

**AUGUST 24, 2016 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated August 24, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



Jeanne Chipperfield
Chief Financial Officer



Date

RECEIVED

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CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, AUGUST 24, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

REVISED ORDER OF BUSINESS

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

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

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 54

CONSENT ADDENDUM

Items 1 - 7

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 55 - 61
Addendum Items 8 - 9

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 62 - 77

SUPPLEMENTAL NOTICE

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

**ADDENDUM
CITY COUNCIL MEETING
AUGUST 24, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

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

- Legal issues associated with the City of Dallas and Tarrant Regional Water District's Integrated Pipeline Project.

CONSENT ADDENDUM

Aviation

1. Authorize a three-year lease agreement with Harry Hines Venture, LP, a Texas Limited Partnership, with two one-year renewal options for approximately 5.27 acres or 229,781 square feet (site 1) of land located at 6612 and 6720 Harry Hines Boulevard for an employee parking facility for Dallas Love Field - Not to exceed \$7,659,064 over five years - Financing: Aviation Current Funds (subject to annual appropriations)
2. Authorize a three-year lease agreement commencing on January 1, 2017 with two one-year renewal options with Harry Hines Venture II, LP, a Texas Limited Partnership, for approximately 3.55 acres or 154,658 square feet (site 2) of land located at 2032, 2108, 2110, 2112, 2114, 2116, and 2128 Hawes Avenue, to be used for an employee parking facility for Dallas Love Field - Not to exceed \$4,968,909 over five years - Financing: Aviation Current Funds (subject to annual appropriations)

City Attorney's Office

3. Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC, for additional services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed \$400,000, from \$425,000 to \$825,000 - Financing: Current Funds

**ADDENDUM
CITY COUNCIL MEETING
AUGUST 24, 2016**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

City Attorney's Office (Continued)

4. Authorize Supplemental Agreement No. 4 to the professional services contract with Sayles Werbner, P.C. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95 and any other proceedings relating to the subject matter of this litigation - Not to exceed \$400,000, from \$700,000 to \$1,100,000 - Financing: Current Funds

5. Authorize Supplemental Agreement No. 14 to the professional services contract with Hankinson, L.L.P. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed \$150,000, from \$955,000 to \$1,105,000 - Financing: Current Funds

Housing/Community Services

6. Authorize **(1)** an amendment to Resolution No. 15-1893 previously approved on October 14, 2015, to **(a)** correct the FY 2016 grant term from the Texas Department of State Health Services (DSHS) to provide services to the homeless through the Healthy Community Collaborative (HCC) grant from July 1, 2014 through August 31, 2017 to August 1, 2016 through August 31, 2017; **(b)** decrease appropriations in the FY 2016 HCC grant fund due to revision in the award amount by \$1,113,607 from \$2,613,607 to \$1,500,000; **(c)** reduce the private 1:1 cash match from \$2,613,607 to \$1,500,000 to match the FY 2016 grant award; and **(d)** correct the Contract No. from 2014-04581-001B to 2016-049507-001; **(2)** acceptance of the FY 2017 HCC grant from DSHS (Contract No. 2016-049507-001) to **(a)** provide services to the homeless through the HCC in the amount of \$2,613,607 for the period August 1, 2016 through August 31, 2017; and **(b)** a private 1:1 cash match in an amount not to exceed \$2,613,607; and **(3)** execution of the grant agreement - Not to exceed \$2,613,607 - Financing: Texas Department of State Health Services Grant Funds

**ADDENDUM
CITY COUNCIL MEETING
AUGUST 24, 2016**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Sustainable Development and Construction

7. An ordinance abandoning a utility easement to VRE Dallas Northwest, LLC, the abutting owner, containing approximately 1,253 square feet of land, located near the intersection of Plano Road and Northwest Highway - Revenue: \$5,400, plus the \$20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION

Office of Financial Services

8. Ordinances amending Ordinance No. 29876 (FY 2015-16 Operating Budget Appropriation Ordinance) and Ordinance No. 29877 (FY 2015-16 Capital Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for FY 2015-16 for the capital improvement program and for maintenance and operation of various departments and activities; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

ITEMS FOR FURTHER CONSIDERATION

Office of Financial Services

9. Authorize **(1)** public hearings to be held on Wednesday, September 7, 2016 and Wednesday, September 14, 2016 to receive comments on a proposed tax rate; and **(2)** a proposal to consider adoption of a \$0.7812/\$100 valuation tax rate, or a lower rate as may be proposed by the City Council on September 21, 2016 - Financing: This action has no cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
AUGUST 24, 2016**

DELETIONS:

Code Compliance

11. An ordinance amending Sections 47A.1-4, 47A-1.6, 47A-2.1.2, 47A-2.2.1, 47A-2.3.2, 47A-2.3.3, 47A-2.3.5, 47A-2.4.8, 47A-2.5.1, and 47A-2.5.2 of Chapter 47A, "Transportation for Hire," of the Dallas City Code to **(1)** clarify certain exclusions; **(2)** clarify insurance requirements; **(3)** prohibit an operating authority from owning a certain interest or maintaining control over entities that inspect or certify vehicles as required to obtain a vehicle permit under this chapter; **(4)** add requirements for vehicle permits; **(5)** remove certain vehicle quality standards; **(6)** synchronize the vehicle permit validity period with the state's registration period; **(7)** amend the flat rates from Love Field and Dallas-Fort Worth International Airports; **(8)** clarify what flat rates from airports include; and **(9)** provide that the director of aviation may request information to verify airport fees from operating authorities - Financing: No cost consideration to the City

Sustainable Development and Construction

45. A resolution **(1)** declaring one property containing approximately 4,497 square feet of unimproved land unwanted and unneeded, located near the intersection of Polk Street and Turner Avenue, and authorizing its advertisement for sale by public auction; **(2)** authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that is sold absolute; and **(3)** waving the minimum reserve amount - Estimated Revenue: \$28,920
66. A public hearing to receive comments regarding a Landmark Commission authorized hearing to consider an Historic Overlay for Lakewood Theater on property zoned Subdistrict J in Planned Development District No. 281, the Lakewood Special Purpose District on the northwest side of Abrams Road, southwest of La Vista Drive and an ordinance granting the Historic Overlay for the Lakewood Theater
Recommendation of Staff: Approval, subject to staff's recommended preservation criteria
Recommendation of CPC: Approval, subject to preservation criteria
Recommendation of Landmark Commission: Approval, subject to preservation criteria
Z156-186(MD)

ADDENDUM DATE August 24, 2016

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
1				2	C	AVI	\$7,659,063.55	NA	NA	Authorize a three-year lease agreement with Harry Hines Venture, LP, a Texas Limited Partnership, with two one-year renewal options for approximately 5.27 acres or 229,781 square feet (site 1) of land located at 6612 and 6720 Harry Hines Boulevard for an employee parking facility for Dallas Love Field - Not to exceed \$7,659,064 over five years - Financing: Aviation Current Funds (subject to annual appropriations)
2				2	C	AVI	\$4,968,908.68	NA	NA	Authorize a three-year lease agreement commencing on January 1, 2017 with two one-year renewal options with Harry Hines Venture II, LP, a Texas Limited Partnership, for approximately 3.55 acres or 154,658 square feet (site 2) of land located at 2032, 2108, 2110, 2112, 2114, 2116, and 2128 Hawes Avenue, to be used for an employee parking facility for Dallas Love Field - Not to exceed \$4,968,909 over five years - Financing: Aviation Current Funds (subject to annual appropriations)
3				N/A	C	ATT	\$400,000.00	100.00%	0.00%	Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC, for additional services necessary in the lawsuits styled <u>Kenneth E. Albert, et al. v. City of Dallas</u> , Cause No. 199-00697-94; <u>Anthony Arredondo, et al. v. City of Dallas</u> , Cause No. 199-1743-99; <u>David L. Barber, et al. v. City of Dallas</u> , Cause No. 199-624-95; <u>David S. Martin, et al. v. City of Dallas</u> , Cause No. 1-95-506; <u>George G. Parker, et al. v. City of Dallas</u> , Cause No. 1-95-107; <u>Kevin Michael Willis, et al. v. City of Dallas</u> , Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed \$400,000, from \$425,000 to \$825,000 - Financing: Current Funds
4				N/A	C	ATT	\$400,000.00	100.00%	0.00%	Authorize Supplemental Agreement No. 4 to the professional services contract with Sayles Werbner, P.C. for additional legal services necessary in the lawsuits styled <u>Kenneth E. Albert, et al. v. City of Dallas</u> , Cause No. 199-00697-94; <u>Anthony Arredondo, et al. v. City of Dallas</u> , Cause No. 199-1743-99; <u>David L. Barber, et al. v. City of Dallas</u> , Cause No. 199-624-95; <u>David S. Martin, et al. v. City of Dallas</u> , Cause No. 1-95-506; <u>George G. Parker, et al. v. City of Dallas</u> , Cause No. 1-95-107; <u>Kevin Michael Willis, et al. v. City of Dallas</u> , Cause No. 199-200-95 and any other proceedings relating to the subject matter of this litigation - Not to exceed \$400,000, from \$700,000 to \$1,100,000 - Financing: Current Funds
5				N/A	C	ATT	\$150,000.00	0.00%	0.00%	Authorize Supplemental Agreement No. 14 to the professional services contract with Hankinson, L.L.P. for additional legal services necessary in the lawsuits styled <u>Kenneth E. Albert, et al. v. City of Dallas</u> , Cause No. 199-00697-94; <u>Anthony Arredondo, et al. v. City of Dallas</u> , Cause No. 199-1743-99; <u>David L. Barber, et al. v. City of Dallas</u> , Cause No. 199-624-95; <u>David S. Martin, et al. v. City of Dallas</u> , Cause No. 1-95-506; <u>George G. Parker, et al. v. City of Dallas</u> , Cause No. 1-95-107; <u>Kevin Michael Willis, et al. v. City of Dallas</u> , Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed \$150,000, from \$955,000 to \$1,105,000 - Financing: Current Funds
6				All	C	HOU	GT	NA	NA	Authorize (1) an amendment to Resolution No. 15-1893 previously approved on October 14, 2015, to (a) correct the FY 2016 grant term from the Texas Department of State Health Services (DSHS) to provide services to the homeless through the Healthy Community Collaborative (HCC) grant from July 1, 2014 through August 31, 2017 to August 1, 2016 through August 31, 2017; (b) decrease appropriations in the FY 2016 HCC grant fund due to revision in the award amount by \$1,113,607 from \$2,613,607 to \$1,500,000; (c) reduce the private 1:1 cash match from \$2,613,607 to \$1,500,000 to match the FY 2016 grant award; and (d) correct the Contract No. from 2014-04581-001B to 2016-049507-001; (2) acceptance of the FY 2017 HCC grant from DSHS (Contract No. 2016-049507-001) to (a) provide services to the homeless through the HCC in the amount of \$2,613,607 for the period August 1, 2016 through August 31, 2017; and (b) a private 1:1 cash match in an amount not to exceed \$2,613,607; and (3) execution of the grant agreement - Not to exceed \$2,613,607 - Financing: Texas Department of State Health Services Grant Funds

ADDENDUM DATE August 24, 2016

ITEM		IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
7			10	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a utility easement to VRE Dallas Northwest, LLC, the abutting owner, containing approximately 1,253 square feet of land, located near the intersection of Plano Road and Northwest Highway - Revenue: \$5,400, plus the \$20 ordinance publication fee	
8			N/A	I	OFS	NC	NA	NA	Ordinances amending Ordinance No. 29876 (FY 2015-16 Operating Budget Appropriation Ordinance) and Ordinance No. 29877 (FY 2015-16 Capital Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for FY 2015-16 for the capital improvement program and for maintenance and operation of various departments and activities; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City	
9			N/A	I	OFS	NC	NA	NA	Authorize (1) public hearings to be held on Wednesday, September 7, 2016 and Wednesday, September 14, 2016 to receive comments on a proposed tax rate; and (2) a proposal to consider adoption of a \$0.7812/\$100 valuation tax rate, or a lower rate as may be proposed by the City Council on September 21, 2016 - Financing: This action has no cost consideration to the City	

TOTAL \$13,577,972.23

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: August 24, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34N

SUBJECT

Authorize a three-year lease agreement with Harry Hines Venture, LP, a Texas Limited Partnership, with two one-year renewal options for approximately 5.27 acres or 229,781 square feet (site 1) of land located at 6612 and 6720 Harry Hines Boulevard for an employee parking facility for Dallas Love Field - Not to exceed \$7,659,064 over five years - Financing: Aviation Current Funds (subject to annual appropriations)

BACKGROUND

The Department of Aviation is currently seeking the development of an off-site employee parking lot facility for Dallas Love Field. Aviation is seeking to acquire a facility that will provide quick-turnaround capability due to the Braniff Centre's development need for the Love Hub employee parking area within six months. As a result of this need, Aviation has identified a potential off-airport site for use as current and future airport parking space operations. Due to the current real estate market around the airport and our research of available sites, Aviation Department has determined that there are very limited options in the area that meet the criteria for a parking space facility.

