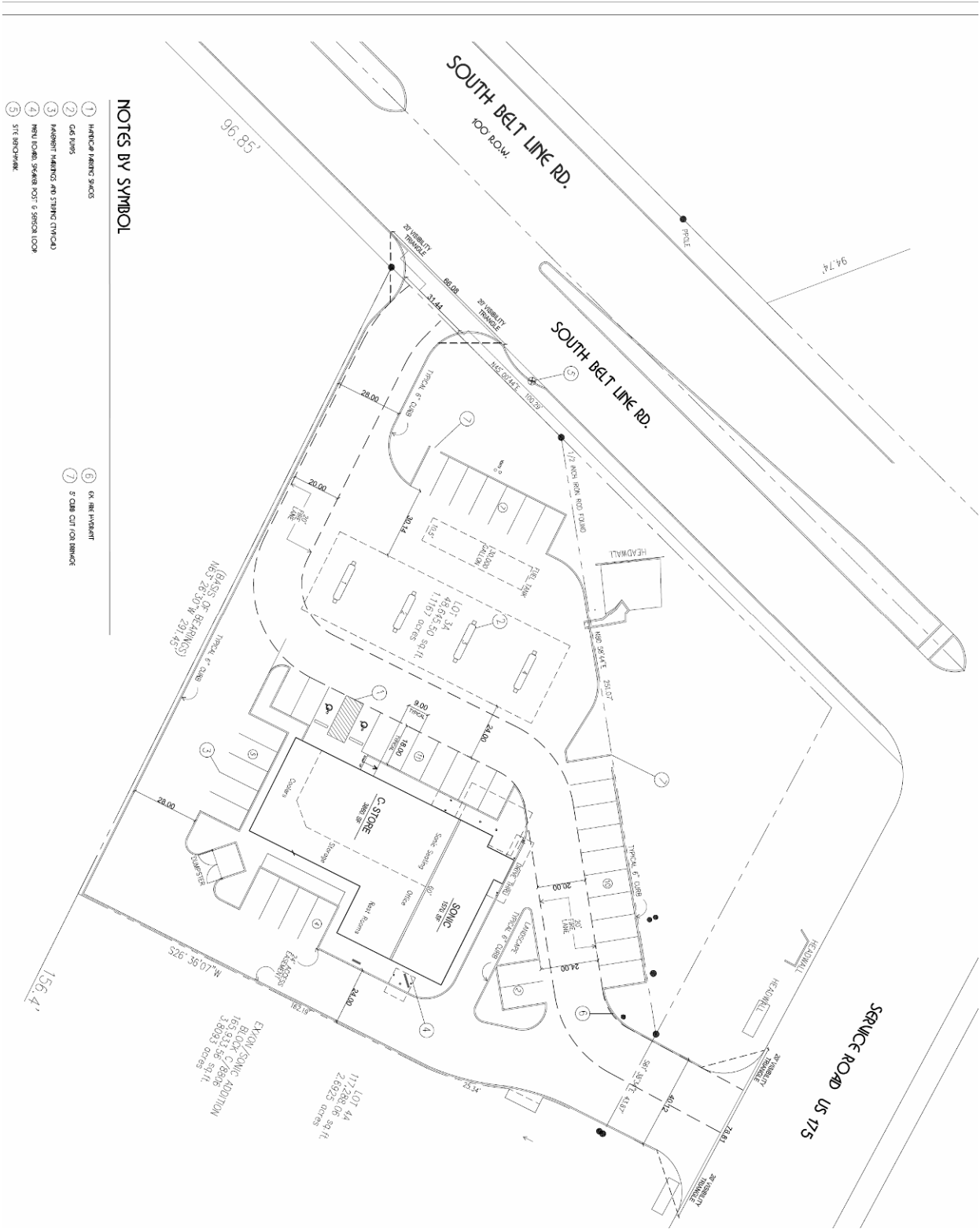
CPC's Recommendation

- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two years</u>). |
|--|

Staff's Recommendation

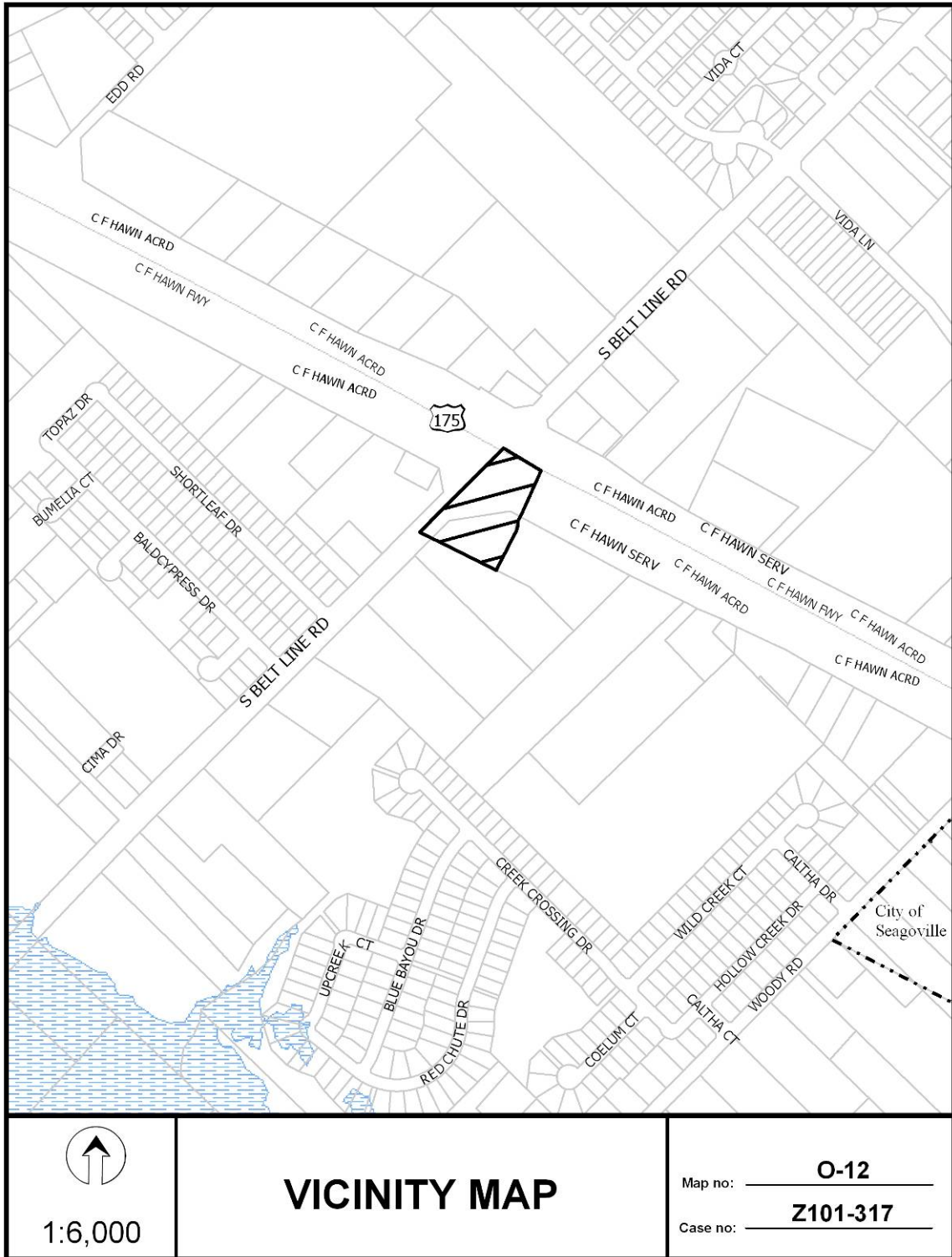
- | |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two years</u>), but is eligible for automatic renewal for additional <u>five-year</u> periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) |
|---|
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
 5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE PLAN

