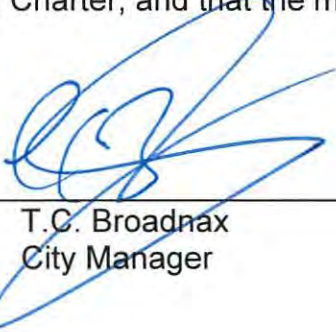


**AUGUST 8, 2018 CITY COUNCIL AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated August 8, 2018. 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.



---

T.C. Broadnax  
City Manager

7/27/18

---

Date



---

Elizabeth Reich  
Chief Financial Officer

7-27-18

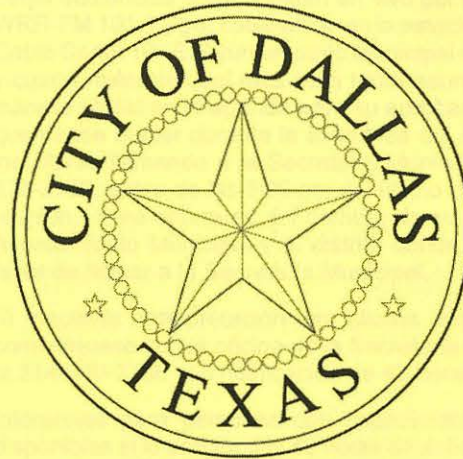
---

Date

RECEIVED

2018 JUL 27 PM 4:28

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL AGENDA

August 8, 2018

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)  
(La Información General Y Reglas De Cortesía Que Deben Observarse  
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)



## General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act.

**The Council agenda is available in alternative formats upon request.**

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

## Rules of Courtesy

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

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

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

## Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

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

## Reglas de Cortesía

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

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

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

## **Handgun Prohibition Notice for Meetings of Governmental Entities**

"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 pistol 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."*

**AGENDA  
CITY COUNCIL MEETING  
WEDNESDAY, AUGUST 8, 2018  
ORDER OF BUSINESS**

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

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

**OPEN MICROPHONE**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 39

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 40 - 44

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 45 - 63

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



**AGENDA**  
**CITY COUNCIL MEETING**  
**AUGUST 8, 2018**  
**CITY OF DALLAS**  
**1500 MARILLA STREET**  
**COUNCIL CHAMBERS, CITY HALL**  
**DALLAS, TEXAS 75201**  
**9:00 A.M.**

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the June 27, 2018 City Council Meeting

CONSENT AGENDA

**City Attorney's Office**

2. Authorize settlement of the lawsuit styled Nadeesha Gammampila v. City of Dallas, Cause No. DC-17-16547 - Not to exceed \$80,000 - Financing: Current Funds

**City Controller's Office**

3. An ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, in a principal amount not to exceed \$165,000,000; establishing parameters regarding the sale of the bonds; approving the execution of agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed \$512,360 - Financing: Water Utilities Current Funds

CONSENT AGENDA (continued)**City Manager's Office**

4. Authorize acceptance of the specific goals, initiatives and actions in the Resilient Dallas Plan to build resilience and further equity for all Dallas residents - Financing: No cost consideration to the City

**Department of Code Compliance**

5. An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code, by **(1)** amending Sections 17-1.5 and 17-10.2; **(2)** providing for definitions of different risk level establishments; **(3)** providing for varying periodic inspections of food establishments depending on risk level classification; **(4)** providing for standards for inspection frequency; **(5)** providing that on-site food establishment risk profile assessment inspections may be conducted; **(6)** providing a fee schedule for inspections of fixed facilities; **(7)** providing that variances are also vehicle specific, event specific, and location specific; **(8)** providing a penalty not to exceed \$2,000; **(9)** providing a saving clause; **(10)** providing a severability clause; and **(11)** providing an effective date - Estimated Revenue Reduction: (\$140,000)

**Department of Public Works**

6. Authorize **(1)** street paving, drainage, and water main improvements for Street Group 12-464; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on September 26, 2018, to receive comments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)
7. Authorize an additional payment to the Texas Department of Transportation for the City of Dallas' share of estimated direct state costs for the construction oversight of the Dolphin Road (Hatcher Street) Project from Spring Avenue to north of Haskell Avenue - Not to exceed \$138,000 - Financing: 2006 Bond Funds

**Department of Sustainable Development and Construction**

8. Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Cold Beer in Deep Ellum, L.P., et al., pending in County Court at Law No. 4, Cause No. CC-15-04210-D, for acquisition from Cold Beer in Deep Ellum, L.P., et al., of approximately 3,725 square feet of land for right-of-way located near the intersection of Exposition Avenue and Main Street for the CBD-Fair Park Link Project; and **(2)** the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$480,000 increased from \$253,833 (\$248,833 being the award, plus closing costs and title expenses not to exceed \$5,000) to \$487,000 (\$480,000 being the settlement amount, plus closing costs and title expenses not to exceed \$7,000) - Financing: 2003 Bond Funds

CONSENT AGENDA (continued)**Department of Sustainable Development and Construction** (continued)

9. Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 266,621 square feet from Forney Ranch Road, LLC located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$62,473, increased from \$96,815 (\$93,315, plus closing costs and title expenses not to exceed \$3,500) to \$159,288 (\$155,788, plus closing costs and title expenses not to exceed \$3,500) - Financing: Water Utilities Capital Improvement Funds
10. Authorize acquisition from Mildred A. Case, of approximately 20,604 square feet of land improved with an unoccupied manufactured dwelling located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$41,373 (\$38,373, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds
11. Authorize acquisition from Rosa Elia DeLeon and Ebaristo DeLeon, of a wastewater easement containing approximately 3,618 square feet of land located near the intersection of Winnetka Avenue and Clarendon Drive for the Yarmouth Avenue Wastewater Mains Replacement Project - Not to exceed \$21,500 (\$19,500, plus closing costs and title expenses not to exceed \$2,000) - Financing: Water Utilities Capital Construction Funds
12. A resolution authorizing the conveyance of an easement and right-of-way for two tracts of land containing a total of approximately 1,917 square feet to Oncor Electric Delivery Company, LLC for the construction, maintenance and use of power lines and electrical facilities across City-owned land located near the intersection of Taylor Street and South Pearl Expressway - Financing: No cost consideration to the City
13. A resolution authorizing the conveyance of a wastewater easement containing approximately 8,467 square feet of land to the City of Heath for the construction, maintenance and use of wastewater facilities across City-owned land located near the intersection of Hubbard and Scenic Drives - Revenue: \$10,962
14. Authorize a five-year, two-month lease agreement with Ricchi Towers, LLC for approximately 1,950 square feet of office space located at 8585 North Stemmons Freeway, Suite S-525 to be used for City personnel purposes for the period September 1, 2018 through October 31, 2023 - Not to exceed \$136,500 - Financing: General Funds (subject to annual appropriations)
15. An ordinance granting a revocable license to AT&T Services, Inc., for the use of a total of approximately 716 square feet of aerial space to install, maintain, and utilize aerial lights over portions of Jackson Street right-of-way near its intersection with Browder Street - Revenue: \$4,035 annually, plus the \$20 ordinance publication fee



CONSENT AGENDA (continued)**Department of Sustainable Development and Construction** (continued)

16. An ordinance granting a revocable license to Main Street Grocery, LLC dba Royal Blue Grocery, for the use of a total of approximately 449 square feet of land to install, maintain and utilize two canopies with premise signs and two planters on and over portions of Main and Ervay Streets rights-of-way near their intersection - Revenue: \$2,000 annually and \$200 one-time fee, plus the \$20 ordinance publication fee
17. An ordinance abandoning an alley to Legge Properties Limited, the abutting owner, containing approximately 3,038 square feet of land, located near the intersection of Brunner and Clinton Avenues; and authorizing the quitclaim - Revenue: \$9,448, plus the \$20 ordinance publication fee
18. An ordinance abandoning two portions of a drainage easement to JLB 4662 Amesbury Partners, L.P. and JLB Ash at the Branch Partners L.P., the abutting owners, containing a total of approximately 2,821 square feet of land, located near the intersection of Amesbury Drive and Sandhurst Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee

**Department of Trinity Watershed Management**

19. Authorize acquisition from Raanel J. Steel and The Edith E. Steel Living Trust, of approximately 15,733 square feet of land located on Oak Creek Circle near its intersection with Greencreek Drive for the Oak Creek Circle 3504 & 3508 Voluntary Purchase Program - Not to exceed \$138,500 (\$135,000, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2017 Bond Funds

**Office of Budget**

20. Authorize a public hearing to be held on August 22, 2018 to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

**Office of Community Care**

21. Authorize **(1)** the acceptance of a donation in the amount of \$72,000 from Reliant Energy Retail Services, LLC (Reliant Energy) to provide funding for energy assistance to Reliant Energy customers under their CARE Program, through the West Dallas Multipurpose Center and the Martin Luther King, Jr. Community Center, to individuals and families who are experiencing a temporary financial crisis; **(2)** the receipt and deposit of funds in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund; **(3)** an increase in appropriations in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund; **(4)** the receipt and deposit of funds in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund; and **(5)** an increase in appropriations in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund - Not to exceed \$72,000 - Financing: Private Funds

CONSENT AGENDA (continued)**Office of Community Care** (continued)

22. Authorize **(1)** a third amendment to the Contract No. 2015-047695-001 (Amendment No. 3 Contract No. 2015-047695-002) with the Department of State Health Services (DSHS), Family and Community Health Services, Office of Title V and Family Health and the Women, Infants, and Children (WIC) Program for the Lactation Support Center Services Strategic Expansion Program, to (a) revise the budget and extend the term of the contract from September 1, 2018 through August 31, 2019 to allow for successful completion of the WIC Project for FY 2019 grant allocation; (b) accept additional grant funds in the amount of \$260,000 for FY 2019 allocation (Amendment No. 3 Contract No. 2015-047695-002); **(2)** the establishment of appropriations in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund; **(3)** the receipt and deposit of grant funds for reimbursement from DSHS in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund; and **(4)** the execution of the contract amendment and all terms, conditions, and documents required by the contract - Not to exceed \$260,000, from \$910,000 to \$1,170,000 - Financing: Department of State Health Services, Office of Title V and Family Health Grant Funds