Landowner has improved land that can be easily assembled and developed into useable parking, at City's cost, for Aviation needs in close proximity to Dallas Love Field. Landowner has offered to lease approximately 5.27 acres of land to the City of Dallas to help alleviate the need for a facility to perform all or a portion of the airport employee parking operations. Harry Hines Venture, LP, a Texas Limited Partnership, offered to lease approximately 5.27 acres of land to the City of Dallas to help alleviate the need for a facility to perform all or a portion of the airport employee parking operations. The lease of this Harry Hines site would:

- (1) Be critical to future employee parking facility accommodations.
- (2) Offer current Aviation employees immediate parking operations (available in six months).

BACKGROUND (Continued)

The City shall pay an estimated amount not to exceed \$2,213,212.19 for Year 1 which includes payment of monthly base rent and parking lot construction and development and \$1,422,409.03 for Years 2 through 5.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on August 1, 2016.

FISCAL INFORMATION

\$7,659,063.55 - Aviation Current Funds (subject to annual appropriations) (estimated annual amount not to exceed \$2,213,212.19 for Year 1 of the lease and an estimated annual amount not to exceed \$1,422,409.03 annually for Years 2 through 5 of the lease).

OWNER

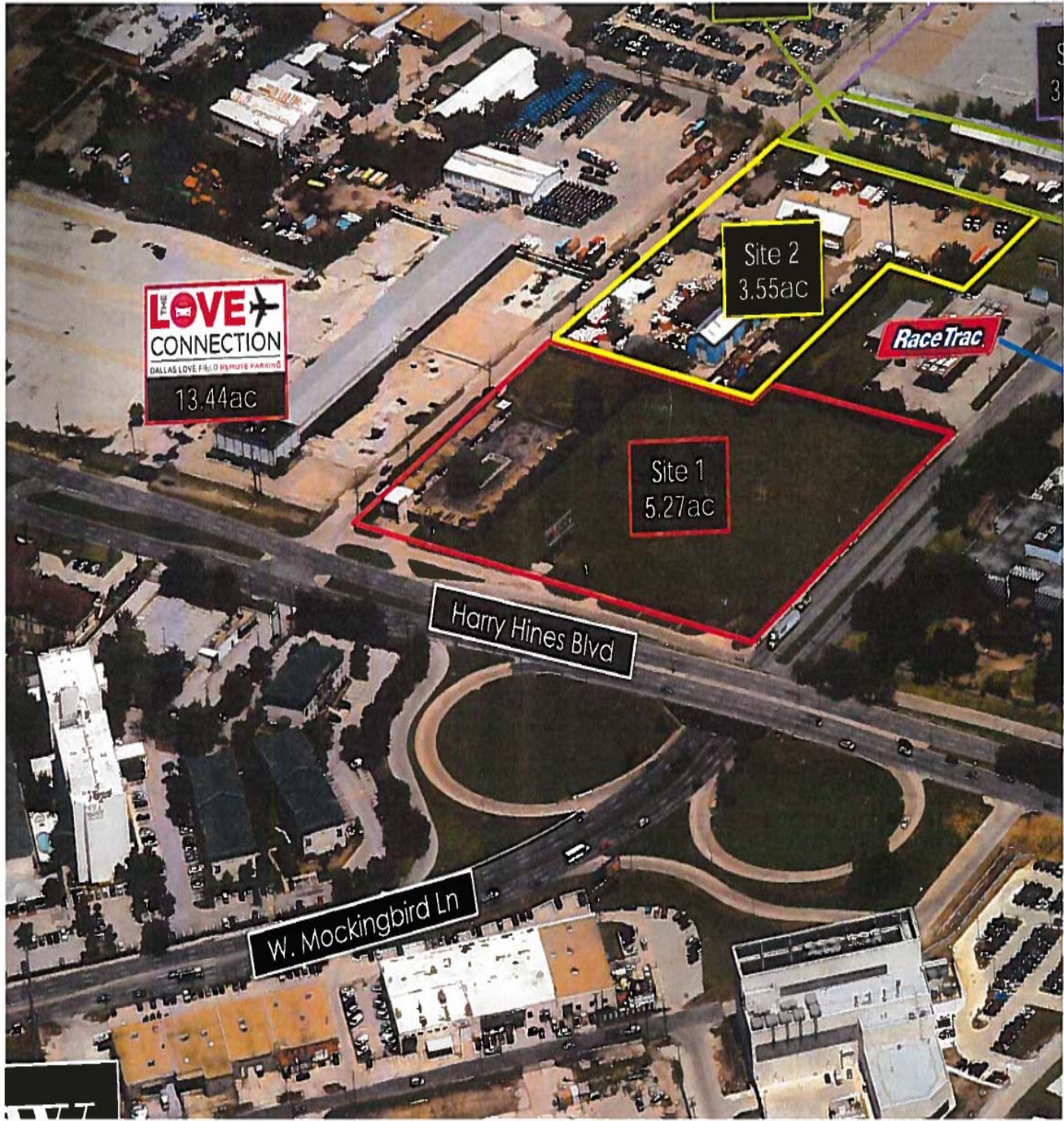
Harry Hines Venture, LP, a Texas Limited Partnership

Alex Whitman, Manager

MAP

Attached

DALLAS LOVE FIELD
Harry Hines Venture, LP
Lease Premises
MAPSCO 34N



August 24, 2016

WHEREAS, the existing employee parking facilities at Dallas Love Field are insufficient to meet present and future airport employee parking needs year-round; and,

WHEREAS, Harry Hines Venture, LP, a Texas Limited Partnership, (“Lessor”) is the owner of approximately 5.27 acres of land located at 6612 and 6720 Harry Hines Boulevard, Dallas, TX 75235 and being in the vicinity of Dallas Love Field; and,

WHEREAS, Lessor has agreed to lease the entire 5.27 acres of land to the City of Dallas (“City” or “Lessee”) under a five-year lease agreement.

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 a lease agreement with Harry Hines Venture, LP, a Texas Limited Partnership, as Lessor, and the City of Dallas, as Lessee, for approximately 5.27 acres of land (Site 1) located at 6612 and 6720 Harry Hines Boulevard, Dallas, TX 75235 to be used as an employee parking facility and for other lawful uses at the discretion of the City for Dallas Love Field.

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

- (a) The lease is for a term of three (3) years commencing September 1, 2016 (“Commencement Date”) with two (2) one-year (1 yr) renewal options.
- (b) The annual estimated rental shall not exceed \$2,213,212.19 for Year 1 of the lease (consisting of a base monthly rental and parking lot construction/development costs) and the annual estimated rental shall not exceed \$1,422,409.03 for Years 2 through 5 (subject to annual appropriations), total rental years 1 through 5 not to exceed \$7,659,063.55.
- (c) The Lessor will deliver the leased premises to the City as a parking lot facility within six (6) months of the Commencement Date of the lease.
- (d) The City shall pay all operating expenses for the Leased Premises, including utilities, insurance, repair and maintenance in addition to the monthly rental.
- (e) The lease shall contain an appropriation clause approved as to form by the City Attorney.

August 24, 2016

Section 3. That subject to appropriations the Chief Financial Officer is hereby authorized to draw warrants payable to Harry Hines Venture, LP, a Texas Limited Partnership, the first day of each month in advance during the lease term and charge the same to AVI Operating Fund 0130, Unit 7751, Dept. AVI, Object 3330, and Vendor No. VS92359.

Section 4. That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective utility, communication, and security companies upon the receipt of a bill for charges throughout the term of the lease.

Section 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: August 24, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34N

SUBJECT

Authorize a three-year lease agreement commencing on January 1, 2017 with two one-year renewal options with Harry Hines Venture II, LP, a Texas Limited Partnership, for approximately 3.55 acres or 154,658 square feet (site 2) of land located at 2032, 2108, 2110, 2112, 2114, 2116, and 2128 Hawes Avenue, to be used for an employee parking facility for Dallas Love Field - Not to exceed \$4,968,909 over five years - Financing: Aviation Current Funds (subject to annual appropriations)

BACKGROUND

The Department of Aviation is currently seeking the development of an off-site employee parking facility for Dallas Love Field. Department of Aviation is seeking to acquire a facility that will provide quick-turnaround capability due to the Braniff Centre's development need for the Love Hub employee parking area within six (6) months. As a result of this need, Aviation has identified a potential off airport site for use as current and future airport parking space operations. Due to the current real estate market around the airport and our research of available sites, Aviation has determined that there are very limited options in the area that meet the criteria for a parking facility. Landowner has improved land that can be easily assembled and developed into useable parking, at City's cost, for Aviation needs in close proximity to Dallas Love Field. Landowner offered to lease approximately 3.55 acres of land to the City of Dallas to help alleviate the need for a facility to perform all or a portion of the airport employee parking operations. Harry Hines Venture II, LP, a Texas Limited Partnership, offered to lease approximately 3.55 acres of land to the City of Dallas to help alleviate the need for a facility to perform all or a portion of the airport employee parking operations. The lease of this Harry Hines site would:

- (1) Be critical to future employee parking facility accommodations.
- (2) Offer current Dallas Aviation employees immediate parking operations (available in six months).

BACKGROUND (Continued)

The City shall pay an estimated amount not to exceed \$1,636,688.43 for Year 1 of the lease (includes payment of monthly base rent and parking lot construction/development costs) and an estimated annual amount not to exceed \$870,346.96 for Years 2 through 5 of the lease.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on August 1, 2016.

FISCAL INFORMATION

\$4,968,908.68 - Aviation Current Funds (subject to annual appropriations) (an estimated annual amount not to exceed \$1,636,688.43 for Year 1 of the lease and an estimated annual amount not to exceed \$870,346.96 annually for Years 2 through 5 of the lease).