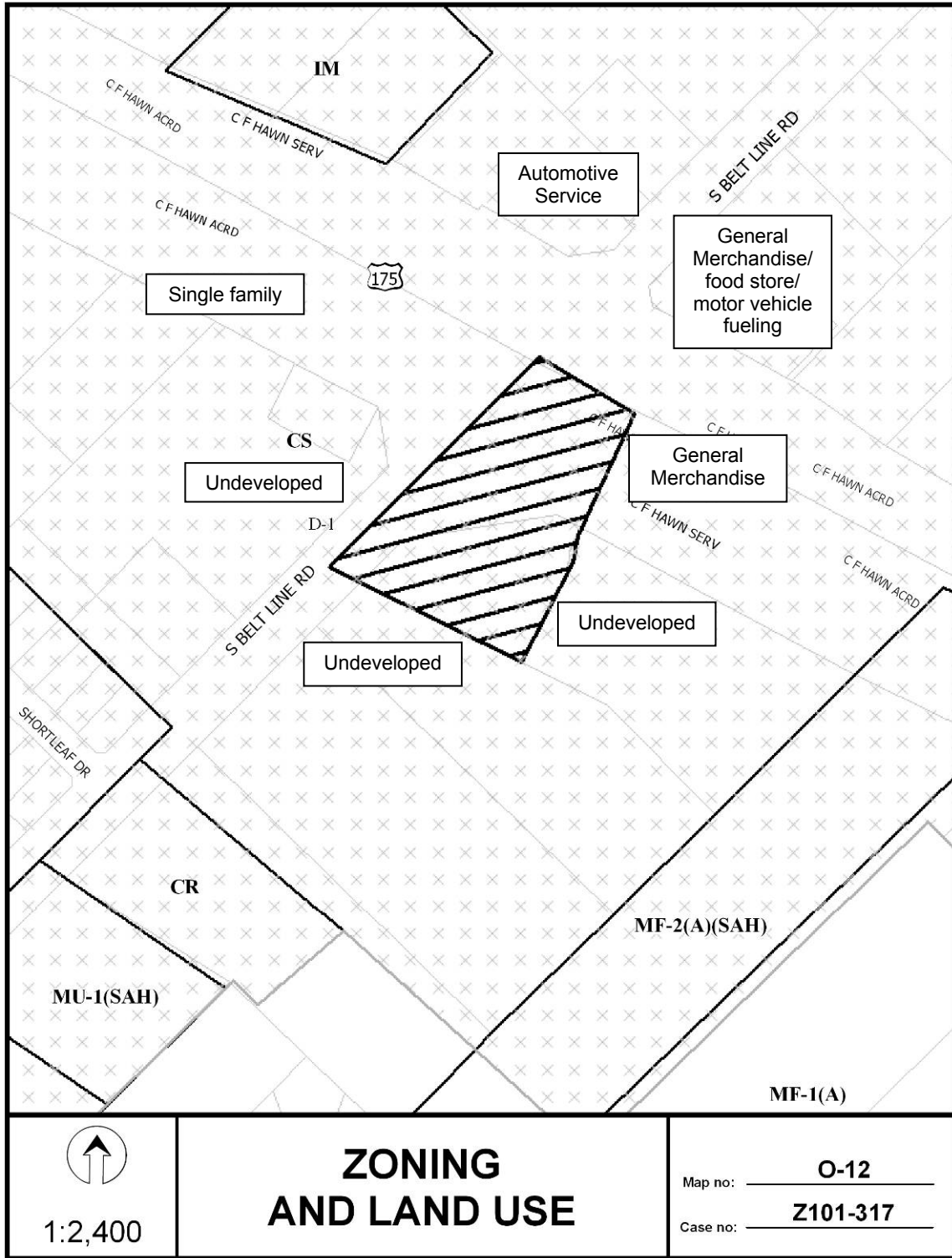


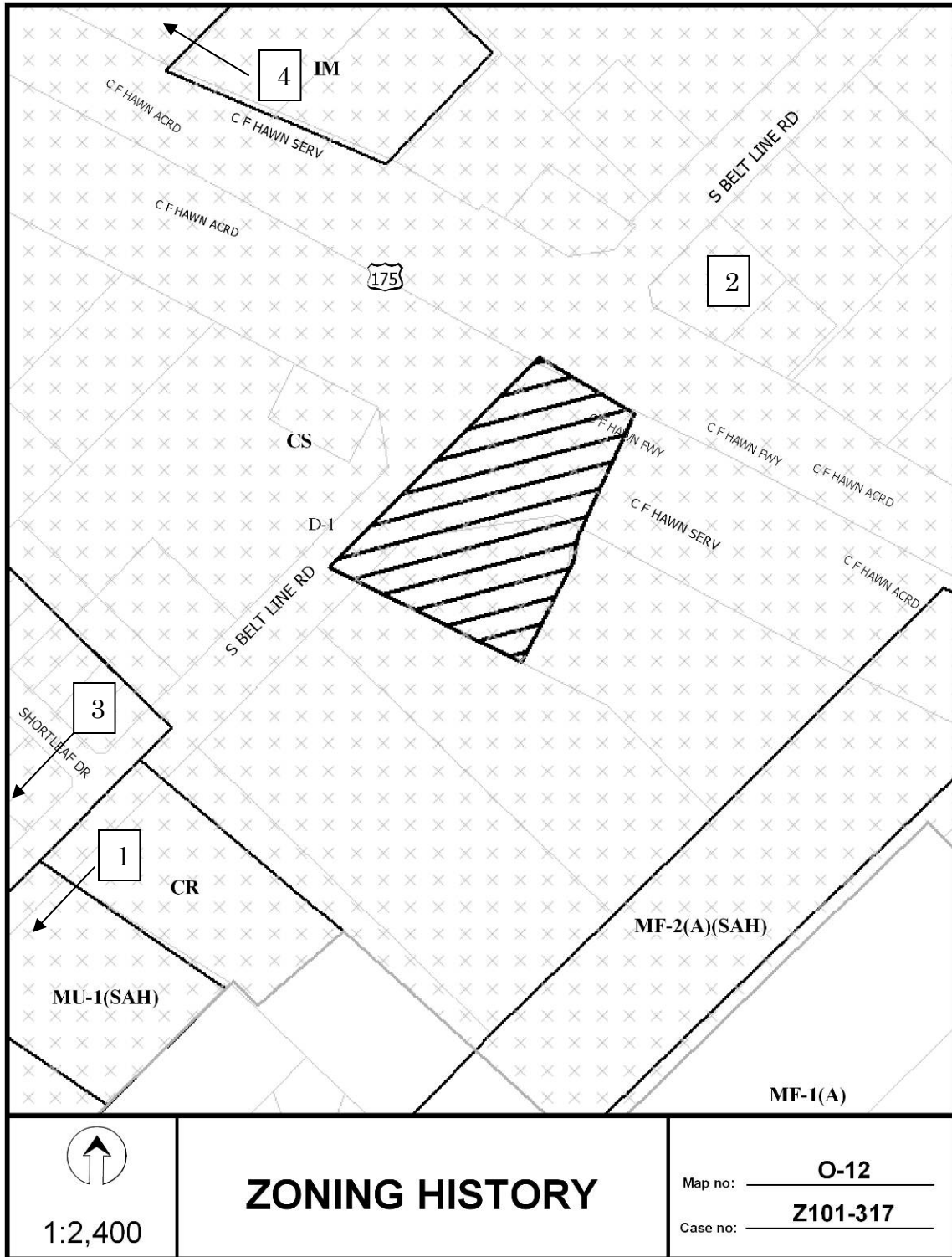
NOTES BY SYMBOL

- ① HATCHED PARKING SPACES
- ② GAR TURNS
- ③ PARKING MARKINGS AND STRIPING (TYPICAL)
- ④ NEWLY LOCATED SIGNAGE NOT TO BE SHOWN (LOCAL)
- ⑤ SET BACKS
- ⑥ OR. BR. HYDRANT
- ⑦ 5' CURB CUT (OR. BARRIER)



DATE: July 28, 2011





CPC RESPONSES



<u>13</u>	Property Owners Notified (13 parcels)
<u>5</u>	Replies in Favor (5 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>300'</u>	Area of Notification
<u>9/1/2011</u>	Date

Z101-317
O-12
CPC

N
W E
S
1:2,400

Z101-317

Page 1 of 1

9/13/2011

Notification List of Property Owners

Z101-317

13 Property Owners Notified 1 Property Owner Opposed 5 Property Owners in Favor

<i>Vote</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	1920 BELTLINE	ALMO INVESTMENTS LTD
	2	13558 C F HAWN	COMEDA REAL ESTATE
	3	1931 BELTLINE	MORAN JOSEPH P
O	4	13508 C F HAWN	ALMO INVESTMENT II LTD
	5	2304 BELTLINE	ANTI DEFAMATION LEAGUE
O	6	13600 C F HAWN	FOX RUSSELL TRUSTEE
O	7	13415 C F HAWN	PATEL SURENDRA KUMAR
	8	13415 C F HAWN	PATEL S
	9	13525 C F HAWN	B & B PRODUCTS CO
O	10	13510 C F HAWN	LEWIS HAROLD B TR
	11	13601 C F HAWN	SOUTHLAND CORP 27206
X	12	13700 C F HAWN	SADEGHIAN KHOSROW
	13	1800 BELTLINE	MCDONALDS CORP 42 524

Tuesday, September 13, 2011

AGENDA ITEM # 48

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 8
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 69A - U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-through or drive-in on property zoned a CS Commercial Service District with a D-1 District Overlay on the south line of South Belt Line Road, east of Kleberg Road

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions

Z101-320(MG)

FILE NUMBER: Z101-320 (MG)

DATE FILED: June 30, 2011

LOCATION: South line of S. Belt Line Road, east of Kleberg Road

COUNCIL DISTRICT: 8

MAPSCO: 69A - U

SIZE OF REQUEST: Approx. 1 acre

CENSUS TRACT: 170.01

REPRESENTATIVE: Pamela Craig

**APPLICANT/
OWNER:** Elvira G. Almaraz

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive through service on property zoned a CS Community Service District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcohol for on-premise consumption in conjunction with a restaurant without drive-in or drive through service.

CPC RECOMMENDATION: Approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal of additional five year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is developed with an approximately 2,057 square foot restaurant that is undergoing renovation.
- The restaurant use is permitted by right in the CS Community Service District. The sale of alcoholic beverages on property regulated by the D-1 Liquor Control Overlay requires a specific use permit.
- The sale of alcohol is only allowed in the D-1 Liquor Control Overlay with an approved Specific Use Permit.

Zoning History:

There have been two recent zoning cases within the general vicinity.

1. Z101-317
On September 1, 2011, the City Planning Commission recommended approval of an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet.
2. Z101-156
On Wednesday, April 27, 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
S. Belt Line Rd.	Principle	100 ft.	100 ft.

Land Use:

	Zoning	Land Use
Site	CS-D-1	Restaurant
Northeast	CR-D-1	Undeveloped
Southeast	R-10(A), CR-D-1	Undeveloped
Northwest	CS-D-1	Single family
Southwest	CS-D-1	Single family

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 Residential Neighborhood Block.

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

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

Land Use Compatibility:

The approximately 1.0 acre request site is zoned a CS Community Service District with a D-1 Liquor Control Overlay and is currently developed with a 2,057 sq. ft. restaurant. No additional improvements are proposed. Hickory Creek forms the eastern and a portion of the southern boundary of the subject site. The applicant proposes to sale alcohol for on-premise consumption in conjunction with the restaurant use. A Specific Use Permit for the sale of alcoholic beverages is required in the D-1 Liquor Control Overlay.

The existing restaurant is currently undergoing renovation and is surrounded by undeveloped properties to the east and south. Single family residential development exists adjacent to the west and across S. Belt Line Road to the north within a Commercial Service District.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code as properties immediately adjacent to the request site are zoned CR Community Retail. The adjacent single family use to the west is screened from the subject property by heavy tree growth. The applicant is proposing to continue the restaurant use and add the sale of alcoholic beverages for on-premise consumption. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CS- existing Community Service	15'/0'	20' adjacent to residential OTHER: No Min.	NA	45'	80%	Proximity Slope Visual Intrusion	Personal service, Retail

Landscaping: Landscaping required per Article X of the Dallas Development Code.

Parking: The Dallas Development Code requires off-street parking to be provided for a restaurant use at one space for each 100 square feet of floor area. The existing use is to remain and requires 21 parking spaces. The attached site plan illustrates 28 spaces.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has no objections.

CPC Action: September 1, 2011

Motion: It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service for a two-year period, subject to a site plan and conditions on property zoned a CS Community Service District with a D-1 District Overlay on the south line of S. Belt Line Road, east of Kleberg Road.

Maker: Rodgers
Second: Schwartz
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0


Absent: 1 - Lavallaisaa

Vacancy: 0

Notices: Area: 300 Mailed: 11
Replies: For: 3 Against: 1

Speakers: For: Pamela Craig, 1222 Commerce St., Dallas, TX, 75202
Against: None




DPD Report



DALLAS POLICE DEPARTMENT


[UCR Codes](#) [Year Codes](#) [Property Class Codes](#)

Virtual Viewer - Public Access Welcome

Search Records - Offense Filter

Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0111042-R	02/12/2006	*SICILIAN PIZZA	THEFT	02348	S	BELTLINE	359	4435	06901	
0180206-R	03/10/2006	*SICILIAN PIZZA	BURGLARY	02348	S	BELTLINE	359	4435	05332	
0361956-W	12/07/2009	*EL DORADO RANCH	THEFT	02348	S	BELTLINERD	356	4435	06901	
0675417-R	09/03/2006	*YA'LL COME CAFE	BURGLARY	02348	S	BELTLINERD	359	4435	05336	
0773206-T	12/10/2007	SALMAN,TEREQ	THEFT	02348	S	BELTLINERD	357	4435	06901	

 Page 1 of 1 (5 items)

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CPC Recommended Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