**Office of Procurement Services**

23. Authorize **(1)** an Interlocal Agreement with Sam Houston State University; and **(2)** a three-year service contract for a software subscription to the Criminal Research Information Management and Evaluation System through an interlocal agreement with Sam Houston State University - Not to exceed \$148,500 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
24. Authorize a three-year service price agreement for analytical laboratory testing services - Technical Testing International, LLC dba TTI Environmental Laboratories in the amount of \$4,985,725 and Ana-Lab Corporation in the amount of \$114,112, lowest responsible bidders of four - Total not to exceed \$5,099,837 - Financing: General Funds (\$470), Water Utilities Current Funds (\$4,643,240), Stormwater Drainage Management Current Funds (\$342,175), Sanitation Current Funds (\$103,206), and Aviation Current Funds (\$10,746) (subject to annual appropriations)
25. Authorize a three-year service price agreement for vehicle exhaust extraction parts and maintenance for the Fire-Rescue Department - Air Cleaning Technologies, Inc., sole source - Not to exceed \$330,265 - Financing: General Funds (subject to annual appropriations)
26. Authorize a three-year service price agreement for the maintenance, repair, and restoration of multi-sport court surfaces for the Park and Recreation Department - Hellas Construction, Inc., lowest responsible bidder of three - Not to exceed \$526,425 - Financing: General Funds (subject to annual appropriations)

CONSENT AGENDA (continued)**Office of Procurement Services** (continued)

27. Authorize a three-year service price agreement for sewer and storm drain camera repair services, parts, and accessories - CLS Sewer Equipment Co., Inc. in the amount of \$597,675, Green Equipment Company in the amount of \$335,000, and Reliability Point LLC in the amount of \$155,000, lowest responsible bidders of three - Total not to exceed \$1,087,675 - Financing: Water Utilities Current Funds (\$645,000) and Stormwater Drainage Management Current Funds (\$442,675) (subject to annual appropriations)
28. Authorize a three-year service price agreement for grounds, creeks, and channel maintenance of floodway sumps for the Department of Trinity Watershed Management - Moir Watershed Services, LLC, lowest responsible bidder of three - Not to exceed \$3,090,995 - Financing: Stormwater Drainage Management Current Funds (subject to annual appropriations)
29. Authorize a two-year master agreement for the purchase of pumps and parts - Xylem Water Solutions USA, Inc. in the amount of \$1,778,000, FCX Performance, Inc. dba Pierce Pump Company in the amount of \$1,287,754, Master Pumps & Equipment in the amount of \$555,000, Environmental Improvements, Inc. in the amount of \$373,000, MaCaulay Controls Company in the amount of \$105,000, and United Rentals (North America), Inc. in the amount of \$50,000, lowest responsible bidders of thirteen - Total not to exceed \$4,148,754 - Financing: General Funds (\$303,500), Water Utilities Current Funds (\$2,555,254), Convention and Event Services Current Funds (\$855,000), Stormwater Drainage Management Current Funds (\$268,000), Sanitation Current Funds (\$160,000), and Aviation Current Funds (\$7,000)
30. Authorize a three-year master agreement for replacement reflective decals for squad cars, City fleet vehicles, and non-reflective labels for storage containers - INPS in the amount of \$65,513 and T-Grip, LLC dba T-Grip Graphics and Signs in the amount of \$5,117, lowest responsible bidders of six - Total not to exceed \$70,630 - Financing: Equipment Services Current Funds

**Office of Strategic Partnerships & Government Affairs**

31. Authorize the **(1)** acceptance of a grant from the U.S. Department of Justice, Bureau of Justice Assistance for a broad range of activities to help control and prevent crime, and to improve the criminal justice system (Grant No. 2017-DJ-BX-0834, CFDA No. 16.738), in the amount of \$900,568 for the period October 1, 2016 through September 30, 2020; **(2)** receipt and deposit of funds in an amount not to exceed \$900,568 in the Bureau of Justice Assistance Grant FY17 16-20 Fund; **(3)** establishment of appropriations in an amount not to exceed \$900,568 in the Bureau of Justice Assistance Grant FY17 16-20 Fund; and **(4)** execution of the grant agreement - Not to exceed \$900,568 - Financing: U.S. Department of Justice Grant Funds



CONSENT AGENDA (continued)**Park & Recreation Department**

32. Authorize a five-year maintenance agreement with one five-year renewal option with the Colts Cricket Club to maintain the cricket pitch at Marcus Park located at 3003 Northaven Road - Financing: No cost consideration to the City
33. Authorize **(1)** a twenty-year endowment and maintenance agreement with The Dallas Foundation for annual maintenance and beautification projects for Hamilton Park located at 12225 Willowdell Drive and portions of the Cottonwood Trail; **(2)** the establishment of appropriations in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund; **(3)** the receipt and deposit of endowment funds in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund; and **(4)** execution of the endowment and maintenance agreement - Financing: No cost consideration to the City