OWNER

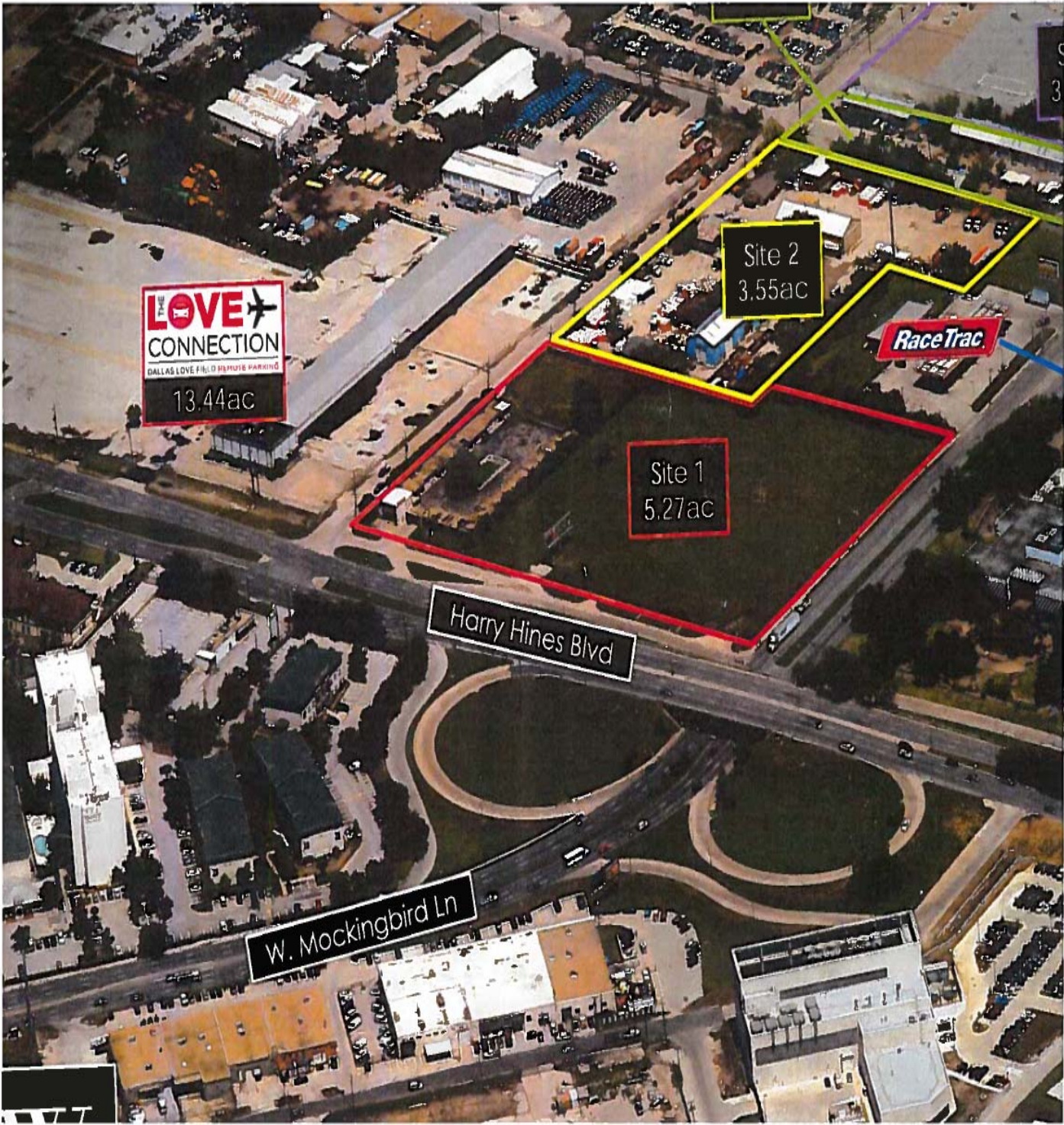
Harry Hines Venture II, LP, a Texas Limited Partnership

Alex Whitman, Manager

MAP

Attached

DALLAS LOVE FIELD
Harry Hines Venture II, LP
Lease Premises
MAPSCO 34N



August 24, 2016

WHEREAS, the existing employee parking facilities at Dallas Love Field are insufficient to meet present and future airport employee parking needs year-round; and,

WHEREAS, Harry Hines Venture II, LP, a Texas Limited Partnership, ("Lessor") is the owner of approximately 3.55 acres of land located at located at 2032, 2108, 2110, 2112, 2114, 2116 and 2128 Hawes Avenue, Dallas, TX 75235 and being in the vicinity of Dallas Love Field; and,

WHEREAS, Lessor has agreed to lease the entire 3.55 acres of land to the City of Dallas ("City" or "Lessee") under a three-year lease agreement with two one-year renewal options.

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 a lease agreement with Harry Hines Venture II, LP, a Texas Limited Partnership, as Lessor, and the City of Dallas, as Lessee, for approximately 3.55 acres of land located at 2032, 2108, 2110, 2112, 2114, 2116 and 2128 Hawes Avenue, Dallas, TX 75235 to be used as an employee parking facility and for other lawful uses at the discretion of the City for Dallas Love Field.

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

- (a) The lease is for a term of three (3) years commencing January 1, 2017 ("Commencement Date") with two (2) one-year (1 yr) renewal options.
- (b) The annual estimated rental shall not exceed \$1,636,688.43 in Year 1 of the lease (consisting of a base monthly rental and parking lot construction/development costs) and the annual estimated rental shall not exceed \$870,346.96 for Years 2 through 5 (subject to annual appropriations), total rental years 1 through 5 not to exceed \$4,968,908.68.
- (c) The Lessor will deliver the leased premises to the City as a parking lot facility within six (6) months of the Commencement Date of the lease.
- (d) The City shall pay all operating expenses for the Leased Premises, including utilities, insurance, repair and maintenance in addition to the monthly rental.
- (e) The lease shall contain an appropriation clause approved as to form by the City Attorney.

August 24, 2016

Section 3. That subject to appropriations the Chief Financial Officer is hereby authorized to draw warrants payable to Harry Hines Venture II, LP, a Texas Limited Partnership, the first day of each month in advance during the lease term and charge the same to AVI Operating Fund 0130, Unit 7751, Dept. AVI, Object 3330, and Vendor No. VS92360.

Section 4. That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective utility, communication, and security companies upon the receipt of a bill for charges throughout the term of the lease.

Section 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: E-Gov
AGENDA DATE: August 24, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Attorney's Office
CMO: Christopher D. Bowers, 670-3491
MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC, for additional services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed \$400,000, from \$425,000 to \$825,000 - Financing: Current Funds

BACKGROUND

The additional legal services of Carter Scholer Arnett Hamada & Mockler, PLLC are necessary for the resolution of the above-referenced lawsuits.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on September 16, 2015.

Authorized Supplemental Agreement No. 1 to the professional services contract with the law firm of Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC for additional legal services, on December 9, 2015, by Resolution No. 15-2205.

Council was briefed in Closed Session on February 17, 2016.

Council was briefed in Closed Session on March 23, 2016.

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

Council was briefed in Closed Session on June 22, 2016.

Council was briefed in Closed Session on August 3, 2016.

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.

FISCAL INFORMATION

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

\$400,000 - Current Funds

OWNER

Carter Scholer Arnett Hamada & Mockler, PLLC

E. Leon Carter, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC, for additional services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed \$400,000, from \$425,000 to \$825,000 - Financing: Current Funds

Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC is a local, 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	\$400,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$400,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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

August 24, 2016

WHEREAS, on December 20, 2012, pursuant to Administrative Action No. 12-3109, the City authorized a professional services contract in the amount of \$50,000.00, with the law firm of Carter Stafford Arnett Hamada & Mockler, PLLC for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and,

WHEREAS, on December 13, 2015, the City Council authorized Supplemental Agreement No. 1, in the amount of \$375,000.00, to the law firm of Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC by Resolution No. 15-2205, for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and,

WHEREAS, the professional legal services of Carter Scholer Arnett Hamada & Mockler, PLLC, f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC, continue to be necessary; **Now, Therefore**,

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the professional services contract with Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC, for legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$400,000.00, increasing the contract amount from \$425,000.00 to \$825,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Carter Scholer Arnett Hamada & Mockler, PLLC, an amount not to exceed \$400,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3033, Encumbrance No. ATT389011J270, Vendor No. VS0000071772.

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

KEY FOCUS AREA: E-Gov
AGENDA DATE: August 24, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Attorney's Office
CMO: Christopher D. Bowers, 670-3491
MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Sayles Werbner, P.C. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95 and any other proceedings relating to the subject matter of this litigation - Not to exceed \$400,000, from \$700,000 to \$1,100,000 - Financing: Current Funds

BACKGROUND

The additional legal services of Sayles Werbner, P.C. are necessary for the resolution of the above-referenced lawsuits.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Sayles Werbner, P.C. on August 25, 2004, by Resolution No. 04-2431.

Authorized Supplemental Agreement No. 1 to the professional services contract with Sayles Werbner, P.C. for additional legal services in this matter on September 27, 2006, by Resolution No. 06-2595.

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

Council was briefed in Closed Session on September 16, 2015.

Authorized Supplemental Agreement No. 3 to the professional services contract with the law firm of Sayles Werbner, P.C. for additional legal services, on December 9, 2015, by Resolution No. 15-2206.

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.

FISCAL INFORMATION

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

\$400,000 - Current Funds

OWNER

Sayles Werbner, P.C.

Richard A. Sayles, Chief Executive Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Sayles Werbner, P.C. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95 and any other proceedings relating to the subject matter of this litigation - Not to exceed \$400,000, from \$700,000 to \$1,100,000 - Financing: Current Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$400,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$400,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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

August 24, 2016

WHEREAS, on August 25, 2004, the City Council authorized a professional services contract with Sayles Werbner, P.C. by Resolution No. 04-2431, in an amount not to exceed \$200,000.00, for legal services in the lawsuit styled Kenneth E. Albert, et al. v. City of Dallas, Civil Action No. 199-00697-04; and,

WHEREAS, on September 27, 2006, the City Council authorized Supplemental Agreement No. 1, in the amount of \$100,000.00, with Sayles Werbner, P.C. by Resolution No. 06-2595, for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and,

WHEREAS, on December 7, 2012, pursuant to Administrative Action No. 12-2959, the City authorized Supplemental Agreement No. 2, in the amount of \$25,000.00 with Sayles Werbner, P.C., for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and,

WHEREAS, on December 9, 2015 the City Council authorized Supplemental Agreement No. 3, in the amount of \$375,000.00, with Sayles Werbner, P.C. by Resolution No. 15-2206, for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and,

WHEREAS, the professional legal services of Sayles Werbner, P.C. continue to be necessary for representation of the City in this lawsuit and any other proceedings related to the subject matter of this litigation; **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. 4 to the professional services contract with Sayles Werbner, P.C. for legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95 and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$400,000.00, increasing the contract amount from \$700,000.00 to \$1,100,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Sayles Werbner, P.C. an amount not to exceed \$400,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3033, Encumbrance No. ATT389L0053, Vendor No. 399669.

August 24, 2016

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

KEY FOCUS AREA: E-Gov
AGENDA DATE: August 24, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Attorney's Office
CMO: Christopher D. Bowers, 670-3491
MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 14 to the professional services contract with Hankinson, L.L.P. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed \$150,000, from \$955,000 to \$1,105,000 - Financing: Current Funds

BACKGROUND

The additional legal services of Hankinson, L.L.P. are necessary for the resolution of the above-referenced lawsuits.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with the Law Offices of Deborah Hankinson, P.C. for legal services on March 24, 2004, by Resolution No. 04-1047.