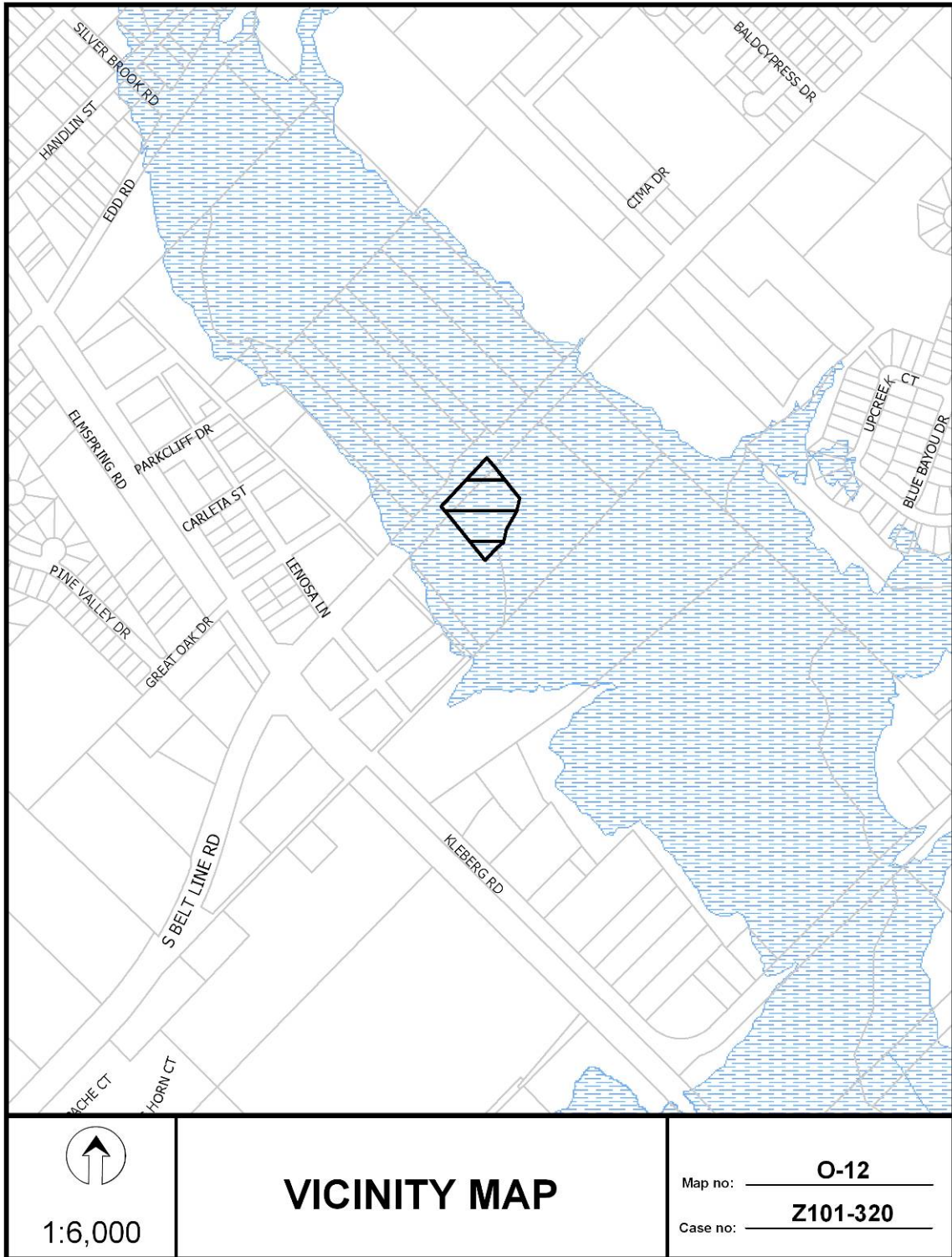
CPC's Recommendation

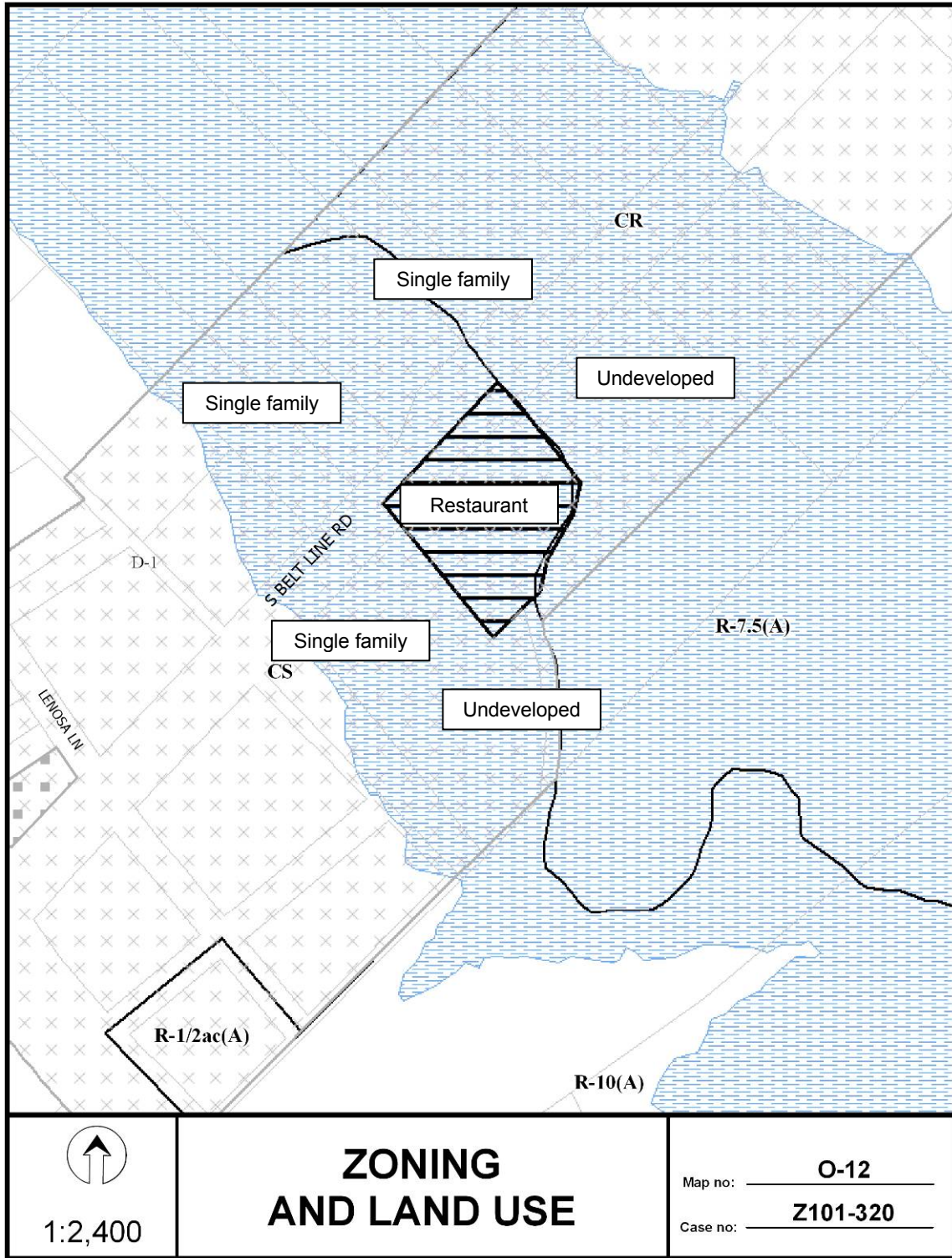
- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two years</u>). |
|--|

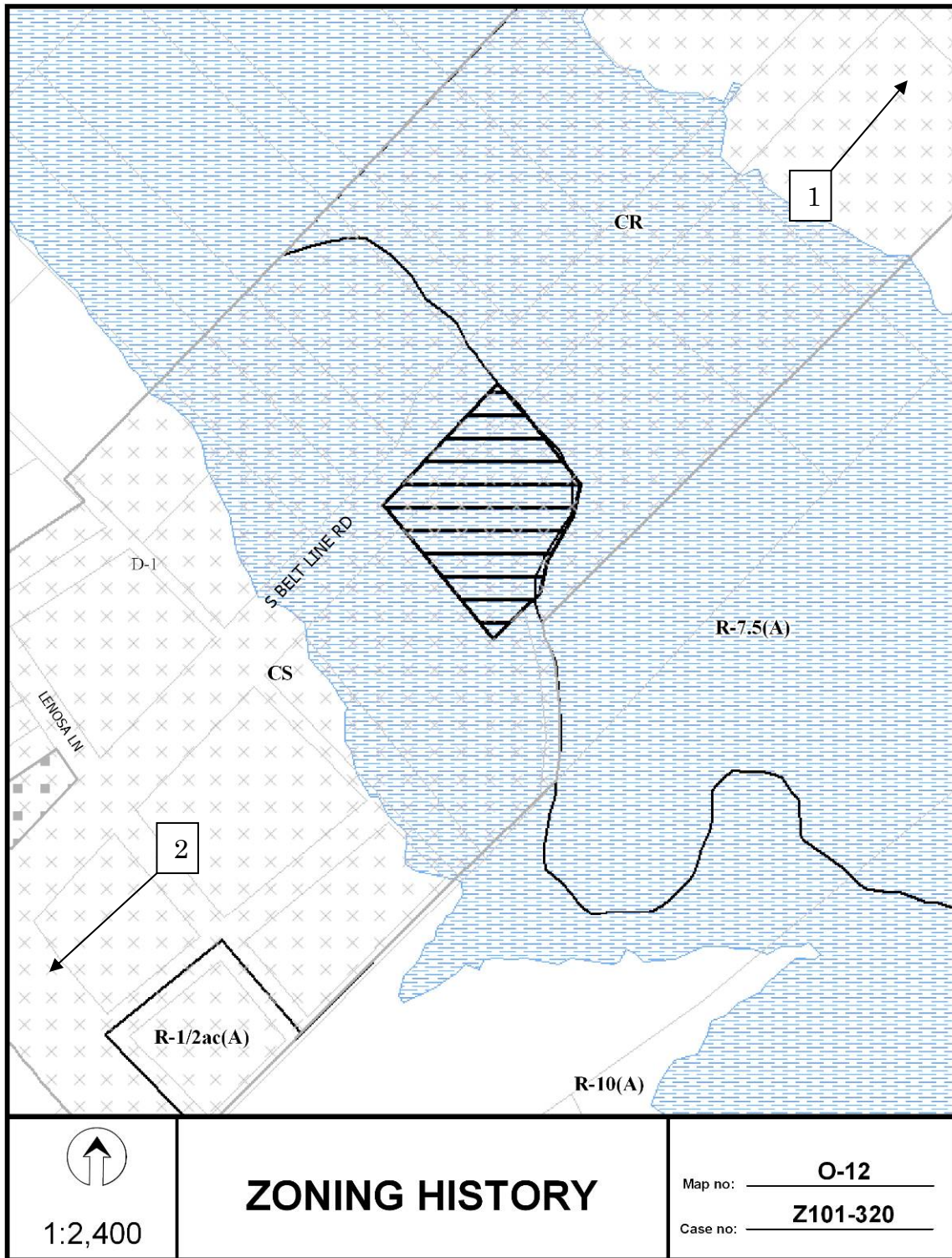
Staff's Recommendation

- | |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two years</u>), but is eligible for automatic renewal for additional <u>five-year</u> periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) |
|---|

4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

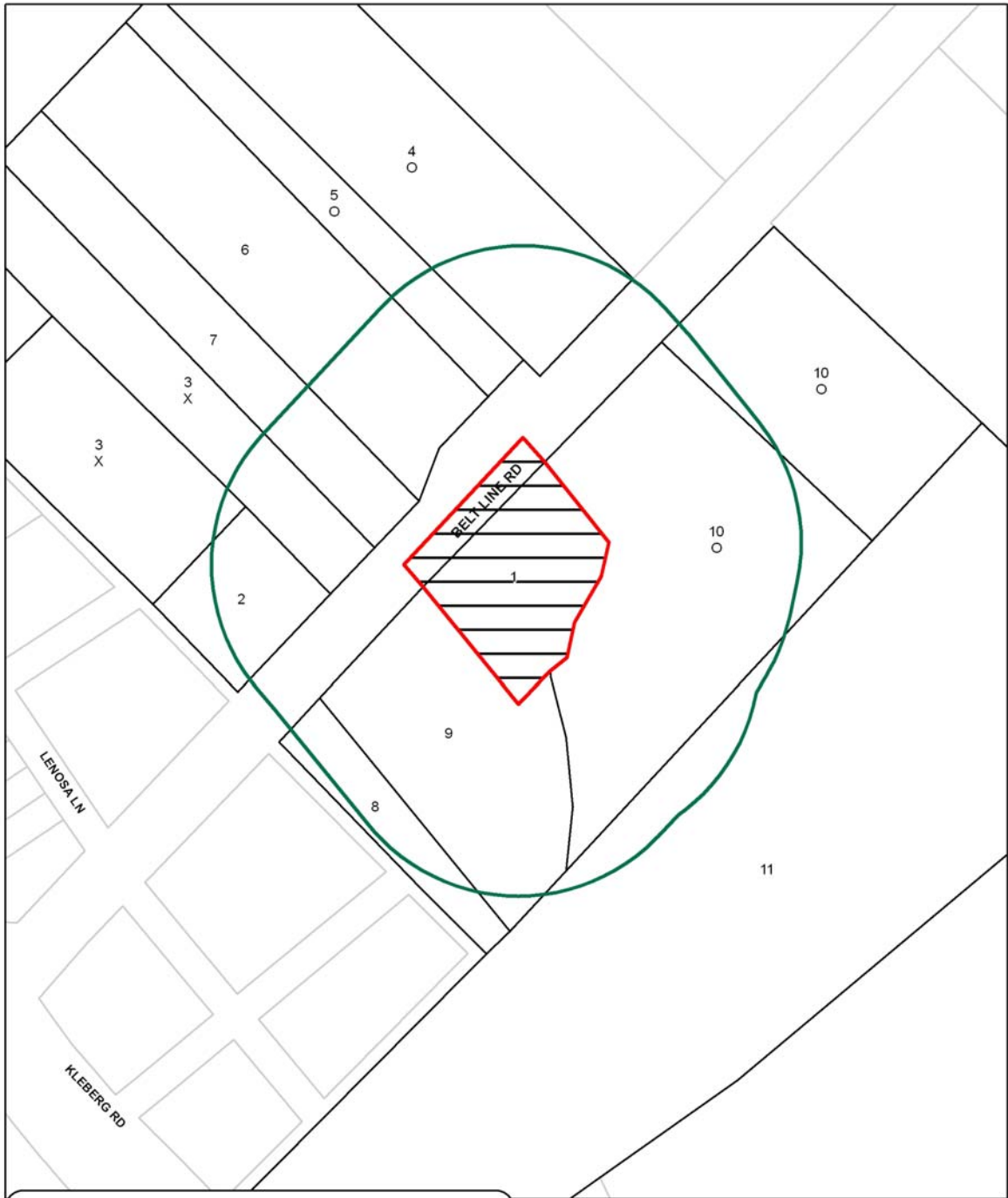






DATE: August 18, 2011

CPC RESPONSES



<u>11</u>	Property Owners Notified (13 parcels)
<u>3</u>	Replies in Favor (4 parcels)
<u>1</u>	Replies in Opposition (2 parcels)
<u>300'</u>	Area of Notification
<u>9/1/2011</u>	Date

Z101-320
O-12
CPC

N
W E
S
1:2,400

Notification List of Property Owners

Z101-320

11 Property Owners Notified 1 Property Owner Opposed 3 Property Owners in Favor

<i>Vote</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2348 BELTLINE	SALMAN TAREQ
	2	2369 BELTLINE	HETMER AGNES ANN
X	3	716 LENOSA	LUTTRELL LEONA ROSE
O	4	2327 BELTLINE	STOVALL ILONA A
O	5	2333 BELTLINE	STOVALL ILONA
	6	2347 BELTLINE	HARVEY JEREMY DALE WAYNE
	7	2355 BELTLINE	HERNANDEZ JAVIER & MARIA
	8	2346 BELTLINE	ARELLANO ESTANBAN
	9	2368 BELTLINE	MONCADA MARICELA
O	10	2304 BELTLINE	QUON CARMENCITA W TR
	11	13700 KLEBERG	FREEMAN WILLIAM D &

Tuesday, September 13, 2011

AGENDA ITEM # 49

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 11
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 16 N; S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1454 for a detached non-premise sign (billboard) use on property zoned an MU-1(SAH) Mixed Use District on the northeast corner of Interstate 635 (LBJ Freeway) and Meandering Way
Recommendation of Staff and CPC: Approval for a ten-year period, subject to conditions
Z101-322(CH)

ACM: Ryan S. Evans

FILE NUMBER: Z101-322(CH) **DATE FILED:** July 6, 2011

LOCATION: Northeast corner, Meandering Way and LBJ Freeway

COUNCIL DISTRICT: 11 **MAPSCO:** 16-N, S

SIZE OF REQUEST: Approx. 2.62 ac. **CENSUS TRACT:** 136.10

APPLICANT/ OWNER: Ryan Lawler

REPRESENTATIVE: MASTERPLAN
Dallas Cothrum

REQUEST: An application for a renewal of Specific Use Permit No. 1454 for a detached non-premise sign (billboard) on property zoned an MU-1(SAH) Mixed Use District.