**Water Utilities Department**

34. Authorize an amendment to the Memorandum of Agreement entitled "City of Dallas-Tarrant Regional Water District Interlocal Cooperation Contract" with the Tarrant Regional Water District to include technical review support services associated with the United States Army Corps of Engineers Sulphur River Basin feasibility study - Not to exceed \$29,197 - Financing: Water Utilities Current Funds
35. Authorize a three-year service contract for internal pipe repair of large diameter reinforced concrete water mains - Structural Preservation Systems, LLC, most advantageous proposer of two - Not to exceed \$10,033,920 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations)
36. Authorize a three-year construction contract for pavement and infrastructure repairs at various locations throughout the city - NPL Construction Co., in the amount of \$20,527,343 and Vescorp Construction, LLC, in the amount of \$7,399,800, lowest responsible bidders of five - Total not to exceed \$27,927,143 - Financing: Water Utilities Capital Construction Funds (\$20,527,343) and Stormwater Drainage Management Current Funds (\$7,399,800) (subject to annual appropriations)
37. Authorize a construction contract for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed \$8,849,540 - Financing: Water Utilities Capital Improvement Funds
38. Authorize a construction contract for the installation of water and wastewater mains at 29 locations (list attached) - RKM Utility Services, Inc., lowest responsible bidder of six - Not to exceed \$12,958,703 - Financing: Water Utilities Capital Improvement Funds (\$12,635,918) and Street and Alley Improvement Funds (\$322,785)

CONSENT AGENDA (continued)

**Water Utilities Department (continued)**

39. Authorize Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda and Brunz, LLC to provide additional engineering services to replace the Garland Road elevated water tank and associated water system improvements - Not to exceed \$2,180,290, from \$615,330 to \$2,795,620 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

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

**Park & Recreation Department**

41. Authorize a Chapter 380 Economic Development Grant Agreement with ESPN Productions Inc. in consideration of bringing teams from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 pursuant to the City of Dallas Public/Private Partnership Program - Not to exceed \$300,000 - Financing: General Funds (subject to annual appropriations)

ITEMS FOR FURTHER CONSIDERATION

**Civil Service**

42. Authorize a contract for a one-year corporate membership to LinkedIn Corporation - Not to exceed \$128,159 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)

**Office of Procurement Services**

43. Authorize **(1)** the rejection of the proposals received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District; and **(2)** the re-advertisement for a new solicitation - Financing: No cost consideration to the City (This item was deferred on June 27, 2018)

**Police Department**

44. Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019 - Not to exceed \$1,200,000 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)

PUBLIC HEARINGS AND RELATED ACTIONS**Department of Sustainable Development and Construction**ZONING CASES - CONSENT

45. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 706 for a public school use on property zoned Planned Development District No. 706, on the northwest corner of Walnut Hill Lane and Gooding Drive  
Recommendation of Staff and CPC: Approval, subject to a revised development plan, landscape plan, traffic management plan, and conditions  
Z178-150(SM)
46. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District, on the southeast corner of Holcomb Road and Odom Drive  
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan, and conditions  
Z178-197(JM)
47. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 435 for a public school use on property zoned Planned Development District No. 435, on the northwest corner of Duncanville Road and Illinois Avenue  
Recommendation of Staff and CPC: Approval, subject to a revised development plan, revised landscape plan, traffic management plan, and conditions  
Z178-198(MB/JM)
48. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northeast corner of Main Street and North Crowdus Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z178-233(JM)
49. A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution terminating existing deed restrictions [Z756-181], on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and Planned Development District No. 103, on the east side of Pastor Bailey Drive, north of Scout Avenue  
Recommendation of Staff and CPC: Approval of an MF-2(A) Multifamily District and approval of the termination of existing deed restrictions  
Z178-236(JM)



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

50. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2007 for an attached projecting non-premise district activity videoboard sign, on the east side of North Griffin Street, between Pacific Avenue and Elm Street  
Recommendation of Staff and CPC: Approval for a six-year period, subject to a site plan and conditions  
Z178-241(PD)
51. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the east side of North Cesar Chavez Boulevard, between Elm Street and Main Street  
Recommendation of Staff and CPC: Approval for a six-year period, subject to a site plan and conditions  
Z178-242(PD)
52. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an A(A) Agricultural District, south of Telephone Road, east of Travis Trail  
Recommendation of Staff and CPC: Approval  
Z178-246(PD)

ZONING CASES - INDIVIDUAL

53. A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District and Planned Development District No. 473 for mixed uses with consideration being given to appropriate zoning for the area including use, development standards, and other appropriate regulations in an area bounded by Main Street, Haskell Avenue, the Santa Fe right-of-way and DART's Green Line right-of-way and an ordinance granting a Planned Development District  
Recommendation of Staff and CPC: Approval of a Planned Development District, subject to conditions  
Z145-312(PT)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction** (continued)ZONING CASES - INDIVIDUAL (continued)