Authorized Supplemental Agreement No. 1 to the professional services contract with the Law Offices of Deborah Hankinson, P.C. for additional legal services on January 12, 2005, by Resolution No. 05-0197.

Authorized Supplemental Agreement No. 2 to the professional services contract with the Law Offices of Deborah Hankinson, P.C. for additional legal services on April 11, 2007, by Resolution No. 07-1145.

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

Authorized Supplemental Agreement No. 4 to the professional services contract with Hankinson Levinger, L.L.P. for additional legal services on April 14, 2010, by Resolution No. 10-0861.

Authorized Supplemental Agreement No. 5 to the professional services contract with Hankinson Levinger, L.L.P. for additional legal services on January 11, 2012, by Resolution No. 12-0163.

Authorized Supplemental Agreement No. 7 to the professional services contract with Hankinson L.L.P. for additional legal services on December 11, 2013, by Resolution No. 13-2147.

Authorized Supplemental Agreement No. 10 to the professional services contract with Hankinson L.L.P. for additional legal services on February 25, 2015, by Resolution No. 15-0345.

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

Authorized Supplemental Agreement No. 11 to the professional services contract with Hankinson L.L.P. for additional legal services on May 27, 2015, by Resolution No. 15-0938.

Council was briefed in Closed Session on September 16, 2015.

Authorized Supplemental Agreement No. 12 to the professional services contract with Hankinson L.L.P. for additional legal services on December 9, 2015, by Resolution No. 15-2207.

Council was briefed in Closed Session on February 17, 2016.

Council was briefed in Closed Session on March 23, 2016.

Council was briefed in Closed Session on June 22, 2016.

Council was briefed in Closed Session on August 3, 2016.

FISCAL INFORMATION

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

\$150,000.00 - 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.

OWNER

Hankinson, L.L.P.

Rick Thompson, Managing Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 14 to the professional services contract with Hankinson, L.L.P. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed \$150,000, from \$955,000 to \$1,105,000 - Financing: Current Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$150,000.00	100.00%
TOTAL THIS ACTION	\$150,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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

August 24, 2016

WHEREAS, on March 24, 2004, the City Council authorized a professional services contract with the Law Offices of Deborah Hankinson, P.C. in an amount not to exceed \$60,000.00 by Resolution No. 04-1047, for legal services necessary to represent the City in this lawsuit and any other proceedings related to the subject matter of this lawsuit; and,

WHEREAS, on January 12, 2005, the City Council authorized Supplemental Agreement No. 1, in the amount of \$50,000.00, with the Law Offices of Deborah Hankinson, P.C. by Resolution No. 05-0197, for additional legal services necessary to represent the City in this lawsuit, increasing the contract amount from \$60,000.00 to \$110,000.00; and,

WHEREAS, on April 11, 2007, the City Council authorized Supplemental Agreement No. 2, in the amount of \$50,000.00, with the Law Offices of Deborah Hankinson, P.C. by Resolution No. 07-1145, for additional legal services necessary to represent the City in this lawsuit, increasing the contract amount from \$110,000.00 to \$160,000.00; and,

WHEREAS, on July 9, 2008, pursuant to Administrative Action No. 08-1936, the City authorized Supplemental Agreement No. 3, with the Law Offices of Deborah Hankinson, P.C. to increase the hourly rates paid for legal services provided; and,

WHEREAS, on September 3, 2008, pursuant to Administrative Action No. 08-2358, the City authorized assignment of the professional services contract from the Law Offices of Deborah Hankinson, P.C. to Hankinson Levinger, L.L.P.; and,

WHEREAS, on April 14, 2010, the City Council authorized Supplemental Agreement No. 4, in the amount of \$30,000.00, with Hankinson Levinger, L.L.P. by Resolution No. 10-0861, for additional legal services necessary to represent the City in this lawsuit, increasing the contract amount from \$160,000.00 to \$190,000.00; and,

WHEREAS, on January 11, 2012, the City Council authorized Supplemental Agreement No. 5, in the amount of \$30,000.00, with Hankinson Levinger, L.L.P. by Resolution No. 12-0163, for additional legal services necessary to represent the City in this lawsuit, increasing the contract amount from \$190,000.00 to \$220,000.00; and,

WHEREAS, on March 5, 2013, pursuant to Administrative Action No. 13-5289, the City authorized Supplemental Agreement No. 6, in the amount of \$50,000.00, with Hankinson, L.L.P. (formerly Hankinson Levinger, L.L.P.) for additional legal services necessary in this lawsuit, increasing the contract amount from \$220,000.00 to \$270,000.00; and,

WHEREAS, on December 11, 2013, the City Council authorized Supplemental Agreement No. 7, in the amount of \$185,000.00, with Hankinson, L.L.P. by Resolution No. 13-2147, for additional legal services necessary to represent the City in this lawsuit, increasing the contract amount from \$270,000.00 to \$455,000.00; and,

August 24, 2016

WHEREAS, on September 23, 2014, pursuant to Administrative Action No. 14-6688, the City authorized Supplemental Agreement No. 8, to increase the hourly rates paid for legal services provided; and,

WHEREAS, on January 29, 2015, pursuant to Administrative Action No. 15-5272, the City authorized Supplemental Agreement No. 9, in the amount of \$35,000.00, with Hankinson, L.L.P. for additional legal services necessary in this lawsuit, increasing the contract amount from \$455,000.00 to \$490,000.00; and,

WHEREAS, on February 25, 2015, the City Council authorized Supplemental Agreement No. 10, in the amount of \$80,000.00, with Hankinson, L.L.P. by Resolution No. 15-0345, for additional legal services necessary to represent the City in this lawsuit, increasing the contract amount from \$490,000.00 to \$570,000.00; and,

WHEREAS, on May 27, 2015, the City Council authorized Supplemental Agreement No. 11, in the amount of \$175,000.00, with Hankinson, L.L.P. by Resolution No. 15-0938, for additional legal services necessary to represent the City in this lawsuit, increasing the contract amount from \$570,000.00 to \$745,000.00; and,

WHEREAS, on December 9, 2015, the City Council authorized Supplemental Agreement No. 12, in the amount of \$210,000.00, with Hankinson, L.L.P. by Resolution No. 15-2207, for additional legal services necessary to represent the City in this lawsuit, increasing the contract amount from \$745,000.00 to \$955,000.00; and,

WHEREAS, on December 30, 2015, pursuant to Administrative Action No. 15-7447, the City authorized Supplemental Agreement No. 13, with Hankinson, L.L.P. to increase the hourly rate pay for legal services in this lawsuit; and,

WHEREAS, the professional legal services of the law firm of Hankinson, L.L.P. continue to be necessary for representation of the City in this lawsuit and any other proceedings related to the subject matter of 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. 14 to the professional services contract with Hankinson, L.L.P., for additional legal services necessary in the lawsuits styled Kenneth E. Albert v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo v. City of Dallas, Cause No. 199-1743-99; David L. Barber v. City of Dallas, Cause No. 199-624-95; David S. Martin v. City of Dallas, Cause No. 1-95-506; George G. Parker v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$150,000.00, increasing the contract amount from \$955,000.00 to \$1,105,000.00.

August 24, 2016

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Hankinson, L.L.P., an amount not to exceed \$150,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3033, Encumbrance No. ATT389015A001, Vendor No. VC0000005988.

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: Clean, Healthy Environment

AGENDA DATE: August 24, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: N/A

SUBJECT

Authorize **(1)** an amendment to Resolution No. 15-1893 previously approved on October 14, 2015, to **(a)** correct the FY 2016 grant term from the Texas Department of State Health Services (DSHS) to provide services to the homeless through the Healthy Community Collaborative (HCC) grant from July 1, 2014 through August 31, 2017 to August 1, 2016 through August 31, 2017; **(b)** decrease appropriations in the FY 2016 HCC grant fund due to revision in the award amount by \$1,113,607 from \$2,613,607 to \$1,500,000; **(c)** reduce the private 1:1 cash match from \$2,613,607 to \$1,500,000 to match the FY 2016 grant award; and **(d)** correct the Contract No. from 2014-04581-001B to 2016-049507-001; **(2)** acceptance of the FY 2017 HCC grant from DSHS (Contract No. 2016-049507-001) to **(a)** provide services to the homeless through the HCC in the amount of \$2,613,607 for the period August 1, 2016 through August 31, 2017; and **(b)** a private 1:1 cash match in an amount not to exceed \$2,613,607; and **(3)** execution of the grant agreement - Not to exceed \$2,613,607 - Financing: Texas Department of State Health Services Grant Funds

BACKGROUND

This item is on the addendum to accept grant funding which must be acted on before the next available agenda.

Senate Bill 58 of the 83rd regular legislative session amended Subtitle I, Title 4, of the Texas Government Code to add Chapter 539 establishing or expanding community collaborative projects to improve the access to care, quality/comprehensiveness of care, and outcomes for persons who are both homeless and have a mental illness. DSHS awarded funds to five Texas municipalities in counties with populations of more than one million, including Bexar, Dallas, Harris, Tarrant, and Travis.

BACKGROUND (Continued)

Acceptable uses of the grant funds and the required private matching funds include: establishment or expansion of a community collaborative of service providers focused on meeting the needs of the mentally ill homeless population, operation and/or maintenance of minimum services (assistance accessing benefits, detoxification units, integrated medical services, housing services and education, job training and/or supported employment) and once required services are met, the provision and/or coordination of additional/optional services may be provided. The City and its subcontractors will have to match funds 1:1 from private funds. The Request for Competitively Sealed Proposal (RFCSP) procurement process for these funds began on July 7, 2016 with proposals due on August 11, 2016. Proposals will be reviewed and brought back for City Council consideration in September 2016.

This City Council action also accepts new funding in the amount of \$2,613,607 for FY 2017 authorizing the City to spend DSHS grant funds for FY 2016 and FY 2017 between August 1, 2016 and August 31, 2017 for homeless services.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2014, Resolution No. 14-1080 authorized the acceptance of \$5,177,000 from DSHS to provide services to homeless individuals with mental health and substance abuse issues through the Healthy Community Collaborative Grant for the period May 1, 2014 through August 31, 2015.

On October 14, 2015, Resolution No. 15-1893 authorized acceptance of additional FY 2016 DSHS funds in the amount of \$2,613,607 to continue to serve homeless individuals with mental health and substance abuse issues.

On February 10, 2016, Resolution No. 16-0280 authorized a grant agreement with CitySquare to provide \$770,362 of DSHS grant funding for expanded housing services for temporary shelters as well as outreach and additional housing units for homeless individuals through the HCC for the period January 1, 2016 through August 31, 2016.

On February 10, 2016, Resolution No. 16-0281 authorized the City to execute an agreement with Shelter Ministries of Dallas dba Austin Street Center in the amount of \$227,025 to provide expanded services with an intense, longer term transitional shelter program for homeless men and women with the addition of a Women's Day Resource Program, Housing Readiness Program and After Care Services through the HCC for the period January 1, 2016 through August 31, 2016.

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

On February 10, 2016, Resolution No. 16-0282 authorized the City to execute an agreement with Turtle Creek Manor dba Turtle Creek Recovery Center in the amount of \$290,315 to provide residential treatment for homeless individuals through the HCC for the period January 1, 2016 through August 31, 2016.

On February 10, 2016, Resolution No. 16-0302 authorized extending the timeframe for spending the remaining FY 2015 funds to August 31, 2016.

Information about this item was provided to the Housing Committee on August 15, 2016.