SUMMARY: The purpose of this request is to continue to operate a detached non-premise sign (billboard) on an undeveloped site.

CPC RECOMMENDATION: Approval for a ten-year time period, subject to conditions.

STAFF RECOMMENDATION: Approval, for a ten-year time period, subject to conditions.

BACKGROUND INFORMATION:

- The applicant’s request is for a renewal of Specific Use Permit No. 1454 for a detached non-premise sign (billboard).
- Special Use Permit No. 1454 was created on September 26, 2001 for a ten year period. This is the first renewal request.
- Chapter 51A-7.307(b) states that “no detached non-premise sign may be relocated within 100 feet of an expressway unless it was originally located within 100 feet of an expressway or new expressway.” Chapter 51A-7.307(g) states that “no detached HBA sign may be relocated within 300 feet of a non-business or residential zoning district.”
- City Council may grant a specific use permit to authorize a detached non-premise sign to have lesser spacing than that required in Chapter 51A-7.307(g).

Zoning History: There has not been any recent zoning activity in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Meandering Way	Local Street	56 ft.	60 ft.
LBJ Freeway Frontage Road	Variable Width, Limited Access Freeway		

Land Use:

	Zoning	Land Use
Site	MU-1 (SAH)	Vacant
North	D(A)	Duplex
South		LBJ Freeway
East	R-7.5(A)/SUP 67	Church
West	MF-2(A)	Apartments

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns.

Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Residential Neighborhood*. While single family dwellings are the dominate land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

In general, the applicant's proposal to continue the detached non-premise sign at this location is not inconsistent with the following goal and policy of the Comprehensive Plan. The area has been developed with the same residential pattern since the original SUP was granted in 2001.

LAND USE ELEMENT

Goal 1.1: Promote desired development.

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

STAFF ANALYSIS:

Land Use Compatibility: The site is currently vacant with a non-premise sign located on site. The area to the north is zoned D(A) and is developed with residential uses. The area to the east is zoned R-7.5(A) with SUP No. 67 and is developed with a church. The area to the west is zoned MF-2(A) and is developed with apartment uses. The renewal of the non-premise sign would not adversely impact the surrounding uses in the area.

Special Use Permit No. 1454 was originally granted on September 26, 2001. This is the first request to renew this SUP. There are no proposed changes to the conditions, and the site plan is the same. The proposed renewal period is ten years.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Parking: No parking is required for this use.

Sign Setbacks: Minimum setbacks are measured from the edge of the nearest expressway or new expressway travel lane. No sign may occupy the space between two feet and 14 feet above grade within 15 feet of the right-of-way, except for supports. No sign may be nearer than five feet to the public right-of-way or to the right-of-way line extended across a railroad right-of-way. The existing sign meets the setback requirements.

CPC Action: September 1, 2011

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 1454 for a detached non-premise sign (billboard) use for a ten-year time period, subject to conditions on property zoned an MU-1(SAH) Mixed Use District on the northeast corner of Interstate 635 (LBJ Freeway) and Meandering Way.

Maker: Shellene
Second: Peterson
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 300 Mailed: 21
Replies: For: 0 Against: 0