54. A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a new tract for MF-2(A) Multifamily District uses; **(2)** an ordinance granting the termination of Specific Use Permit No. 1636 for multifamily uses; and, **(3)** an ordinance granting the termination of Specific Use Permit No. 2213 for single family uses, on property zoned Tract 12 for MU-1 Mixed Use District uses and Tract 13 for MF-2(A) Multifamily District uses within Planned Development District No. 508, on the north line of Singleton Boulevard, east of Westmoreland Road  
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, and conditions; approval of the termination of Specific Use Permit No. 1636 for multifamily uses; and approval of the termination of Specific Use Permit No. 2213 for single family uses  
Z167-404(SM)
55. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses on property zoned an R-10(A) Single Family District, southeast of Vanguard Way, west of Whittenburg Gate  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval, subject to a conceptual plan and conditions  
Z178-108(PD)
56. A public hearing to receive comments regarding an application for and an ordinance granting a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast corner of Peabody Avenue and Myrtle Street  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval  
Z178-200(MB/CT)
57. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay, on Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street  
Recommendation of Staff: Approval  
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z178-226(JM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction (continued)**ZONING CASES - INDIVIDUAL (continued)

58. A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southeast side of Al Lipscomb Way, between Myrtle Street and Atlanta Street  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval  
Z178-237(CY)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

59. A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west corner of South Ervay Street and Beaumont Street  
Recommendation of Staff: Approval, subject to staff's recommended conditions  
Recommendation of CPC: Approval, subject to conditions  
Z167-246(SM)  
Note: This item was deferred by the City Council before opening the public hearing on June 27, 2018, and is scheduled for consideration on August 8, 2018
60. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway  
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions  
Z178-163(SM)  
Note: This item was deferred by the City Council before opening the public hearings on May 23, 2018 and June 27, 2018, and is scheduled for consideration on August 8, 2018
61. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an IR Industrial Research District, on the south line of Skillman Street and the north line of Wendell Road, east of Pagemill Road  
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions  
Z178-213(SM)  
Note: This item was deferred by the City Council before opening the public hearing on June 27, 2018, and is scheduled for consideration on August 8, 2018

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

**Department of Sustainable Development and Construction** (continued)

STREET NAME CHANGE

62. A public hearing to receive comments regarding a proposal to change the name of Alamo Street between Cedar Springs Road and Woodall Rodgers Service Road, west of Caroline Street, to "Miguel Martinez Way" and an ordinance granting the name change - NC178-005 - Financing: This action has no cost consideration to the City (New street blades to be prepared and paid for by the applicant)

MISCELLANEOUS HEARINGS

**Park & Recreation Department**

63. A public hearing to receive comments on the proposed use of a portion of Hamilton Park located at 12100 Willowdell Drive, totaling approximately 39 square feet of land, for the installation of an outdoor warning siren by the Office of Emergency Management, to provide warning siren system coverage for the benefit of the public; and at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: This action has no cost consideration to the City (see Fiscal Information section for future cost)

**Water and Wastewater Main Installations**  
Agenda Item #38

**District 2**

Haggar Way from Mockingbird Lane to Lemmon Ave

**District 4**

Alley between Alabama Avenue and Ramsey Avenue from Ohio Avenue north  
Alley between Ewing Avenue and Harlandale Avenue from Hobson Avenue to Saner Avenue  
Alley between Ewing Avenue and Harlandale Avenue from Illinois Avenue to Elmore Avenue  
Alley between Ewing Avenue and Harlandale Avenue from Illinois Avenue north  
Avenue F from 11th Street to Sanderson Avenue  
Avenue G from 11th Street to Sanderson Avenue  
Denley Drive from Garza Avenue south  
Ewing Avenue from Kiest Boulevard to Graceland Avenue  
Ewing Avenue from Vermont Avenue to Genoa Avenue  
Illinois Avenue from Fordham Road southeast  
Moffatt Avenue from Aztec Drive southwest  
Scotland Drive from Sunnyvale Street to Tacoma Street

**District 5**

Alley between Woodcastle Drive and Craige Drive from Prairie Creek Road west  
Woodcastle Drive from Prairie Creek Road to Craige Drive

**District 6**

Irving Boulevard from Top Line Drive to Apricot Street

**District 7**

Alley west of Rustown Drive from Inadale Avenue to Oates Drive  
Good Latimer Expressway from DART rail to Logan Street  
Gross Road from Peavy Road east  
Inez Street from Brigham Lane to Marder Street  
K Street from Good Latimer Expressway southwest  
Martin Luther King Jr. Boulevard from Malcolm X Boulevard to Meadow Street  
Pennsylvania Avenue from JB Jackson Jr. Boulevard southwest  
Pennsylvania Avenue from Latimer Street to Malcolm X Boulevard  
Pennsylvania Avenue from Meyers Street to Trunk Avenue  
Stephenson Street from Bexar Street to Inez Street