FISCAL INFORMATION

\$2,613,607 - Texas Department of State Health Services Grant Funds

August 24, 2016

WHEREAS, Senate Bill 58 of the 83rd regular legislative session amended Subtitle I, Title 4, of the Texas Government Code to add Chapter 539 establishing or expanding quality/comprehensiveness of care, and outcomes for persons who are both homeless and have a mental illness, substance abuse or co-occurring psychiatric disorder; and

WHEREAS, the five eligible municipalities and counties include: Bexar, Dallas, Harris, Tarrant, and Travis; and

WHEREAS, on October 14, 2015, by Resolution No. 15-1893 the City accepted funds in the amount of \$2,613,607 to provide services to homeless individuals with mental illness or substance abuse issues; and

WHEREAS, the Texas Department of State Health (DSHS) extended the timeframe for spending the remaining FY 2015 funds to August 31, 2016 by Resolution No. 16-0302; and

WHEREAS, the required private 1:1 cash match for the HCC grant for FY 2016 was reduced from \$2,613,607 to \$1,500,000 to match the FY 2016 award; and

WHEREAS, DSHS has awarded the City of Dallas with additional HCC grant funds for FY 2017 to provide services to the homeless; and

WHEREAS, the City of Dallas is required to provide private cash contributions at a rate of \$1 for every \$1 of the contracted award amount for FY 2017; and

WHEREAS, eradicating homelessness is a high priority of the City of Dallas.

NOW, THEREFORE,

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

Section 1. That the following approval as to form by the City Attorney, the City Manager is hereby authorized to **(1)** amend Resolution No. 15-1893 previously approved on October 14, 2015, to **(a)** correct the FY 2016 grant term from the Texas Department of State Health Services (DSHS) to provide services to the homeless through the Healthy Community Collaborative (HCC) grant from July 1, 2014 through August 31, 2017 to August 1, 2016 through August 31, 2017; **(b)** decrease appropriations in the FY 2016 HCC grant due to revision in the award amount by \$1,113,607 from \$2,613,607 to \$1,500,000; **(c)** reduce the private 1:1 cash match from \$2,613,607 to \$1,500,000 to match the FY 2016 grant award; and **(d)** correct the Contract No. from 2014-04581-001B to 2016-049507-001; **(2)** accept the FY 2017 HCC grant from DSHS (Contract No. 2016-049507-001) to **(a)** provide services to the homeless through the HCC in the amount of \$2,613,607 for the period August 1, 2016 through August 31, 2017; and **(b)** a private 1:1 cash match in an amount not to exceed \$2,613,607; and **(3)** execute the grant agreement.

August 24, 2016

Section 2. That the City Manager is hereby authorized to decrease appropriations for FY 2016 award in Fund S290, Dept. HOU, Unit 1817, by \$1,113,607 from \$2,613,607 to \$1,500,000 and reallocate the funds among various Object Codes according to the attached Schedule.

Section 3. That the City Manager is hereby authorized to establish appropriations for FY 2017 award in Fund S290, Dept. HOU, Unit 2052, in an amount not to exceed \$2,613,607, according to the attached Schedule.

Section 4. That the Chief Financial Officer is hereby authorized to receive and deposit FY 2017 DSHS funds in Fund S290, Dept. HOU, Unit 2052, in an amount not to exceed \$2,613,607.

Section 5. That the Chief Financial Officer is hereby authorized to disburse FY 2017 DSHS funds from Fund S290, Dept. HOU, Unit 2052, in an amount not to exceed \$2,613,607, according to the attached Schedule.

Section 6. That the City Manager is hereby authorized to reimburse to the granting agency expenditures identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

Section 7. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

Section 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

SCHEDULE

**Department of State Health Services
Healthy Community Collaborative
FY 2017 Grant - Contract No. 2016-049507-001
Funds S290, Dept. HOU, Unit 2052, Revenue Source 6508**

<u>Object Code</u>	<u>Description</u>	<u>Amount</u>
1101	Salaries	\$ 221,841
1301	Pension	\$ 31,790
1303	Life Insurance	\$ 96
1304	Health Insurance	\$ 24,668
1306	FICA	\$ 3,217
1309	Wellness	\$ 100
2110	Supplies	\$ 29,212
3070	Professional Services	\$2,271,583
3099	Misc. Special Services	\$ 13,200
3361	Travel	\$ 17,900
	TOTAL	\$2,613,607

**Matching Funds
FY 2017 Grant - Contract No. 2016-049507-001
Private Match - Cash**

<u>Description</u>	<u>Amount</u>
Agency TBD (Request for Proposal)	\$2,613,607

SCHEDULE

**Department of State Health Services
Healthy Community Collaborative
FY 2016 Grant - Contract No. 2016-049507-001
Fund S290 Dept. HOU, Unit 1817, Revenue Source 6508**

<u>Object Code</u>	<u>Description</u>	<u>Original Budget</u>	<u>Change</u>	<u>Revised Budget</u>
1101	Salaries		\$ 221,841	\$ 221,841
1301	Pension		\$ 31,791	\$ 31,791
1303	Life Insurance		\$ 96	\$ 96
1304	Health Insurance		\$ 24,668	\$ 24,668
1306	FICA		\$ 3,217	\$ 3,217
1309	Wellness		\$ 100	\$ 100
2110	Supplies		\$ 20,611	\$ 20,611
3070	Professional Services		\$1,166,576	\$1,166,576
3099	Misc. Special Services	\$2,613,607	(2,600,407)	\$ 13,200
3361	Travel		\$ 17,900	\$ 17,900
	TOTAL	\$2,613,607	(1,113,607)	\$1,500,000

**Matching Funds
FY 2016 Grant - Contract No. 2016-049507-001
Private Match – Cash**

<u>Description</u>	<u>Amount</u>
Agency TBD (Request for Proposal)	\$1,500,000

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: August 24, 2016
COUNCIL DISTRICT(S): 10
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 28W

SUBJECT

An ordinance abandoning a utility easement to VRE Dallas Northwest, LLC, the abutting owner, containing approximately 1,253 square feet of land, located near the intersection of Plano Road and Northwest Highway - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the abandonment of a utility easement to VRE Dallas Northwest, LLC, the abutting owner. The area will be included with the property of the abutting owner for the new construction of a freestanding emergency room. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee will be briefed by memorandum regarding this item.

FISCAL INFORMATION

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

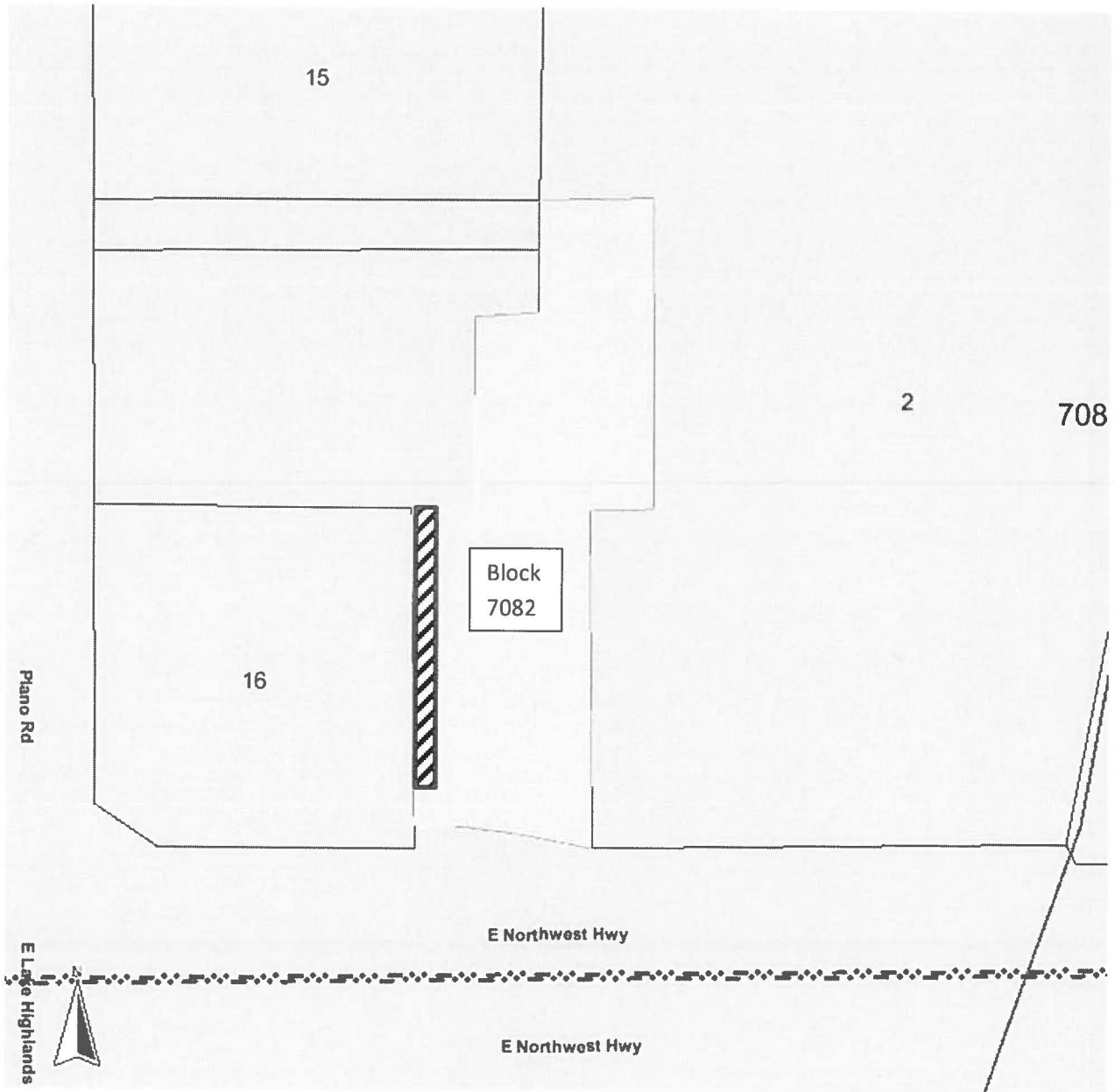
OWNER

VRE Dallas Northwest, LLC

B. Jason Keen, Manager

MAP

Attached



Log 42555

Block 7082

Abandonment Area 

Mapsco 28W

Applicant VRE DALLAS NORTHWEST LLC

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a utility easement, located in City Block 7082 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to VRE Dallas Northwest, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of VRE Dallas Northwest, LLC, a Texas limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, 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 its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

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

(f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said utility easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney**

**DAVID COSSUM
Director of Department of Sustainable
Development and Construction**

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

**UTILITY EASEMENT ABANDONMENT
PART OF LOT 1, BLOCK 7082, UNITED RENT ALL ADDITION
BENJAMIN RICHEY SURVEY, ABSTRACT NO. 1235,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

EXHIBIT A

BEING A 1,253 SQUARE FOOT TRACT OF LAND SITUATED IN THE BENJAMIN RICHEY SURVEY, ABSTRACT NO. 1235, OFFICIAL CITY OF DALLAS BLOCK NUMBER 7082, CITY OF DALLAS, DALLAS COUNTY, TEXAS AND BEING A PART OF LOT 1, BLOCK 7082 OF UNITED RENT ALL ADDITION AN ADDITION TO THE CITY OF DALLAS, CREATED BY THE PLAT RECORDED IN VOLUME 70011, PAGE 1953, DEED RECORDS, DALLAS COUNTY, TEXAS, (D.R.D.C.T.) AND ALSO BEING A PORTION OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED TO VRE DALLAS NORTHWEST, LLC. RECORDED IN INSTRUMENT NUMBER 201500264685, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.); SAID 1,253 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD WITH YELLOW CAP STAMPED "YPASSOCIATES.COM" FOUND (CONTROLLING MONUMENT) FOR THE NORTHEAST CORNER OF LOT 16, BLOCK 2/7082, OPAL FINANCIAL ADDITION, AN ADDITION TO THE CITY OF DALLAS CREATED BY THE PLAT RECORDED IN VOLUME 98014, PAGE 29, D.R.D.C.T., SAME BEING AN ANGLE POINT IN THE WEST LINE OF SAID LOT 1, BLOCK 7082 ALSO BEING IN THE SOUTH LINE OF A CALLED 11,249.81 SQ. FT. TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO DANIEL B. GARBER, ET AL RECORDED IN INSTRUMENT NUMBER 201300237112 OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.)