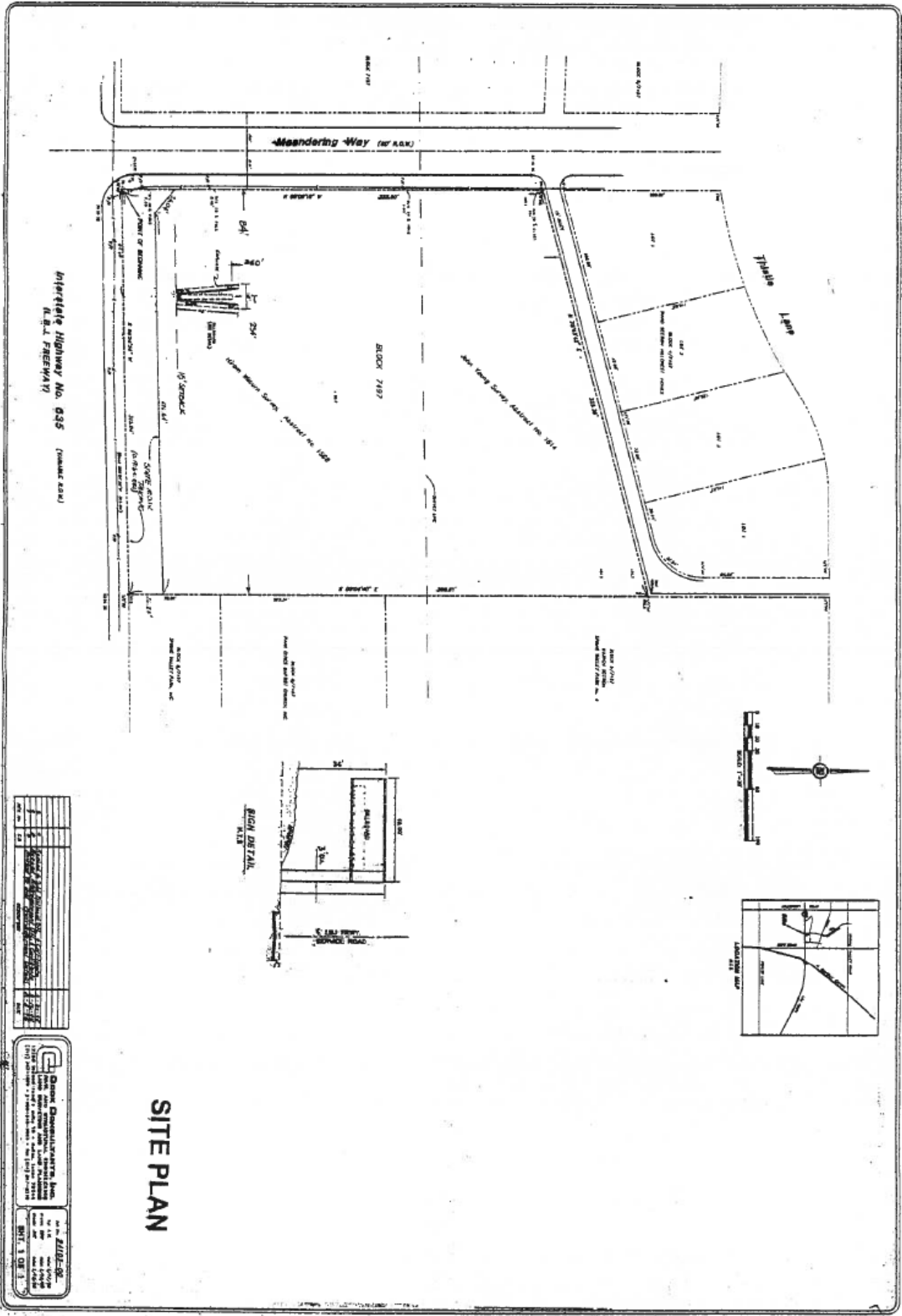
Speakers: None

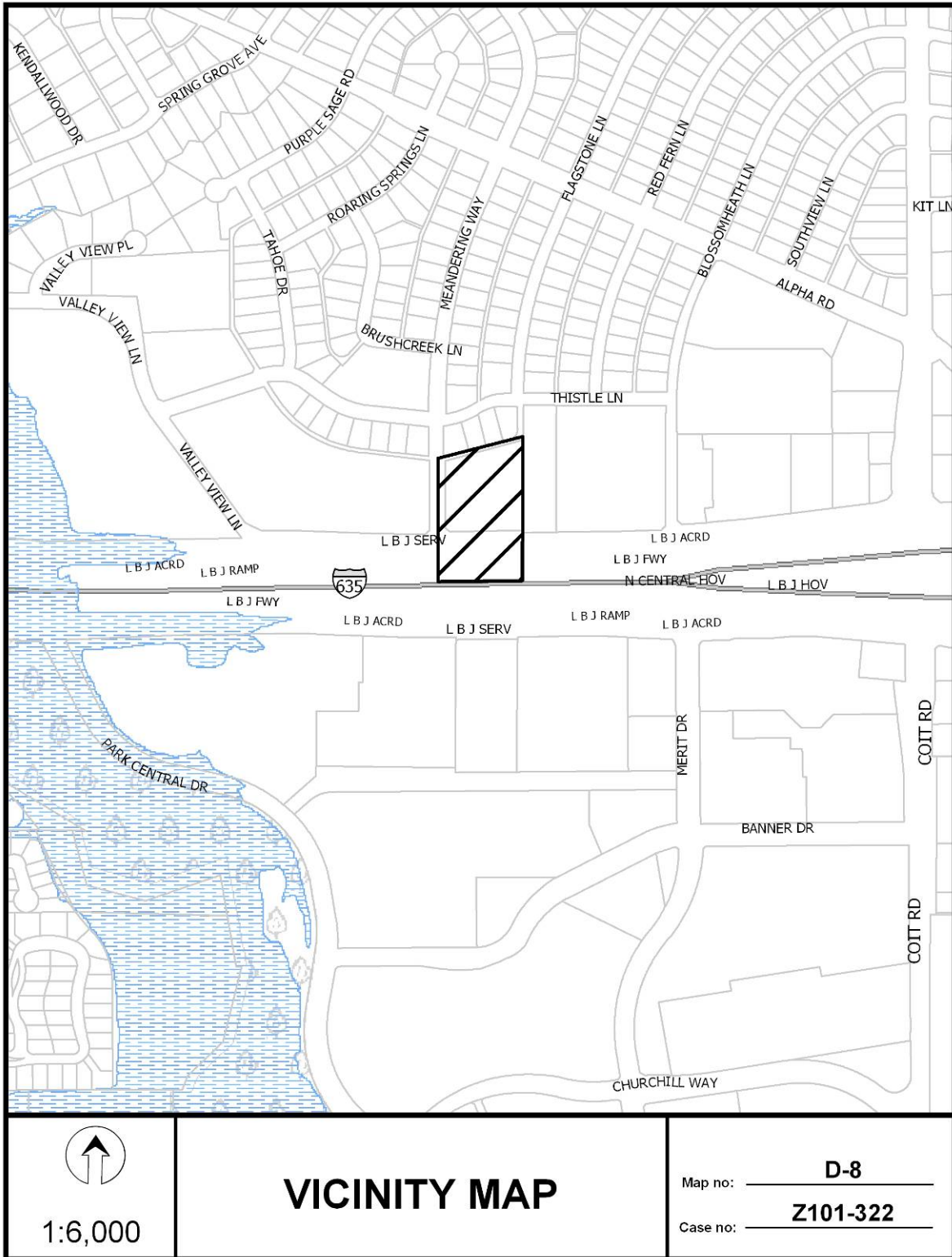
SUP CONDITIONS

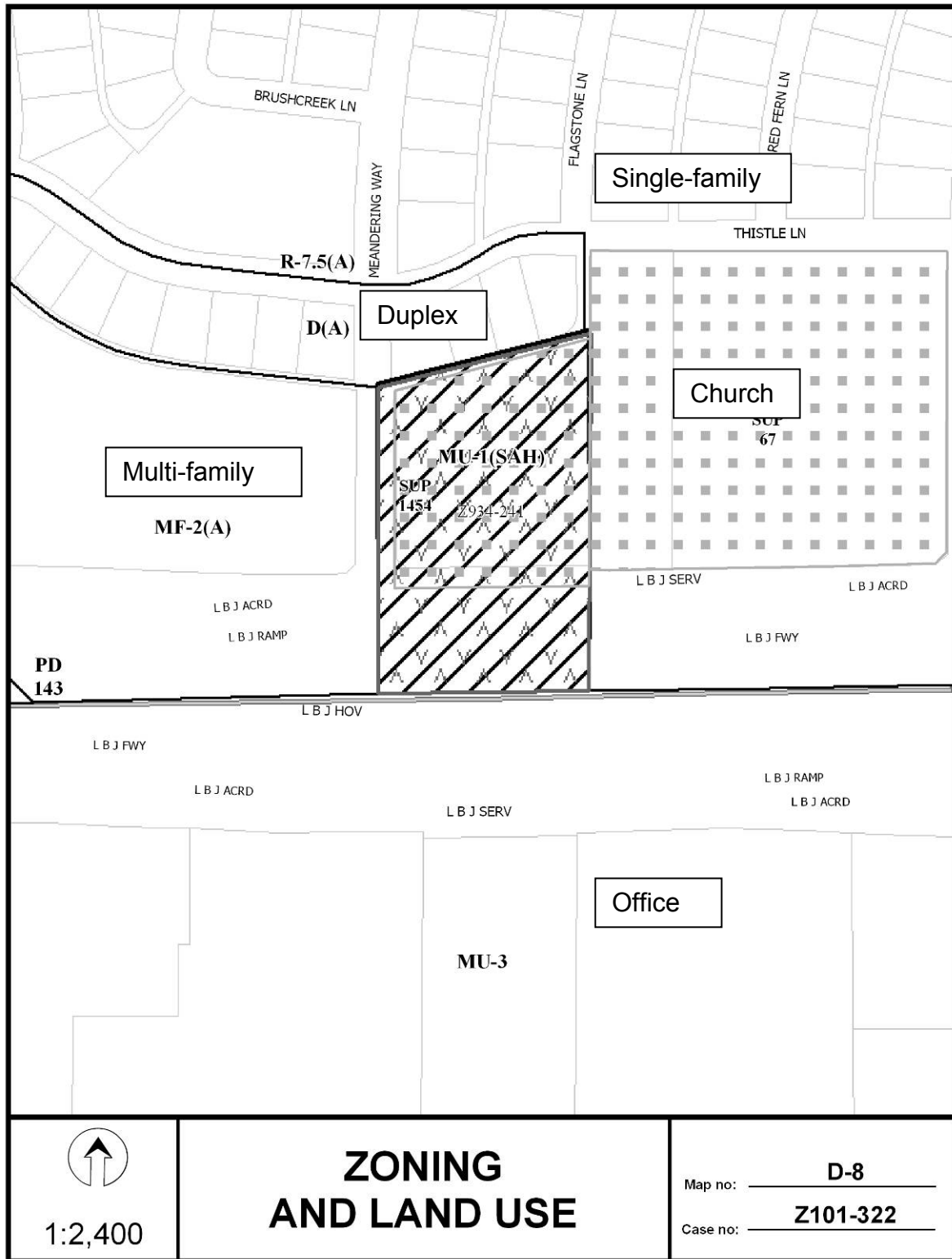
1. USE: The only use authorized by this specific use permit is a detached non-premise sign (billboard).
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on _____ (ten years from date of passage).
4. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas

EXISTING SITE PLAN

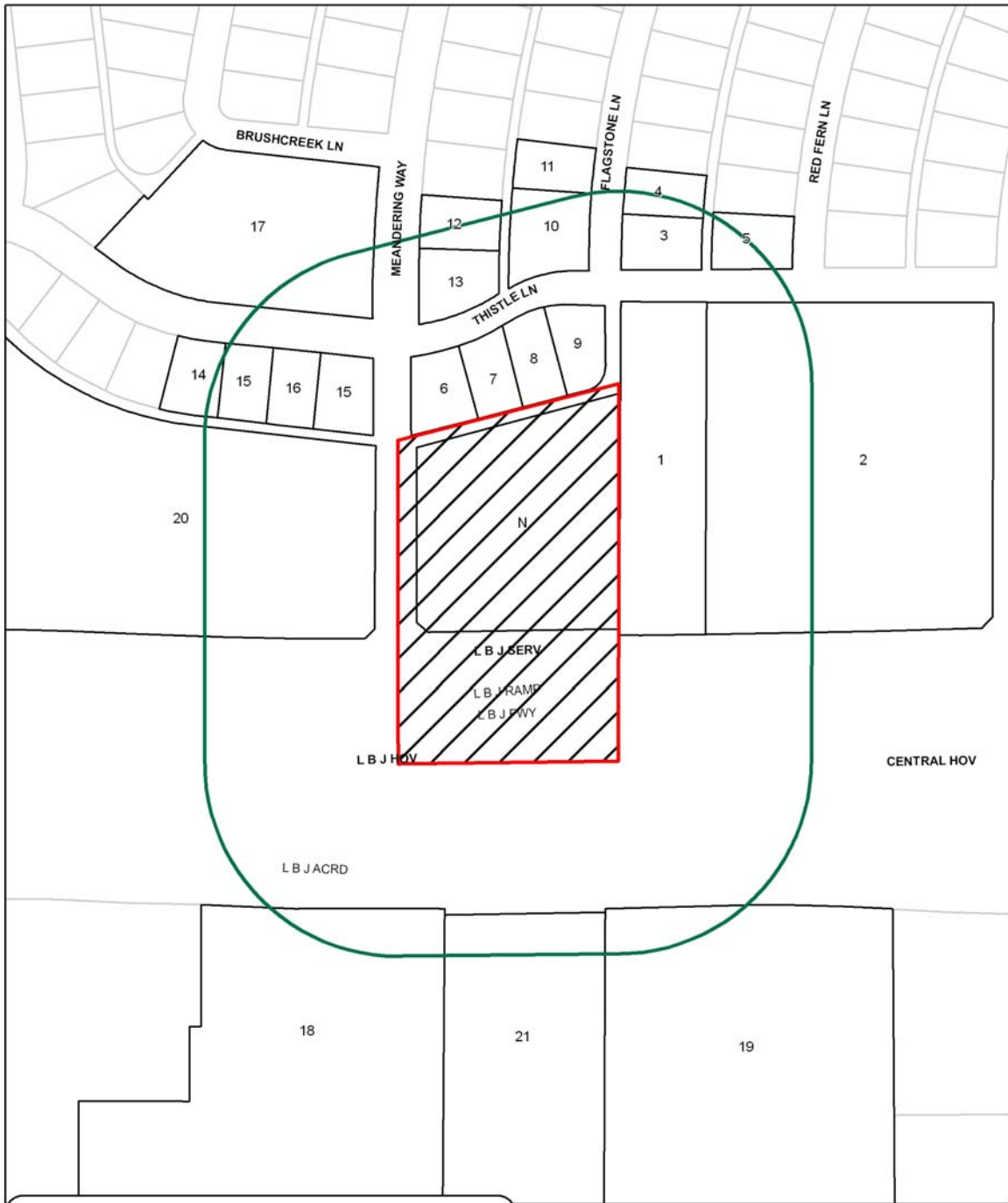
Z101-322







CITY PLAN COMMISSION RESPONSES



<u>21</u>	Property Owners Notified (23 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>9/1/2011</u>	Date

Z101-322

D-8

CPC



1:2,400

Notification List of Property Owners**Z101-322****21 Property Owners Notified**

Label #	Address	Owner
1	7775 LBJ	SPRING VALLEY BAPTIST CH EXEMPT
2	7777 LBJ	SPRING VALLEY BAPTIST CH
3	13106 FLAGSTONE	DIAZ JUAN P
4	13112 FLAGSTONE	SHEARER KATHY A
5	13105 RED FERN	METLIFE HOME LOANS
6	7606 THISTLE	FRAZIN LORRAINE
7	7612 THISTLE	ZAFAR SHADMAN
8	7616 THISTLE	BEAL LAWANDA JO
9	7622 THISTLE	GANNON JEFFREY
10	13111 FLAGSTONE	TESSEMMA TADESSE & KAFALE YALEMDESTA
11	13117 FLAGSTONE	GALLEGOS JOSEFINA
12	13090 MEANDERING WAY	DOWL SOPHIA
13	13084 MEANDERING WAY	BOWDEN FLORA JOSEPHINE
14	7552 THISTLE	BAJ LAND & TITLE CO INC
15	7580 THISTLE	GONSKY SHARON
16	7570 THISTLE	HELLER DOROTHY C
17	13093 MEANDERING WAY	CHURCH IN DALLAS THE
18	7616 LBJ	HARTMAN INCOME REIT PPTY HOLDINGS LLC STE 420
19	7750 LBJ	PALACE AT PARK CENTRAL LLC
20	7373 VALLEY VIEW	7373 VALLEY VIEW APTS LP SUITE 3700
21	7642 LBJ	IA ORCHARD HOTELS DALLAS LTD PS

Thursday, September 22, 2011

AGENDA ITEM # 50

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 6
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 23 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District on property zoned a CS Commercial Service District on the west line of Brockbank Drive, between Bynum Avenue and Lombardy Lane
Recommendation of Staff and CPC: Approval
Z101-327(WE)

FILE NUMBER: Z101-327(WE) **DATE FILED:** July 15, 2011
LOCATION: West line of Brockbank Drive, between Bynum Avenue and Lombardy Lane
COUNCIL DISTRICT: 6 **MAPSCO:** 23-T
SIZE OF REQUEST: Approx. 0.911 acres **CENSUS TRACT:** 98.03

APPLICANT: Lopez Food
OWNER: Armando Lopez
REPRESENTATIVE: DC Development / Odell Design

REQUEST: An application for an LI Light Industrial District on property zoned a CS Commercial Service District.

SUMMARY: The purpose of this request is to allow for an existing light manufacturing business to exceed 10,000 square feet of floor area. The current CS zoning district permits a maximum of 10,000 square feet of floor area for an industrial (inside) for light manufacturing use.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

- The applicant’s request for an LI Light Industrial District will allow for the existing light manufacturing business to exceed 10,000 square feet of floor area. The current CS zoning district permits a maximum of 10,000 square feet of floor area for an industrial (inside) for light manufacturing use.
- The applicant expanded a portion of the light manufacturing operations which exceeded the maximum allowable square footage by 6,237 square feet.
- The surrounding land uses consist of a variety of commercial industrial, office, retail and auto related uses.

Zoning History: There has been one recent zoning change requested in the area.

1. Z090-172 On Wednesday, September 8, 2010, the City Council denied a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern on property zoned a CS Commercial Service District on the north side of Lombardy Lane, between Abernathy Avenue and Brockbank Drive. (not shown on map)

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Brockbank Drive	Local	56 ft.	56 ft.

Land Use:

	Zoning	Land Use
Site	CS	Commercial
North	CS	Office
South	CS	Undeveloped
East	CS	Storage warehouse/auto related uses
West	CS	Storage warehouse /auto related uses

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 Commercial Center Block.

These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor's experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other "town center" features. Public transit enhancements as well as quality access and visibility are important components of successful auto-oriented development.

Economic Development

Goal 2.1 Promote balanced growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Urban Design

Goal 5.2 Strengthen community and neighborhood identity

Policy 5.2.4 Enhance retail, industrial and business operations

STAFF ANALYSIS:

Land Use Compatibility: The 0.911 acre site is developed as an industrial (inside) for light manufacturing use. The applicant's request for a LI Light Industrial District will allow for continued operation of the facility. The CS Commercial Service District permits, by right, an industrial (inside) for light manufacturing use, however, the use may not exceed 10,000 square feet of floor area

The applicant built an expansion of the manufacturing portion of the facility on the northwest portion of the property, which violated the maximum allowable floor area that is permitted in a CS Commercial Service District. The applicant exceeded the maximum floor area by 6,237 square feet.

The request site is adjacent to a primarily warehouse uses. However, there is an office use that is located to the north of the request site and several auto related uses that located east, across Brockbank Drive. In addition, the applicant will have to file a parking agreement with the Building Official indicating that the request site will meet the required off-street parking requirements. The adjacent office will provide the additional parking spaces, which is north of the request site.

Staff has reviewed the applicant’s request and recommends approval of a LI Light Industrial District. The proposed LI Light Industrial District should not adversely impact the surrounding area.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CS - existing 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
LI - proposed Light Industrial	15'	30' adjacent to residential OTHER: No Min.	1.0 FAR overall 0.75 office/ retail 0.5 retail	70' 5 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

Landscaping: Landscaping must be provided and maintained in accordance with Article X, as amended. Plant materials must be maintained in a healthy, growing condition.

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

CPC Action (September 1, 2011)

Motion: It was moved to recommend **approval** of an LI Light Industrial District on property zoned a CS Commercial Service District on the west line of Brockbank Drive, between Bynum Avenue and Lombardy Lane.