**Water and Wastewater Main Installations**  
Agenda Item #38 (continued)

**District 8**

Lenosa Lane from Parkcliff Drive to Belt Line Road  
Parkcliff Drive from Kleberg Road to Lenosa Lane

**District 14**

Alley between Morningside Avenue and McCommas Boulevard from Skillman Street  
to Clements Street

### EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

**AGENDA DATE**      August 8, 2018

ITEM #	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
1			All	V	NA	NA	Approval of Minutes of the June 27, 2018 City Council Meeting
2			N/A	C	ATT, POL	\$80,000.00	Authorize settlement of the lawsuit styled Nadeesha Gammampila v. City of Dallas, Cause No. DC-17-16547 - Not to exceed \$80,000 - Financing: Current Funds
3			N/A	C	CON, WTR	\$512,360.00	An ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, in a principal amount not to exceed \$165,000,000; establishing parameters regarding the sale of the bonds; approving the execution of agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed \$512,360 - Financing: Water Utilities Current Funds
4			N/A	C	CMO	NC	Authorize acceptance of the specific goals, initiatives and actions in the Resilient Dallas Plan to build resilience and further equity for all Dallas residents - Financing: No cost consideration to the City
5			All	C	CCS	REV \$-140,000	An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code, by (1) amending Sections 17-1.5 and 17-10.2; (2) providing for definitions of different risk level establishments; (3) providing for varying periodic inspections of food establishments depending on risk level classification; (4) providing for standards for inspection frequency; (5) providing that on-site food establishment risk profile assessment inspections may be conducted; (6) providing a fee schedule for inspections of fixed facilities; (7) providing that variances are also vehicle specific, event specific, and location specific; (8) providing a penalty not to exceed \$2,000; (9) providing a saving clause; (10) providing a severability clause; and (11) providing an effective date - Estimated Revenue Reduction: (\$140,000)
6			4, 5	C	PBW, WTR	NC	Authorize (1) street paving, drainage, and water main improvements for Street Group 12-464; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and (2) a benefit assessment hearing to be held on September 26, 2018, to receive comments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)
7			2, 7	C	PBW	\$138,000.00	Authorize an additional payment to the Texas Department of Transportation for the City of Dallas' share of estimated direct state costs for the construction oversight of the Dolphin Road (Hatcher Street) Project from Spring Avenue to north of Haskell Avenue - Not to exceed \$138,000 - Financing: 2006 Bond Funds
8			2	C	DEV, ATT, PBW	\$480,000.00	Authorize (1) settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Cold Beer in Deep Ellum, L.P., et al., pending in County Court at Law No. 4, Cause No. CC-15-04210-D, for acquisition from Cold Beer in Deep Ellum, L.P., et al., of approximately 3,725 square feet of land for right-of-way located near the intersection of Exposition Avenue and Main Street for the CBD-Fair Park Link Project; and (2) the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$480,000 increased from \$253,833 (\$248,833 being the award, plus closing costs and title expenses not to exceed \$5,000) to \$487,000 (\$480,000 being the settlement amount, plus closing costs and title expenses not to exceed \$7,000) - Financing: 2003 Bond Funds
9			Outside	C	DEV, WTR	\$62,473.00	Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 266,621 square feet from Forney Ranch Road, LLC located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$62,473, increased from \$96,815 (\$93,315, plus closing costs and title expenses not to exceed \$3,500) to \$159,288 (\$155,788, plus closing costs and title expenses not to exceed \$3,500) - Financing: Water Utilities Capital Improvement Funds
10			Outside	C	DEV, WTR	\$41,373.00	Authorize acquisition from Mildred A. Case, of approximately 20,604 square feet of land improved with an unoccupied manufactured dwelling located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$41,373 (\$38,373, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds
11			1	C	DEV, WTR	\$21,500.00	Authorize acquisition from Rosa Elia DeLeon and Ebaristo DeLeon, of a wastewater easement containing approximately 3,618 square feet of land located near the intersection of Winnetka Avenue and Clarendon Drive for the Yarmouth Avenue Wastewater Mains Replacement Project - Not to exceed \$21,500 (\$19,500, plus closing costs and title expenses not to exceed \$2,000) - Financing: Water Utilities Capital Construction Funds