THENCE NORTH 89°14'20" EAST, ALONG THE COMMON LINE OF SAID LOT 1, BLOCK 7082 AND SAID 11,249.81 SQ. FT. TRACT A DISTANCE OF 10.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00°31'37" EAST, DEPARTING SAID COMMON LINE OVER AND ACROSS SAID LOT 1, BLOCK 7082 A DISTANCE OF 125.36 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF A CALLED 432 SQ. FT. TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO THE CITY OF DALLAS RECORDED IN INSTRUMENT NUMBER 201500058824 O.P.R.D.C.T.

THENCE SOUTH 89°27'36" WEST, ALONG THE NORTH LINE OF SAID 432 SQ. FT. TRACT, A DISTANCE OF 10.00 FEET TO A POINT FOR CORNER IN THE COMMON LINE OF SAID LOT 1, BLOCK 7082 AND SAID LOT 16, BLOCK 2/7082;

THENCE NORTH 00°31'37" WEST, ALONG SAID COMMON LINE, A DISTANCE OF 125.32 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 1,253 SQUARE FEET OR 0.0288 ACRES OF LAND.

NOTES:

THE BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, (TEXAS NORTH CENTRAL ZONE, NAD83), BASED ON LEICA GEOSYSTEMS NORTH TEXAS SMARTNET NETWORK, DISTANCES ADJUSTED TO SURFACE USING AN AVERAGE COMBINED SCALE FACTOR OF 0.99985744051.

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.



(For SPRG use only)

Reviewed by: JD Date: 6/2/2016 SPRG NO: 3557

LEGEND

- IRF IRON ROD FOUND
- CIRF CAPPED IRON ROD FOUND
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TEXAS
- POB POINT OF BEGINNING
- (CM) CONTROLLING MONUMENT
- VOL., PG. VOLUME, PAGE
- INST. NO. INSTRUMENT NUMBER
- SQ. FT. SQUARE FEET
- R.O.W. RIGHT-OF-WAY

(FOR SPRG USE ONLY)
 REVIEWED BY: JD
 DATE: 6/2/2016
 SPRG NO. 3557

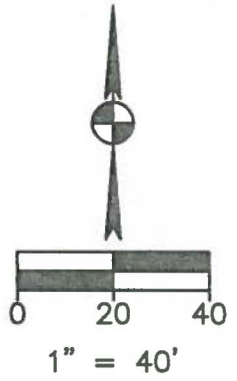
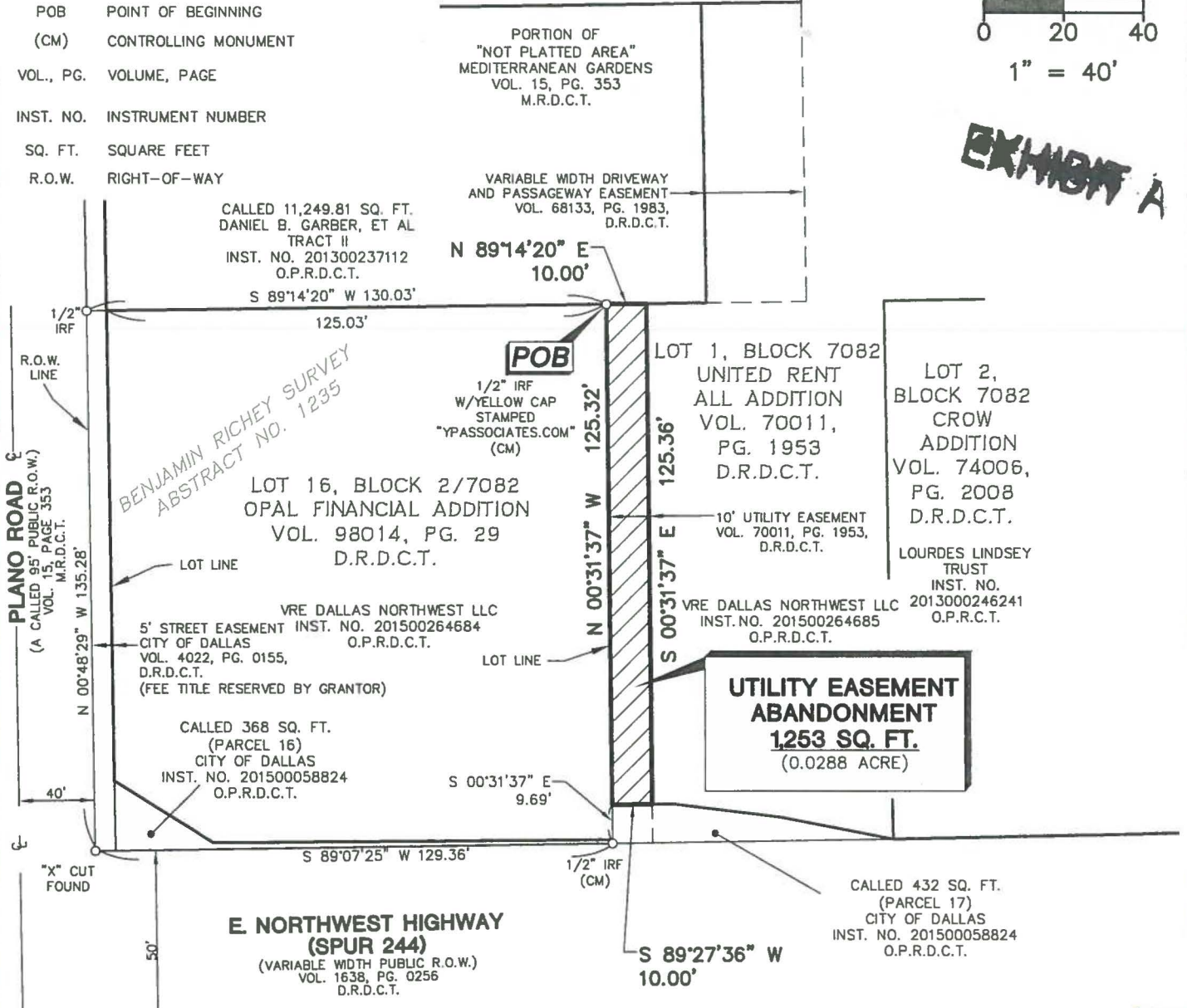


EXHIBIT A



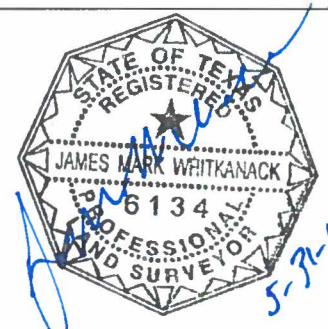
NOTES:

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, (TEXAS NORTH CENTRAL ZONE, NAD83). BASED ON LEICA GEOSYSTEMS NORTH TEXAS SMARTNET NETWORK, DISTANCES ADJUSTED TO SURFACE USING AN AVERAGE COMBINED SCALE FACTOR OF 0.99985744051.



**UTILITY
 EASEMENT ABANDONMENT
 PART OF LOT 1, BLOCK 7082
 UNITED RENT ALL ADDITION
 BENJAMIN RICHEY SURVEY, ABSTRACT NO. 1235
 CITY OF DALLAS, DALLAS COUNTY, TEXAS**



JAMES M. WHITKANACK
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6134

KEY FOCUS AREA: E-Gov
AGENDA DATE: August 24, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Office of Financial Services
CMO: Jeanne Chipperfield, 670-7804
MAPSCO: N/A

SUBJECT

Ordinances amending Ordinance No. 29876 (FY 2015-16 Operating Budget Appropriation Ordinance) and Ordinance No. 29877 (FY 2015-16 Capital Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for FY 2015-16 for the capital improvement program and for maintenance and operation of various departments and activities; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

BACKGROUND

On September 22, 2015, the City Council passed Ordinance Nos. 29876 and 29877, which adopted the operating budget and capital budget appropriation ordinances for fiscal year 2015-16. Management has closely monitored revenues and expenses throughout the fiscal year and adjusted spending to ensure there are revenues (or available fund balance) to cover projected costs. In order to avoid exceeding authorized appropriations, adjustments to budgets are needed in various departments that are forecast to be exceeded and to capital improvement funds.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council approved the FY 2015-16 operating budget and capital budget appropriation ordinances on September 22, 2015, by Resolution No. 15-1784 and Ordinance Nos. 29876 and 29877.

Information about this item was provided to the Budget, Finance & Audit Committee on August 15, 2016.

FISCAL INFORMATION

No cost consideration to the City

ORDINANCE NO. _____

An ordinance amending Ordinance No. 29876 (2015-2016 FY Operating Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for fiscal year 2015-16 for the maintenance and operation of various departments and activities and to authorize the city manager to implement those adjustments; providing a saving clause; and providing an effective date.

WHEREAS, on September 22, 2015, the city council passed Ordinance No. 29876, which adopted the operating budget appropriation ordinance for fiscal year 2015-2016; and

WHEREAS, shortages and excesses in various department and activity appropriations have created a need to adjust those appropriations; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 4, of the Dallas City Charter to transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose, upon the written recommendation of the city manager; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 5, of the Dallas City Charter to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, therefore,

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

SECTION 1. That Section 1 of Ordinance No. 29876 (2015-2016 FY Operating Budget Appropriation Ordinance), passed by the city council on September 22, 2015, is amended by making adjustments to fund appropriations for fiscal year 2015-16 for maintenance and operation of various departments and activities, to read as follows:

“SECTION 1. That for the purpose of providing the funds to be expended in the budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016, the available revenues of the city of Dallas are hereby appropriated for the maintenance and operation of the various city departments and activities as follows:

<u>DEPARTMENTS AND ACTIVITIES</u>	<u>PROPOSED</u> <u>2015-16</u>
Building Services	*** <u>23,970,895</u> [23,830,895]
Business Development and Procurement Services	2,884,352
City Attorney's Office	<u>15,686,107</u> [15,886,107]
City Auditor's Office	<u>2,954,057</u> [3,004,057]
City Manager's Office	1,972,061
City Secretary's Office	2,004,606
Civil Service	<u>2,568,983</u> [2,598,983]
Code Compliance	<u>37,944,313</u> [38,569,313]
City Controller's Office	<u>4,410,962</u> [4,540,962]
Court and Detention Services	<u>11,137,790</u> [11,562,790]
Elections	96,828
Fire	239,567,341
Housing/Community Services	11,935,624
Human Resources	4,788,424
Independent Audit	<u>789,495</u> [786,374]
Jail Contract – Lew Sterrett	7,557,391
Judiciary	<u>2,990,516</u> [3,230,516]
Library	<u>30,033,677</u> [30,508,677]
Mayor and Council	*** <u>4,331,189</u> [4,243,189]
Non-Departmental	* <u>57,651,112</u> [57,926,112]
Office of Cultural Affairs	<u>17,701,062</u> [17,671,062]
Office of Economic Development	1,818,423
Office of Financial Services	<u>2,932,377</u> [2,957,377]
Office of Management Services	<u>8,094,370</u> [8,544,370]
Park and Recreation	<u>86,171,066</u> [85,646,066]
Planning and Urban Design	<u>3,882,181</u> [4,232,181]
Police	** <u>459,406,791</u> [451,882,305]
Public Works	5,910,853
Street Lighting	17,525,192
Street Services	<u>72,731,187</u> [71,531,187]
Sustainable Development and Construction	<u>1,127,742</u> [1,437,742]

*An increase to \$58,026,112 was previously approved by Resolution No. 16-0214.