Maker: Shellene
 Second: Peterson
 Result: Carried: 14 to 0

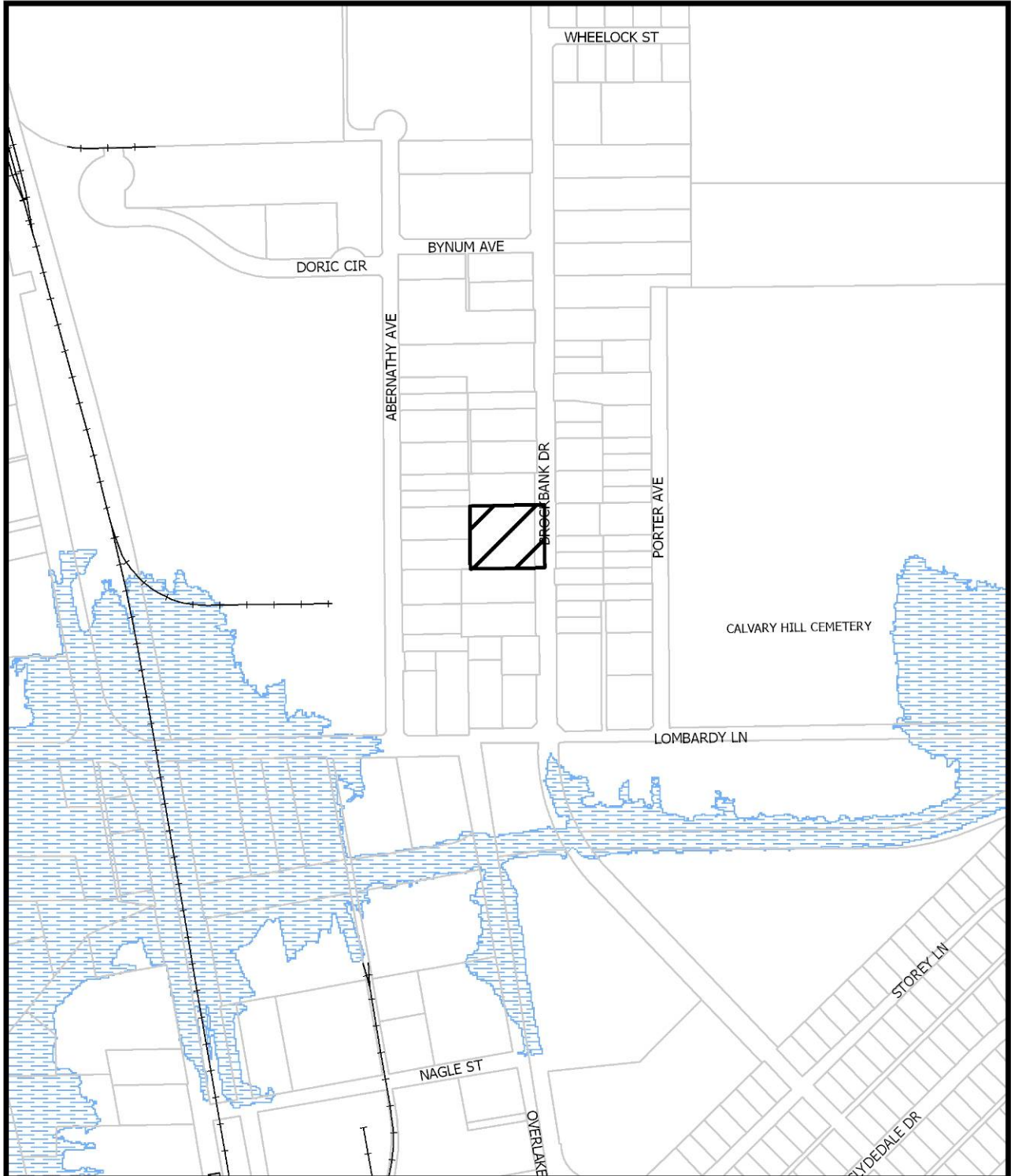
For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
 Hinojosa, Bagley, Tarpley, Shellene, Bernbaum,
 Wolfish, Schwartz, Peterson, Alcantar

Against: 0
 Absent: 1 - Lavallaisaa
 Vacancy: 0

Notices: Area: 200 Mailed: 27
Replies: For: 0 Against: 0
Speakers: None

LIST OF OWNERS
Lopez Food

- Armando Lopez
- Ramiro Lopez
- Elizabeth Lopez



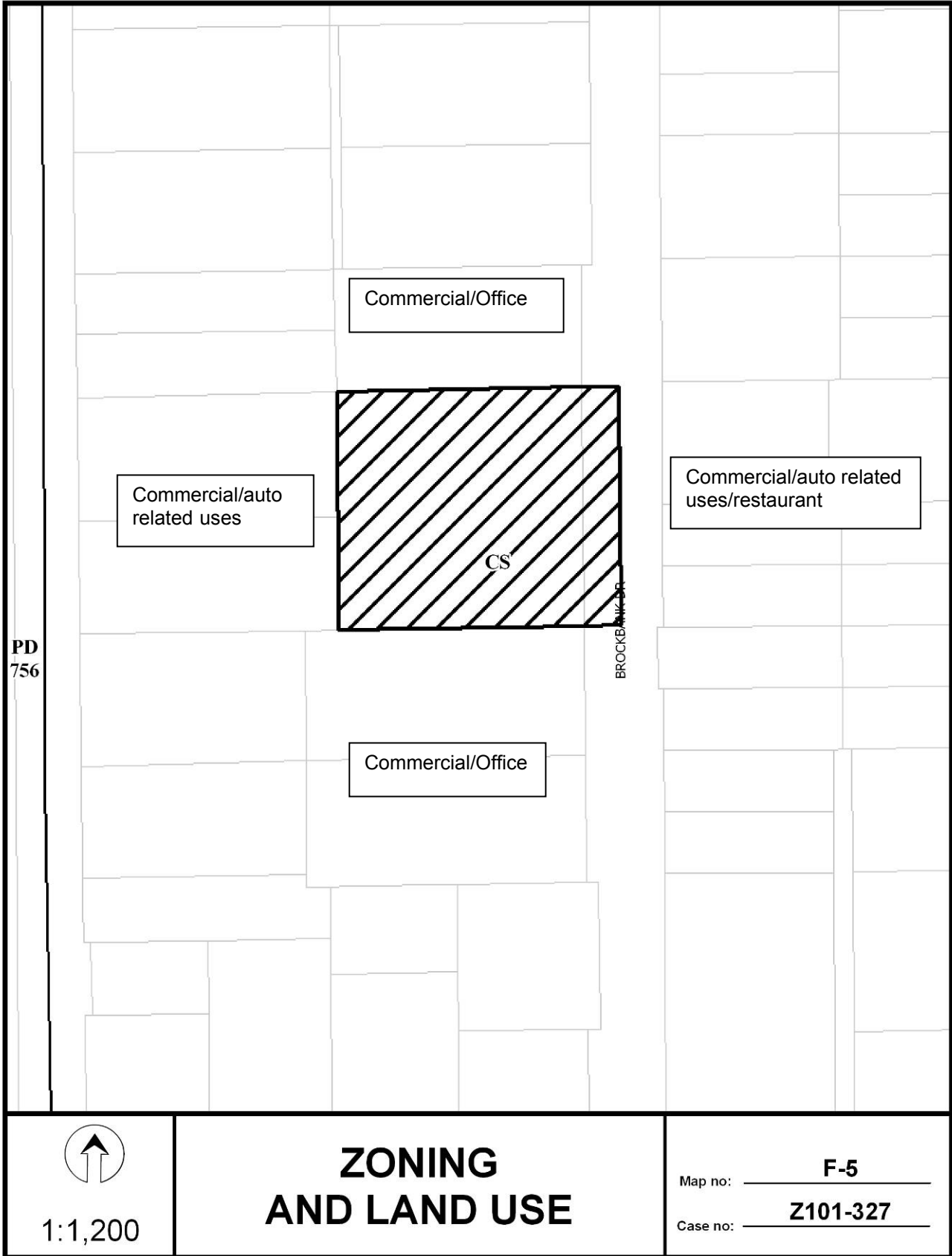
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VICINITY MAP

Map no: F-5

Case no: Z101-327

DATE: August 04, 2011



1:1,200

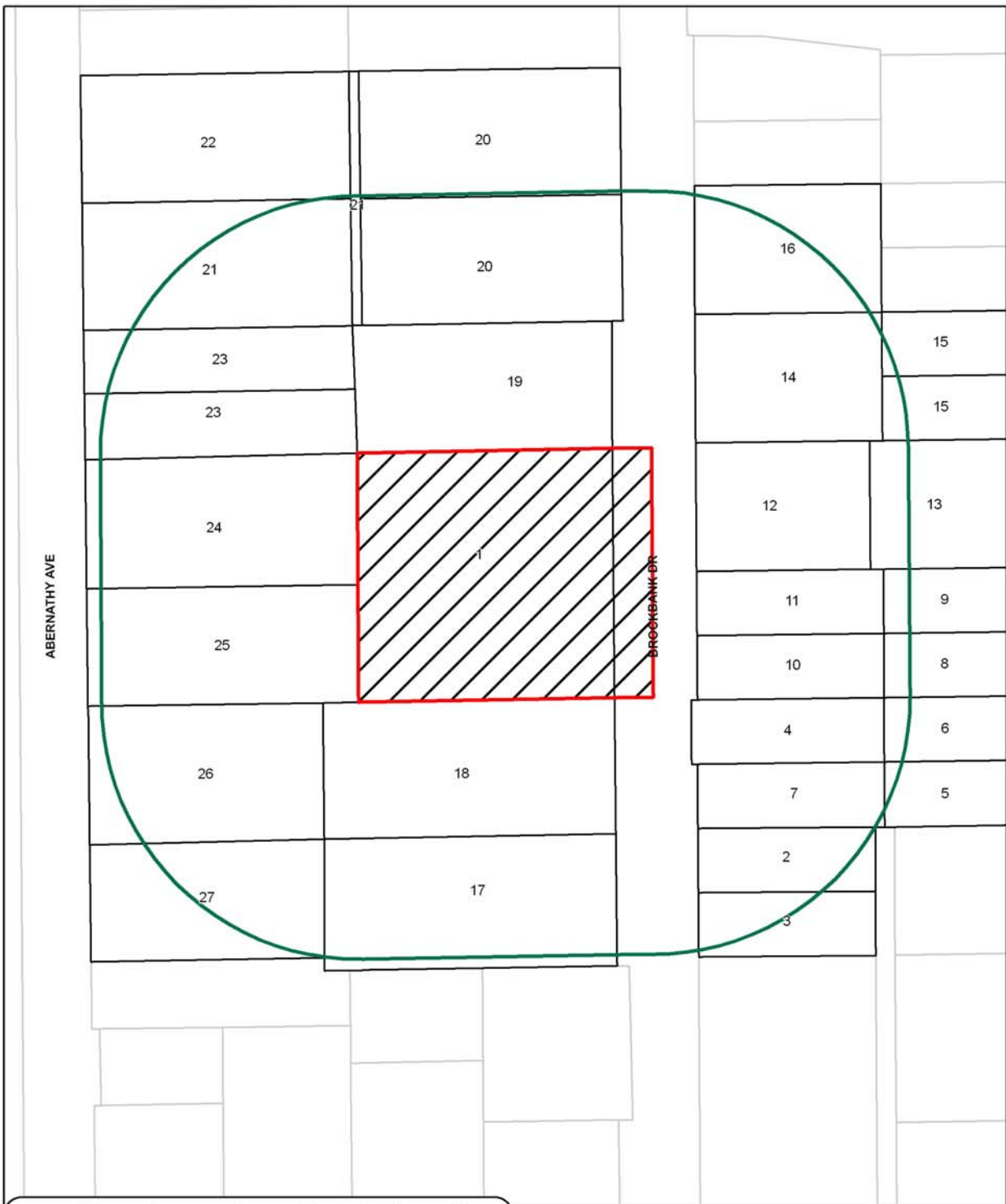
ZONING AND LAND USE

Map no: F-5

Case no: Z101-327

DATE: August 04, 2011

CPC RESPONSES



<u>27</u>	Property Owners Notified (31 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/1/2011</u>	Date