**AGENDA DATE**      August 8, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
12			2	C	DEV	NC	A resolution authorizing the conveyance of an easement and right-of-way for two tracts of land containing a total of approximately 1,917 square feet to Oncor Electric Delivery Company, LLC for the construction, maintenance and use of power lines and electrical facilities across City-owned land located near the intersection of Taylor Street and South Pearl Expressway - Financing: No cost consideration to the City
13			9	C	DEV, WTR	REV \$10,962	A resolution authorizing the conveyance of a wastewater easement containing approximately 8,467 square feet of land to the City of Heath for the construction, maintenance and use of wastewater facilities across City-owned land located near the intersection of Hubbard and Scenic Drives - Revenue: \$10,962
14			6	C	DEV, POL	\$136,500.00	Authorize a five-year, two-month lease agreement with Ricchi Towers, LLC for approximately 1,950 square feet of office space located at 8585 North Stemmons Freeway, Suite S-525 to be used for City personnel purposes for the period September 1, 2018 through October 31, 2023 - Not to exceed \$136,500 - Financing: General Funds (subject to annual appropriations)
15			14	C	DEV	REV \$4,035	An ordinance granting a revocable license to AT&T Services, Inc., for the use of a total of approximately 716 square feet of aerial space to install, maintain, and utilize aerial lights over portions of Jackson Street right-of-way near its intersection with Browder Street - Revenue: \$4,035 annually, plus the \$20 ordinance publication fee
16			14	C	DEV	REV \$2,000	An ordinance granting a revocable license to Main Street Grocery, LLC dba Royal Blue Grocery, for the use of a total of approximately 449 square feet of land to install, maintain and utilize two canopies with premise signs and two planters on and over portions of Main and Ervay Streets rights-of-way near their intersection - Revenue: \$2,000 annually and \$200 one-time fee, plus the \$20 ordinance publication fee
17			1	C	DEV	REV \$9,448	An ordinance abandoning an alley to Legge Properties Limited, the abutting owner, containing approximately 3,038 square feet of land, located near the intersection of Brunner and Clinton Avenues; and authorizing the quitclaim - Revenue: \$9,448, plus the \$20 ordinance publication fee
18			14	C	DEV	REV \$5,400	An ordinance abandoning two portions of a drainage easement to JLB 4662 Amesbury Partners, L.P. and JLB Ash at the Branch Partners L.P., the abutting owners, containing a total of approximately 2,821 square feet of land, located near the intersection of Amesbury Drive and Sandhurst Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee
19			5	C	TWM	\$138,500.00	Authorize acquisition from Raanel J. Steel and The Edith E. Steel Living Trust, of approximately 15,733 square feet of land located on Oak Creek Circle near its intersection with Greencreek Drive for the Oak Creek Circle 3504 & 3508 Voluntary Purchase Program - Not to exceed \$138,500 (\$135,000, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2017 Bond Funds
20			N/A	C	OFS	NC	Authorize a public hearing to be held on August 22, 2018 to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City
21			All	C	OCC	GT	Authorize (1) the acceptance of a donation in the amount of \$72,000 from Reliant Energy Retail Services, LLC (Reliant Energy) to provide funding for energy assistance to Reliant Energy customers under their CARE Program, through the West Dallas Multipurpose Center and the Martin Luther King, Jr. Community Center, to individuals and families who are experiencing a temporary financial crisis; (2) the receipt and deposit of funds in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund; (3) an increase in appropriations in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund; (4) the receipt and deposit of funds in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund; and (5) an increase in appropriations in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund - Not to exceed \$72,000 - Financing: Private Funds