**An increase to \$452,694,912 was previously approved by Resolution No. 16-1007.

***Previously increased pursuant to Section 3-(3) of Ordinance No. 29876.

Trinity Watershed Management	1,126,320 [1,526,320]
Contingency Reserve	2,628,101
Salary and Benefits Reserve	387,000 [2,000,000]
Liability/Claims Fund	1,994,219
GENERAL FUND TOTAL	\$1,148,712,607 [1,144,800,000]

<u>GRANT FUNDS</u>	<u>PROPOSED</u> <u>2015-16</u>
<u>Court and Detention Services</u>	
State Law Enforcement Grant (S104)	3,436
<u>Housing/Community Services</u>	
Child Care Programs (P114)	185,896
<u>Office of Management Services</u>	
Fair Housing – FHAP Award (F368)	4,612
Justice Assistance Grant 2012 (TR12)	55
Justice Assistance Grant 2013 (TR13)	1,012
Justice Assistance Grant 2014 (TR14)	1,792
Target Community Preparedness Program (P113)	5,000
GRANT FUNDS TOTAL	\$201,803 [196,803]

<u>TRUST FUNDS</u>	<u>PROPOSED</u> <u>2015-16</u>
<u>Code Compliance</u>	
Carryout Bag Regulation (0989)	450,000
<u>Communication and Information Services</u>	
Information Technology Equipment (0897)	700,000
<u>Convention and Event Services</u>	
Convention Center Hotel Tax Rebate Fund (0756)	10,234,400
<u>Court and Detention Services</u>	
Security Fund (0G88)	301,099
Technology Fund (0401)	387,123
<u>Fire</u>	
Smoke Detectors Program (0230)	5,581

Housing/Community Services

<u>Alvin E. Moore Trust (0309)</u>	<u>11,132</u>
<u>West Dallas Multipurpose Trust (0T17)</u>	<u>1,422</u>
<u>Dallas Tomorrow Fund (0476)</u>	<u>27,048</u>
<u>Mayfair Gift and Donation (0471)</u>	<u>34,809</u>
<u>Energy Emergency Assistance Fund (0312)</u>	<u>161,131</u>

Judiciary

Juvenile Case Manager Fund (0396)	425,436
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Library

Dallas Theater	1,000
Genealogy Fund (0687)	43,089
Hamon Trust Fund (0458)	19,195
Kahn Fund (0208)	58,595
Meadows Foundation Fund (0734)	38,111

Office of Cultural Affairs

<u>OCA Hotel Occupancy Tax (0435)</u>	<u>1,416,822</u>
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Office of Economic Development

SourceLink System (0744)	190,514
<u>Dallas Housing Finance Corporation (0068)</u>	<u>70,527</u>

Park and Recreation

Athletic Field Maintenance (0349)	294,257
Craddock Park Trust (0340)	8,258
Fair Park Improvement Fund (0448)	11,489
Fair Park Marketing	36,978
Ford Found Innovative Program (0T14)	180
Golf Improvement Trust (0332)	1,315,274
Grauwlyer Memorial E. Trust (0331)	1,845
Junior Golf Program (0359)	624
Meadows-Fair Park Security Fund (0643)	23
Mowmentum Park Improvement (0T80)	48,208
Outdoor Programs (0469)	78,579
Park & Rec Beautification (0641)	414,329
Recreation Program (0341)	598,289
Southern Skates (0327)	132,026
PKR Program Fund Tracking (0395)	<u>3,263,569</u> [2,733,630]
W.W. Samuell Park Trust (0330)	738,469

Planning and Urban Design

Neighborhood Vitality Project Fund (0297)	100,000
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<u>Police</u>	
Confiscated Monies - Federal (0412)	3,705,000
Law Enforcement Officer Standard Education (0S1N)	250,000
Various Police Task Forces (0T69)	424,952
<u>Street Services</u>	
Freeway Traffic Signals (0670)	318,886
<u>Sustainable Development and Construction</u>	
NAS Redevelopment Fund (0022)	211,262
TRUST FUNDS TOTAL	<u>\$26,529,531</u> [24,276,701]
GRANT AND TRUST FUNDS GRAND TOTAL	<u>\$26,731,334</u> [24,473,504]

	<u>PROPOSED</u>
	<u>2015-16</u>
<u>ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS</u>	
Aviation	<u>96,366,426</u> [93,875,967]
Communication and Information Services:	
Information Technology	67,182,087
Radio Services	<u>5,527,268</u> [5,102,268]
Convention and Event Services	<u>93,838,892</u> [82,938,892]
Employee Benefits	
Benefits Administration	1,126,137
Wellness Program	429,603
Equipment Services	<u>54,009,134</u> [50,509,134]
Express Business Center	3,814,676
Risk Management	2,593,531
Sanitation Services	<u>90,480,147</u> [86,480,147]
Storm Water Drainage Management	<u>53,016,846</u> [51,416,846]
Sustainable Development and Construction	30,696,618
Water Utilities	645,128,387
WRR - Municipal Radio	2,054,549
911 System Operations	16,292,461
ENTERPRISE/INTERNAL SERVICE/ OTHER FUNDS TOTAL	<u>\$1,162,556,762</u> [1,139,641,303]

SECTION 2. That Section 4 of Ordinance No. 29876 (2015-2016 FY Operating Budget Appropriation Ordinance), passed by the city council on September 22, 2015, is amended by

making adjustments to fund appropriations for fiscal year 2015-16 for maintenance and operation of various departments and activities, to read as follows:

“SECTION 4. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Transfer internal service fund equity from unanticipated excesses to contributing funds.

(2) Transfer funds, not to exceed \$21,583,800, from the Convention Center Operating Fund 0080, Department CCT, Unit 7840, Object 3870 to the 2009 Convention Center Debt Service Fund 0980, Department CCT, Unit P505, Revenue Source 9219 for the payment of debt service on Series 2009 Revenue Refunding and Improvement Bonds for improvements to the Dallas Civic Center Convention Complex.

(3) Transfer funds, not to exceed \$1,994,219, from the General Fund 0001, Department BMS, Unit 1996, Object 3621 to the Liability Reserve Fund 0192, Department ORM, Unit 3890, Revenue Source 8525 for payment of small and large claims against the city.

(4) Transfer funds, not to exceed \$3,400,000, to the General Fund 0001, Department BMS, Unit 1995, Revenue Source 9201 from the Sports Arena Lease Fund 0A71, Department CCT, Unit 8851, Object 3690 to support general fund operations.

(5) Transfer funds, not to exceed \$22,593,195, from the Water Utilities Operating Fund 0100, Department DWU, Unit 7015, Object 3690 in the amounts not to exceed \$10,500,000 to the Public/Private Partnership Fund 0352, Department ECO, Unit P151, Revenue Source 8219 and \$12,093,195 to the General Fund 0001, Department BMS, Unit 1991, Revenue Source 9201, as payment in lieu of taxes by the water utilities department to support economic initiatives of the city.

(6) Transfer funds, not to exceed \$1,500,000, from the Sanitation Services Fund 0440, Department SAN, Unit 3581, Object 3690 to the Sanitation Capital Improvement Fund 0593, Department SAN, Unit P309, Revenue Source 9201 for capital improvements for the McCommas Bluff Landfill.

(7) Transfer funds, not to exceed \$100,000, from the General Fund 0001, Department PNV, Unit 1581, Object 3690 to the Neighborhood Vitality Project Fund 0297, Department PNV, Unit 1728, Revenue Source 9201 for neighborhood revitalization efforts in targeted areas.

(8) Transfer funds, not to exceed \$4,895,643 [~~700,000~~], from the Information Technology Operating Fund 0198, Department DSV, Unit 1667 and 1622, Object 3690 to the Information Technology Equipment Fund 0897, Department DSV, Unit 3717 and 3718, Revenue Source 9201 for information technology servers, computers, storage, network and other IT equipment including related software, hardware and implementation services.

(9) Transfer funds, not to exceed \$1,416,822, from the Convention and Event Services Operating Fund 0080 Department CCT, Unit 7840, Object 3690 to the OCA Hotel Occupancy Fund 0435, Department OCA, Unit 1841, Revenue Source 9201 for the promotion of cultural arts.

(~~10~~[9]) Transfer and administer gifts and bequests to the city in accordance with the terms and conditions accompanying the gifts or bequests and, for this purpose, the appropriation of donated amounts is hereby made.”

SECTION 3. That the city manager is hereby authorized, upon written notice to the city controller, to transfer funds to make the adjustments to appropriations set forth in this ordinance.

SECTION 4. That it is the intent of the city council, by passage of this ordinance, to appropriate the funds for the city departments and activities. No office or position is created by the appropriation.

SECTION 5. That Ordinance No. 29876 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

ORDINANCE NO. _____

An ordinance amending Ordinance No. 29877 (2015-2016 FY Capital Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for fiscal year 2015-16 for public improvements to be financed from bond funds and other revenues of the City of Dallas and to authorize the city manager to implement those adjustments; providing a saving clause; and providing an effective date.