Z101-327
F-5
CPC



1:1,200

Notification List of Property Owners

Z101-327

27 Property Owners Notified 0 Property Owners Opposed 0 Property Owners in Favor

Vote	Label	Address	Owner
1		9727 BROCKBANK	LOPEZ RAMIRO &
2		9714 BROCKBANK	PEREZ ARMANDO &
3		9710 BROCKBANK	MARTINEZ JOSE LUIS &
4		9718 BROCKBANK	ARVIZU MOISES &
5		9717 PORTER	SANCHEZ RUBEN &
6		9719 PORTER	RODRIGUEZ MARTIN
7		9716 BROCKBANK	GARLAND CLYDE L JR
8		9721 PORTER	RODRIGUEZ MARTIN &
9		9723 PORTER	SANCHEZ RAMIRO
10		9720 BROCKBANK	RENERIA GREGORIO
11		9722 BROCKBANK	MARTINEZ ARTURO
12		9726 BROCKBANK	TREVINO & ASSOC MECH INC
13		9725 PORTER	TREVINO MIGUEL & FELICIA
14		9732 BROCKBANK	MANRIQUE ROGELIO & JULIETA
15		9729 PORTER	MANRIQUE ROGELIO
16		9734 BROCKBANK	ELM FAMILY PARTNERS LTD
17		9715 BROCKBANK	KOREAN SENIOR CITIZENS
18		9719 BROCKBANK	CLEMENTS STEPHEN O
19		9731 BROCKBANK	PENEDERGRASS JOHN B ETAL
20		9733 BROCKBANK	STARKS TOWING INC
21		9734 ABERNATHY	GANESH GROUP INC THE
22		9738 ABERNATHY	CONCRETE CORING CO INC
23		9728 ABERNATHY	GANESH GROUP THE
24		9726 ABERNATHY	9726 REAL ESTATE HOLDINGS
25		9722 ABERNATHY	9722 REAL ESTATE HOLDINGS
26		9716 ABERNATHY	9722 REAL ESTATE HOLDINGS
27		9712 ABERNATHY	POWELL MARK J

Wednesday, September 07, 2011

**OCTOBER 10, 2011 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated October 10, 2011. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



Mary K. Suhm
City Manager

10/06/11

Date



Edward Scott
City Controller

10/06/11

Date

**ADDENDUM
CITY COUNCIL MEETING
OCTOBER 10, 2011
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

6ES

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

- Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O
- Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P
- Lavell Fairbanks v. Travis French et al., Cause No. 10-02144

CONSENT ADDENDUM

Public Works Department

**Greenville Avenue from Alta Avenue
to Bell Avenue**

Note: Addendum Item Nos. 1 and 2
must be considered collectively.

1. * Authorize a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$100,000 - Financing: 2006 Bond Funds
2. * Authorize a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$187,751 - Financing: 2006 Bond Funds

Sustainable Development and Construction

3. An ordinance amending Ordinance No. 28037, which abandoned a portion of Denley Drive and street easements located near the intersection of Ann Arbor and Denley Drive, to City Wide Community Development Corporation and The Urban League of Greater Dallas and North Central Texas, Inc., the abutting owners, to extend the final replat requirement from one year to 545 days and change the dedication from fee simple to dedication by easement thereby increasing the abandonment fee from \$5,400 to \$10,825 - Revenue: \$5,425 plus the \$20 ordinance publication fee

**ADDENDUM
CITY COUNCIL MEETING
OCTOBER 10, 2011**

ADDITIONS: (Continued)

ITEMS FOR INDIVIUDAL CONSIDERATION

City Attorney's Office

4. Authorize Supplemental Agreement No. 1 to the professional services contract with Cathy E. Bennett & Associates, Inc. for additional consulting services in the lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

CORRECTION:

VOTING AGENDA

1. Approval of Minutes of the September 24, 2011 Special Called Meeting, the September 28, 2011 City Council Meeting, and the October 5, 2011 City Council Briefing Meeting

ADDENDUM DATE October 10, 2011

ITEM		IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
1			2, 14	C	PWT	\$100,000.00	NA	NA	Greenville Avenue from Alta Avenue to Bell Avenue: Authorize a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue	
2			2, 14	C	PWT	\$187,750.50	NA	NA	Greenville Avenue from Alta Avenue to Bell Avenue: Authorize a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue	
3			5	C	DEV	REV \$5,425	NA	NA	An ordinance amending Ordinance No. 28037, which abandoned a portion of Denley Drive and street easements, located near the intersection of Ann Arbor and Denley Drive, to City Wide Community Development Corporation and The Urban League of Greater Dallas and North Central Texas, Inc., the abutting owners, to extend the final replat requirement from one year to 545 days and change the dedication from fee simple to dedication by easement thereby increasing the abandonment fee from \$5,400 to \$10,825	
4			N/A	I	ATT	\$75,000.00	NA	NA	Authorize Supplemental Agreement No. 1 to the professional services contract with Cathy E. Bennett & Associates, Inc. for additional consulting services in the lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O	

TOTAL \$362,750.50

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 10, 2011
COUNCIL DISTRICT(S): 2, 14
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 36T X

SUBJECT

Greenville Avenue from Alta Avenue to Bell Avenue

- * Authorize a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$100,000 - Financing: 2006 Bond Funds
- * Authorize a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$187,751 - Financing: 2006 Bond Funds

BACKGROUND

On May 25, 2011, the City Council authorized a construction contract with Texas Standard Construction, Ltd. in the amount of \$1,350,537.30 for the construction of a complete street on Greenville Avenue between Alta Avenue to Bell Avenue. This will include reducing a 4-lane roadway to a 2-lane roadway with wide sidewalks, parallel on-street parking, street lights, landscaping, irrigation, street furniture, pedestrian crosswalks and other amenities as needed.

The City of Dallas requested ONCOR Electric Delivery, Time Warner Cable and AT&T Texas to relocate their overhead utility lines from Greenville Avenue between the limits of Alta Avenue and Bell Avenue. AT&T facilities are mostly underground and do not require relocation for this project. A relocation design was generated by ONCOR Electric Delivery to relocate its electrical facilities in the lower Greenville area, and Time Warner Cable will relocate aerial cables currently on power poles to an underground conduit.

BACKGROUND (Continued)

This action will authorize two individual service agreements with ONCOR Electric Delivery and Time Warner Cable and the funding necessary to relocate the existing overhead electric distribution and telecommunication lines from Greenville Avenue between Alta Avenue and Bell Avenue to the adjacent secondary streets.

ESTIMATED SCHEDULE:

Began Design	April 2009
Completed Design	January 2011
Began Construction	June 2011
Complete Construction	December 2011

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

Authorized a professional services contract for engineering services on June 25, 2008, by Resolution No. 08-1818.

Authorized Supplemental Agreement No. 1 to the contract with Urban Engineers Group on February 9, 2011, by Resolution No. 11-0444.

Authorized a construction contract with Texas Standard Construction, Ltd. on May 25, 2011, by Resolution No. 11-1382.

FISCAL INFORMATION

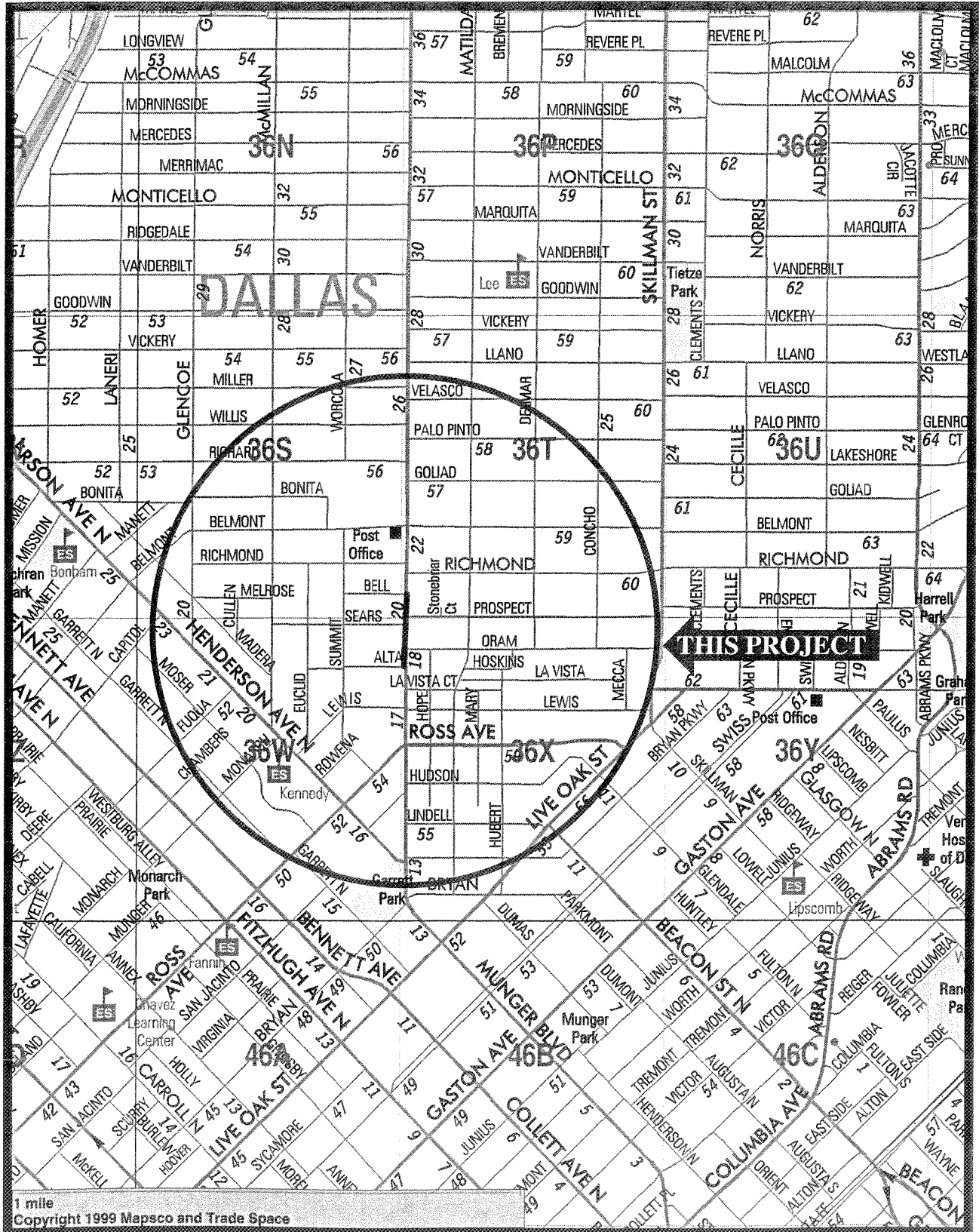
2006 Bond Funds - \$287,750.50

<u>Council District</u>	<u>Amount</u>
2	\$143,875.25
14	<u>\$143,875.25</u>
Total	\$287,750.50

MAP

Attached.

STREET RECONSTRUCTION GREENVILLE AVENUE FROM ALTA AVENUE TO BELL AVENUE



1 mile
Copyright 1999 Mapsc0 and Trade Space

MAPSCO 36T & 36X

October 10, 2011

WHEREAS, on June 25, 2008, Resolution No. 08-1818 authorized a professional services contract with Urban Engineers Group, Inc. for the engineering design of a streetscape/urban design project for Greenville Avenue from Belmont Avenue to Ross Avenue; and,

WHEREAS, on February 9, 2011, Resolution No. 11-0444 authorized Supplemental Agreement No. 1 with Urban Engineers Group, Inc. for additional engineering design services for Greenville Avenue from Belmont Avenue to Ross Avenue in the amount of \$121,158.42; and,

WHEREAS, on May 25, 2011, Resolution No. 11-1382 authorized a contract for the construction of paving, drainage, and streetscape/urban design improvements including sidewalks, curb and gutter, barrier free ramps, and water mains for Greenville Avenue from Alta Avenue to Bell Avenue; and,

WHEREAS, it is now necessary to authorize a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Greenville Avenue between Alta Avenue to Bell Avenue in an amount not to exceed \$100,000.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Greenville Avenue between Alta Avenue and Bell Avenue in an amount not to exceed \$100,000, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund	
Fund 7T22, Agency PBW, Unit U737, Act. SSUD	
Obj. 4154, Program #PB06U737, CT PBW06U737B1	
Vendor #399181, in an amount not to exceed	\$100,000

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

October 10, 2011

WHEREAS, on June 25, 2008, Resolution No. 08-1818 authorized a professional services contract with Urban Engineers Group, Inc. for the engineering design of a streetscape/urban design project for Greenville Avenue from Belmont Avenue to Ross Avenue; and,

WHEREAS, on February 9, 2011, Resolution No. 11-0444 authorized Supplemental Agreement No. 1 with Urban Engineers Group, Inc. for additional engineering design services for Greenville Avenue from Belmont Avenue to Ross Avenue in the amount of \$121,158.42; and,

WHEREAS, on May 25, 2011, Resolution No. 11-1382 authorized a contract for the construction of paving, drainage, and streetscape/urban design improvements including sidewalks, curb and gutter, barrier free ramps, and water mains for Greenville Avenue from Alta Avenue to Bell Avenue; and,

WHEREAS, it is now necessary to authorize a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue between Alta Avenue and Bell Avenue in an amount not to exceed \$187,750.50.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue between Alta Avenue and Bell Avenue in an amount not to exceed \$187,750.50, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund	
Fund 7T22, Agency PBW, Unit U737, Act. SSUD	
Obj. 4154, Program #PB06U737, CT PBW06U737B2	
Vendor #VC0000001567, in an amount not to exceed	\$187,750.50

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: October 10, 2011
COUNCIL DISTRICT(S): 5
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 65C

SUBJECT

An ordinance amending Ordinance No. 28037, which abandoned a portion of Denley Drive and street easements located near the intersection of Ann Arbor and Denley Drive, to City Wide Community Development Corporation and The Urban League of Greater Dallas and North Central Texas, Inc., the abutting owners, to extend the final replat requirement from one year to 545 days and change the dedication from fee simple to dedication by easement thereby increasing the abandonment fee from \$5,400 to \$10,825 - Revenue: \$5,425 plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the amendment of Ordinance No. 28037, which abandoned a portion of Denley Drive and street easements to City Wide Community Development Corporation and The Urban League of Greater Dallas and North Central Texas, Inc., the abutting owners. This amendment will allow for the extension of the final replat from one year to 545 days and change the dedication from fee simple to dedication by easement, thereby increasing the abandonment fee from \$5,400 to \$10,825. The cost for this abandonment is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 13, 2010, City Council approved Ordinance No. 28037.