WHEREAS, on September 18, 2015, the city council passed Ordinance No. 29877, which adopted the capital budget appropriation ordinance for fiscal year 2015-2016; and

WHEREAS, shortages and excesses in various project appropriations have created a need to adjust those appropriations and to establish new appropriations; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 4, of the Dallas City Charter to transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose, upon the written recommendation of the city manager; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 5, of the Dallas City Charter to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, therefore,

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

SECTION 1. That Section 2 of Ordinance No. 29877 (2015-2016 FY Capital Budget Appropriation Ordinance), passed by the city council on September 18, 2015, is amended by making adjustments to fund appropriations for fiscal year 2015-16 for public improvements to be financed from bond funds and other revenues of the City of Dallas, to read as follows:

“SECTION 2. (a) That the following amounts are hereby appropriated from the funds indicated for the projects listed in the FY 2015-16 Capital Budget:

CAPITAL FUNDS

<u>From the Acquisition of Land in the Cadillac Heights Area for Future Location of City Facilities Fund (4T11)</u>	* <u>12,000</u>
From the Aviation Capital Construction Fund (0131)	12,333,923
From the Capital Construction Fund (0671)	8,495,000
From the Cedars Tax Increment Financing District Fund (0033)	587,280
From the City Hall, City Service and Maintenance Facilities Fund (4T60)	* <u>11,333,000</u> [109,606]
From the Convention Center Capital Construction Fund (0082)	5,150,000
From the Cultural Arts Facilities Fund (4T49)	* <u>3,530,708</u> [2,487,186]
From the Cypress Waters Tax Increment Financing District Fund (0066)	1,165,249
From the Davis Garden Tax Increment Financing District Fund (0060)	455,335
From the Deep Ellum Tax Increment Financing District Fund (0056)	1,027,762
From the Design District Tax Increment Financing District Fund (0050)	2,671,165
From the Economic Development and Housing Development Programs Fund (4U52)	* <u>10,642,395</u> [3,664,198]
From the Economic Development and Housing Development Programs Fund (4U53)	4,050,000
From the Farmers Market Tax Increment Financing District Fund (0036)	1,341,532

From the Flood Protection and Storm Drainage Facilities Improvement Fund (4T23)	* <u>12,288,682</u> [70,326,723]
From the Flood Protection and Storm Drainage Facilities Improvement Fund (4U23)	218,926,754
From the Fort Worth Avenue Tax Increment Financing District Fund (0058)	644,612
From the General Capital Reserve Fund (0625)	7,000,000
From the Grand Park South Tax Increment Financing District Fund (0054)	51,667
From the Maple/Mockingbird Tax Increment Financing District Fund (0064)	1,573,906
From the Oak Cliff Gateway Tax Increment Financing District Fund (0034)	1,568,123
From the Park and Recreation Facilities Fund (4T00)	* <u>13,013,264</u> [5,399,460]
From the Public/Private Partnership Fund (0352)	10,500,000
From the Skillman Corridor Tax Increment Financing District Fund (0052)	2,288,586
From the Southwestern Medical Tax Increment Financing District Fund (0046)	879,463
From the Storm Water Drainage Management Capital Construction Fund (0063)	5,000,000
From the Street and Alley Improvement Fund (0715)	16,832,000
From the Street and Transportation Improvement Fund (4T22)	* <u>19,202,461</u> [15,919,950]
From the Street and Transportation Improvement Fund (4U22)	50,921,023
From the Street Assessment Fund (L006)	649,000
From the Street Assessment Fund (L098)	351,000

From the Transit Oriented Development Tax Increment Financing District Fund (0062)	1,331,742
From the Vickery Meadow Tax Increment Financing District Fund (0048)	1,750,561
From the Wastewater Capital Construction Fund (0103)	19,430,000
From the Wastewater Capital Improvement Fund (2116)	68,964,000
From the Wastewater Capital Improvement Fund (3116)	500,000
From the Water and Wastewater Public Art Fund (0121)	8,000
From the Water Capital Construction Fund (0102)	27,542,000
From the Water Capital Improvement Fund (2115)	27,000,000
From the Water Capital Improvement Fund (3115)	75,859,000
From the 2016 Master Lease - Equipment Fund (ML16)	30,000,000
CAPITAL FUNDS TOTAL	*\$676,858,504 [704,755,806]

**Increase was previously approved by Ordinance 29905 dated October 28, 2015*

(b) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2015-16 Debt Service Budget:

DEBT SERVICE FUNDS

From the General Obligation Debt Service Fund (0981)	255,325,736
DEBT SERVICE FUNDS TOTAL	\$255,325,736

(c) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.

(d) That the appropriations listed in Subsections (a) and (b) may be increased by city council resolution upon the recommendation of the city manager.”

SECTION 2. That Section 5 of Ordinance No. 29877 (2015-2016 FY Capital Budget Appropriation Ordinance), passed by the city council on September 18, 2015, is amended by making adjustments to fund appropriations for fiscal year 2015-16 for public improvements to be financed from bond funds and other revenues of the City of Dallas, to read as follows:

“SECTION 5. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Transfer funds, not to exceed \$1,695,000, to the General Fund 0001, in the amounts of \$10,000 from the Cityplace Tax Increment Financing District Fund 0030; \$10,000 from State-Thomas Tax Increment Financing District Fund 0032; \$100,000 from the Cedars Tax Increment Financing District Fund 0033; \$100,000 from the Oak Cliff Gateway Tax Increment Financing District Fund 0034; \$175,000 from the City Center Tax Increment Financing District Fund 0035; \$120,000 from the Farmers Market Tax Increment Financing District Fund 0036; \$160,000 from the Sports Arena Tax Increment Financing District Fund 0038; \$225,000 from the Downtown Connection Tax Increment Financing District Fund 0044; \$50,000 from the Southwestern Medical Tax Increment Financing District Fund 0046; \$75,000 from the Vickery Meadow Tax Increment Financing District Fund 0048; \$100,000 from the Design District Tax Increment Financing District Fund 0050; \$85,000 from the Skillman Corridor Tax Increment Financing District

Fund 0052; \$30,000 from the Grand Park South Tax Increment Financing District Fund 0054; \$60,000 from the Deep Ellum Tax Increment Financing District Fund 0056; \$85,000 from the Fort Worth Avenue Tax Increment Financing District Fund 0058; \$110,000 from the Davis Garden Tax Increment Financing District Fund 0060; \$80,000 from the Transit-Oriented Development Tax Increment Financing District Fund 0062; \$50,000 from the Maple/Mockingbird Tax Increment Financing District Fund 0064; and \$70,000 from the Cypress Waters Tax Increment Financing District Fund 0066, for reimbursement of tax increment financing administration costs.

(2) Transfer funds, not to exceed \$46,980,000, from the Water Utilities Operating Fund 0100, in the amounts of \$27,542,000 to the Water Capital Construction Fund 0102; \$19,430,000 to the Wastewater Capital Construction Fund 0103; and \$8,000 to the Water and Wastewater Public Art Fund 0121, for projects listed in the FY 2015-16 Capital Budget.

(3) Transfer funds, not to exceed \$7,000,000 [~~\$5,000,000~~], from the Storm Water Drainage Management Operating Fund 0061 to the Storm Water Drainage Management Capital Construction Fund 0063, for projects listed in the FY 2015-16 Capital Budget.

(4) Transfer funds, not to exceed \$1,677,750, from the Sanitation Enterprise Fund 0440 to the General Obligation Debt Service Fund 0981 for payment of the 2003 General Obligation Bonds for flood protection and storm drainage facilities for the McCommas Bluff Landfill.

(5) Transfer funds, not to exceed \$6,845,000, from the General Capital Reserve Fund 0625 to the Capital Construction Fund 0671 for the purpose of partial reconstruction of major thoroughfares, capital improvements, maintenance, and repair of city facilities, underground storage tank removal, and security enhancements to police facilities.

(6) Transfer funds, not to exceed \$155,000, from the General Capital Reserve Fund 0625 to the Water Utilities Operating Fund 0100 to reimburse Dallas Water Utilities for an easement in the Madill Corridor area.

(7) Transfer funds, not to exceed \$1,650,000, from the Sports Arena Lease Fund 0A71 to the Capital Construction Fund 0671 for the purpose of partial reconstruction of major thoroughfares.

(8) Transfer funds, not to exceed \$1,750,000, from the Sports Arena Lease Fund 0A71 to the Street and Alley Improvement Fund 0715 for the purpose of funding citywide street and alley improvement projects.

(9) Transfer funds, not to exceed \$5,100,000, from the Water Utilities Operating Fund 0100 to the Street and Alley Improvement Fund 0715 for the purpose of funding citywide street and alley improvement projects.

(10) Transfer funds, not to exceed \$650,000, from the Sanitation Enterprise Fund 0440 to the Street and Alley Improvement Fund 0715 for the purpose of funding citywide street and alley improvement projects.

(11) Transfer funds, not to exceed \$6,332,000 [~~6,320,000~~], from the General Fund 0001 to the Street and Alley Improvement Fund 0715 for the purpose of funding citywide street and alley improvement projects.

(12) Transfer funds, not to exceed \$3,000,000, from the General Fund unassigned fund balance to the Street and Alley Improvement Fund 0715 for the purpose of funding citywide street and alley improvement projects.

(13) Transfer funds, not to exceed \$12,333,923, from the Aviation Operating Fund 0130 to the Aviation Capital Construction fund 0131 for projects listed in the FY 2015-16 Capital Budget.

(14) Transfer funds, not to exceed \$1,493,276, to the General Obligation Debt Service Fund 0981 from the Convention Center Operating Fund 0080 for payment of 2008 Certificates of Obligation for the acquisition of land for the Convention Center Hotel Development Project.

(15) Transfer funds, not to exceed \$12,500,000, to the Convention Center Capital Construction Fund 0082 from the Convention Center Operating Fund 0080 for funding permanent public improvements to the Kay Bailey Hutchison Convention Center Dallas Complex.

(16~~[5]~~) Transfer funds, not to exceed \$33,112,656, to the General Obligation Debt Service Fund 0981 from any general government, internal service, or enterprise fund incurring civilian payroll costs based on the pro-rata allocation of the actual civilian payroll costs incurred during fiscal year 2015-16 for payment of debt service on the Pension Obligation Bonds Series 600, 601, and 632.”

SECTION 3. That the city manager is hereby authorized, upon written notice to the city controller, to transfer funds to make the adjustments to appropriations set forth in this ordinance.

SECTION 4. That Ordinance No. 29877 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: E-Gov
AGENDA DATE: August 24, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Office of Financial Services
CMO: Jeanne Chipperfield, 670-7804
MAPSCO: N/A

SUBJECT

Authorize **(1)** public hearings to be held on Wednesday, September 7, 2016 and Wednesday, September 14, 2016 to receive comments on a proposed tax rate; and **(2)** a proposal to consider adoption of a \$0.7812/\$100 valuation tax rate, or a lower rate as may be proposed by the City Council on September 21, 2016 - Financing: This action has no cost consideration to the City

BACKGROUND

The City Manager's recommended FY 2016-17 budget includes a tax rate of \$0.7812/\$100. To set a property tax rate above the effective rate of \$0.7490/\$100, State law requires the following:

Specify a proposed desired rate; take record vote and schedule two special public hearings;

Publish "Notice of 2016 Tax Year Proposed Property Tax Rate" (quarter-page notice) at least seven days before public hearing (by September 1, 2016);

Minimum 72-hour notice for public hearing;

Hold two special public hearings, schedule and announce meeting to adopt tax rate 3-14 days from this date (Wednesday, September 7, 2016 and Wednesday, September 14, 2016);

Minimum 72-hour notice for meeting at which Council will adopt tax rate;

Meeting to adopt tax rate (September 21, 2016)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed on the City Manager's Proposed Budget on August 9, 2016.

On August 17, 2016, this item was deferred by Deputy Mayor Pro Tem Wilson.

FISCAL INFORMATION

This action has no cost consideration to the City.

August 24, 2016

WHEREAS, the City Manager's proposed FY 2016-17 Budget includes a \$0.7812/\$100 tax rate; and

WHEREAS, Chapter 26 of the Texas Property Tax Code requires the publication of one notice and holding two public hearings should a tax rate above the lower of the effective or rollback rate be considered; and

WHEREAS, the City's FY 2016-17 effective rate is calculated to be \$0.7490/\$100; and

WHEREAS, the City Council desires to reserve the option to set a tax rate that exceeds the calculated effective rate of \$0.7490/\$100; and

WHEREAS, the City Council is committed to providing the citizens with the opportunity to speak on the City's FY 2016-17 tax rate;

NOW, THEREFORE,

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

Section 1. That public hearings on the City's FY 2016-17 proposed tax rate be held on Wednesday, September 7, 2016 after 9:00 a.m. and Wednesday, September 14, 2016 after 1:00 p.m. at Dallas City Hall.

Section 2. That the City Council will consider adoption of a \$0.7812/\$100 valuation property tax rate, or a lower rate as may be proposed by the City Council on September 21, 2016.

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.