FISCAL INFORMATION

Revenue: \$5,425 plus the \$20 ordinance publication fee

OWNERS

City Wide Development Corporation

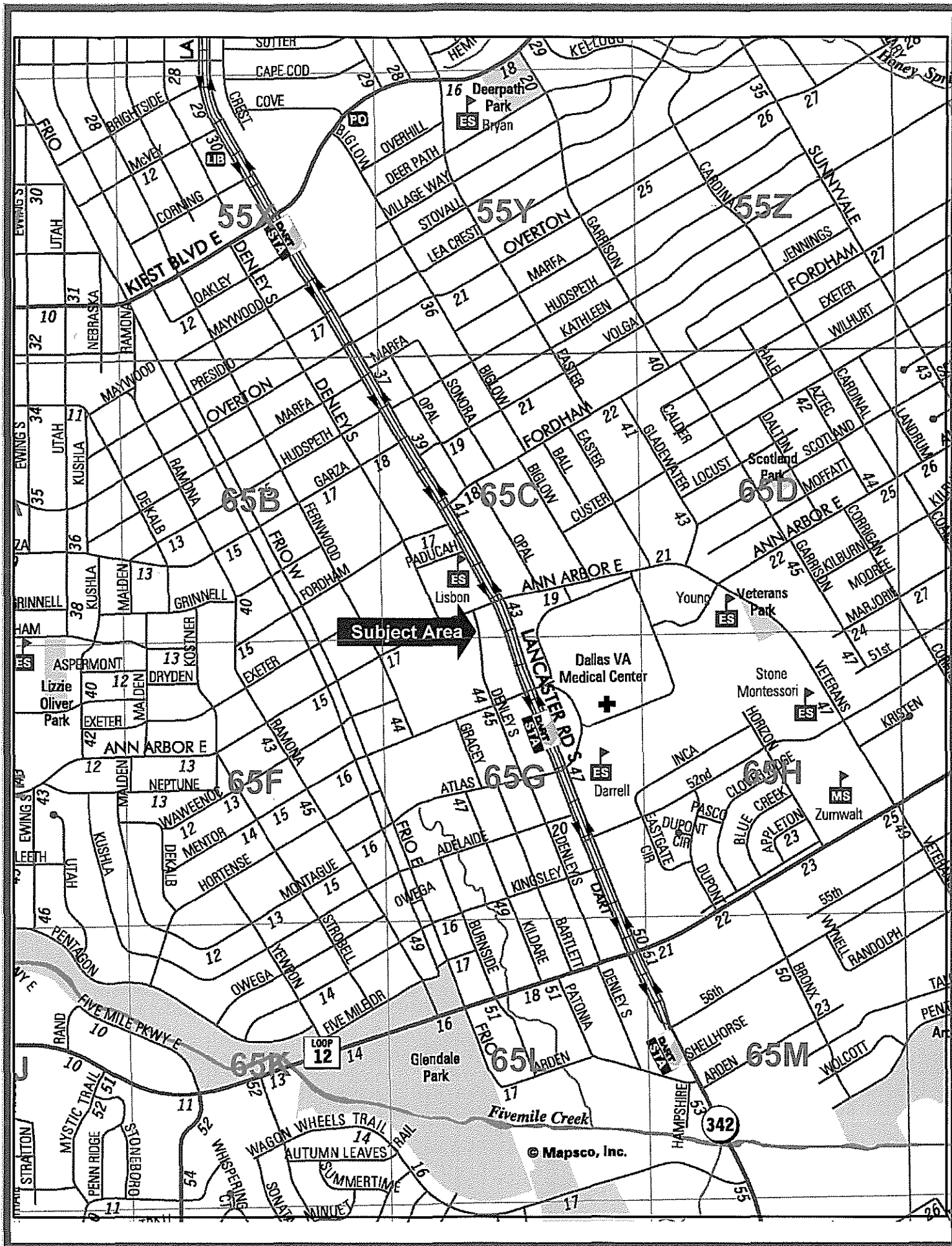
Sherman Roberts, President

The Urban League of Greater Dallas and North Central Texas, Inc.

Beverly Mitchell-Brooks, PhD., President

MAPS

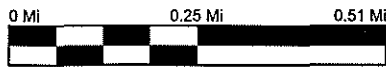
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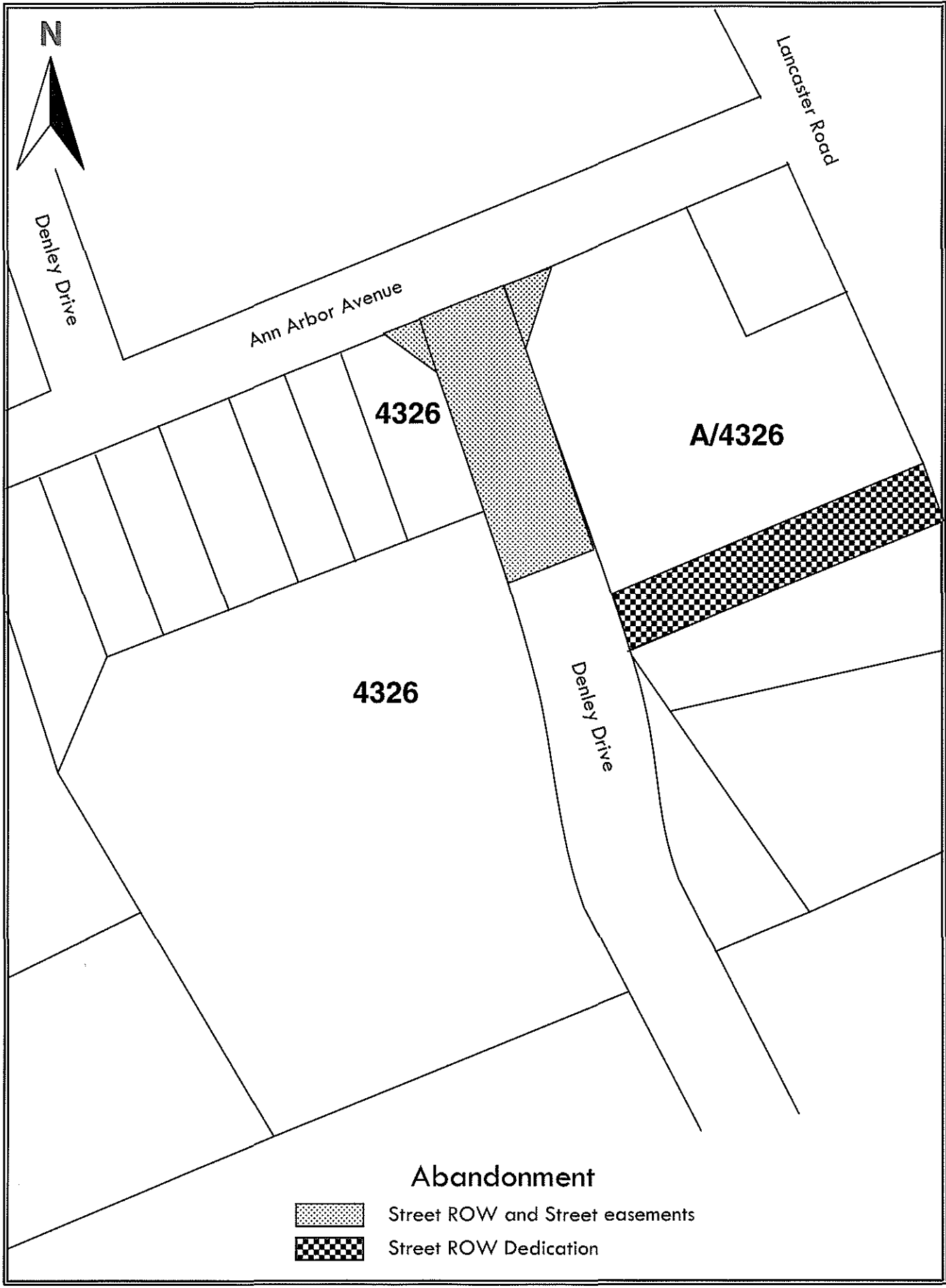


Subject Area →

© Mapco, Inc.

65C MAPSCO





N

Lancaster Road

Denley Drive

Ann Arbor Avenue



4326

A/4326

4326

Denley Drive

Abandonment

-  Street ROW and Street easements
-  Street ROW Dedication

ORDINANCE NO. _____

An ordinance amending Ordinance No. 28037 by altering Sections 2 and 9 thereof; providing for payment of the publication fee; providing a saving clause; and providing an effective date.

ooo0ooo

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

SECTION 1. That Ordinance No. 28037 adopted by the City Council of the City of Dallas on October 13, 2010, be and the same is hereby amended by altering Sections 2 and 9 to read as follows:

“SECTION 2. That for and in monetary consideration of the sum of ~~[FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00)]~~ TEN THOUSAND EIGHT HUNDRED TWENTY-FIVE AND NO/100 (\$10,825.00) DOLLARS paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, 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 and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to those certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all 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 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]~~ 545 days of the effective date of this ordinance showing the ~~[fee simple]~~ dedication by easement of not less than 13,102 square feet of needed right-of-way in City Block A/4326. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are 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 2. That the terms and conditions of Ordinance No. 28037 shall remain in full force and effect except as amended hereby.

SECTION 3. 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 area is located, which certified copy shall be delivered to the Director of Sustainable Development and Construction, or designee. Upon receipt of the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Sustainable Development and Construction or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one (1) year after its passage.

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:
THOMAS P. PERKINS, JR.
City Attorney

BY


Assistant City Attorney

THERESA O'DONNELL
Director of Sustainable Development
and Construction

BY


Assistant Director

Passed _____.

ADDENDUM ITEM # 4

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

AGENDA DATE: October 10, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Cathy E. Bennett & Associates, Inc. for additional consulting services in the lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

BACKGROUND

On April 06, 2011 pursuant to Administrative Action No. 11-1016, the City of Dallas entered into a professional services contract with Cathy E. Bennett & Associates, Inc. for jury and trial consultant services in the lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council is scheduled to be briefed in Closed Session on October 10, 2011.

FISCAL INFORMATION

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

\$75,000.00 - Current Funds

M/WBE INFORMATION

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

ETHNIC COMPOSITION

Cathy E. Bennett & Associates, Inc.

Hispanic Female	0	Hispanic Male	0
Black Female	0	Black Male	0
Other Female	0	Other Male	0
White Female	5	White Male	1

OWNER

Cathy E. Bennett & Associates, Inc.

Robert B. Hirschhorn, President and CEO

October 10, 2011

WHEREAS, the City of Dallas is involved in a lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O; and,

WHEREAS, on April 6, 2011, pursuant to Administrative Action No. 11-1016, the City of Dallas authorized a professional services contract with Cathy E. Bennett & Associates, Inc., in an amount not to exceed \$25,000.00 for jury and trial consultant services necessary in this matter; and,

WHEREAS, the consulting services of Cathy E. Bennett & Associates, Inc. continue to be necessary in this matter; **Now, Therefore,**

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the consultant services contract with Cathy E. Bennett & Associates, Inc. for additional jury and trial consultant services in an amount not to exceed \$75,000.00, increasing the original contract amount from \$25,000.00 to \$100,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to Cathy E. Bennett & Associates, Inc. an amount not to exceed \$75,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389011G193, Vendor No. 399989.

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.