**AGENDA DATE**      August 8, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
22			All	C	OCC	GT	Authorize (1) a third amendment to the Contract No. 2015-047695-001 (Amendment No. 3 Contract No. 2015-047695-002) with the Department of State Health Services (DSHS), Family and Community Health Services, Office of Title V and Family Health and the Women, Infants, and Children (WIC) Program for the Lactation Support Center Services Strategic Expansion Program, to (a) revise the budget and extend the term of the contract from September 1, 2018 through August 31, 2019 to allow for successful completion of the WIC Project for FY 2019 grant allocation; (b) accept additional grant funds in the amount of \$260,000 for FY 2019 allocation (Amendment No. 3 Contract No. 2015-047695-002); (2) the establishment of appropriations in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund; (3) the receipt and deposit of grant funds for reimbursement from DSHS in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund; and (4) the execution of the contract amendment and all terms, conditions, and documents required by the contract - Not to exceed \$260,000, from \$910,000 to \$1,170,000 - Financing: Department of State Health Services, Office of Title V and Family Health Grant Funds
23			All	C	PBD, CIS, POL	\$148,500.00	Authorize (1) an Interlocal Agreement with Sam Houston State University; and (2) a three-year service contract for a software subscription to the Criminal Research Information Management and Evaluation System through an interlocal agreement with Sam Houston State University - Not to exceed \$148,500 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
24			All	C	PBD, AVI, EBS, SAN, TWM, WTR	\$5,099,837.00	Authorize a three-year service price agreement for analytical laboratory testing services - Technical Testing International, LLC dba TTI Environmental Laboratories in the amount of \$4,985,725 and Ana-Lab Corporation in the amount of \$114,112, lowest responsible bidders of four - Total not to exceed \$5,099,837 - Financing: General Funds (\$470), Water Utilities Current Funds (\$4,643,240), Stormwater Drainage Management Current Funds (\$342,175), Sanitation Current Funds (\$103,206), and Aviation Current Funds (\$10,746) (subject to annual appropriations)
25			All	C	PBD, FIR	\$330,265.00	Authorize a three-year service price agreement for vehicle exhaust extraction parts and maintenance for the Fire-Rescue Department - Air Cleaning Technologies, Inc., sole source - Not to exceed \$330,265 - Financing: General Funds (subject to annual appropriations)
26			All	C	PBD, PKR	\$526,425.00	Authorize a three-year service price agreement for the maintenance, repair, and restoration of multi-sport court surfaces for the Park and Recreation Department - Hellas Construction, Inc., lowest responsible bidder of three - Not to exceed \$526,425 - Financing: General Funds (subject to annual appropriations)
27			All	C	PBD, TWM, WTR	\$1,087,675.00	Authorize a three-year service price agreement for sewer and storm drain camera repair services, parts, and accessories - CLS Sewer Equipment Co., Inc. in the amount of \$597,675, Green Equipment Company in the amount of \$335,000, and Reliability Point LLC in the amount of \$155,000, lowest responsible bidders of three - Total not to exceed \$1,087,675 - Financing: Water Utilities Current Funds (\$645,000) and Stormwater Drainage Management Current Funds (\$442,675) (subject to annual appropriations)
28			All	C	PBD, TWM	\$3,090,995.00	Authorize a three-year service price agreement for grounds, creeks, and channel maintenance of floodway sumps for the Department of Trinity Watershed Management - Moir Watershed Services, LLC, lowest responsible bidder of three - Not to exceed \$3,090,995 - Financing: Stormwater Drainage Management Current Funds (subject to annual appropriations)
29			All	C	PBD, AVI, CES, SAN, TWM, WTR	\$4,148,754.00	Authorize a two-year master agreement for the purchase of pumps and parts - Xylem Water Solutions USA, Inc. in the amount of \$1,778,000, FCX Performance, Inc. dba Pierce Pump Company in the amount of \$1,287,754, Master Pumps & Equipment in the amount of \$555,000, Environmental Improvements, Inc. in the amount of \$373,000, MaCaulay Controls Company in the amount of \$105,000, and United Rentals (North America), Inc. in the amount of \$50,000, lowest responsible bidders of thirteen - Total not to exceed \$4,148,754 - Financing: General Funds (\$303,500), Water Utilities Current Funds (\$2,555,254), Convention and Event Services Current Funds (\$855,000), Stormwater Drainage Management Current Funds (\$268,000), Sanitation Current Funds (\$160,000), and Aviation Current Funds (\$7,000)
30			All	C	PBD, EBS, POL	\$70,629.58	Authorize a three-year master agreement for replacement reflective decals for squad cars, City fleet vehicles, and non-reflective labels for storage containers - INPS in the amount of \$65,513 and T-Grip, LLC dba T-Grip Graphics and Signs in the amount of \$5,117, lowest responsible bidders of six - Total not to exceed \$70,630 - Financing: Equipment Services Current Funds

**AGENDA DATE**      August 8, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
31			N/A	C	IGS	GT	Authorize the (1) acceptance of a grant from the U.S. Department of Justice, Bureau of Justice Assistance for a broad range of activities to help control and prevent crime, and to improve the criminal justice system (Grant No. 2017-DJ-BX-0834, CFDA No. 16.738), in the amount of \$900,568 for the period October 1, 2016 through September 30, 2020; (2) receipt and deposit of funds in an amount not to exceed \$900,568 in the Bureau of Justice Assistance Grant FY17 16-20 Fund; (3) establishment of appropriations in an amount not to exceed \$900,568 in the Bureau of Justice Assistance Grant FY17 16-20 Fund; and (4) execution of the grant agreement - Not to exceed \$900,568 - Financing: U.S. Department of Justice Grant Funds
32			13	C	PKR	NC	Authorize a five-year maintenance agreement with one five-year renewal option with the Colts Cricket Club to maintain the cricket pitch at Marcus Park located at 3003 Northaven Road - Financing: No cost consideration to the City
33			10, 11	C	PKR	NC	Authorize (1) a twenty-year endowment and maintenance agreement with The Dallas Foundation for annual maintenance and beautification projects for Hamilton Park located at 12225 Willowdell Drive and portions of the Cottonwood Trail; (2) the establishment of appropriations in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund; (3) the receipt and deposit of endowment funds in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund; and (4) execution of the endowment and maintenance agreement - Financing: No cost consideration to the City
34			All	C	WTR	\$29,197.00	Authorize an amendment to the Memorandum of Agreement entitled "City of Dallas-Tarrant Regional Water District Interlocal Cooperation Contract" with the Tarrant Regional Water District to include technical review support services associated with the United States Army Corps of Engineers Sulphur River Basin feasibility study - Not to exceed \$29,197 - Financing: Water Utilities Current Funds
35			All, Outside	C	WTR	\$10,033,920.00	Authorize a three-year service contract for internal pipe repair of large diameter reinforced concrete water mains - Structural Preservation Systems, LLC, most advantageous proposer of two - Not to exceed \$10,033,920 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations)
36			All	C	WTR, TWM	\$27,927,142.65	Authorize a three-year construction contract for pavement and infrastructure repairs at various locations throughout the city - NPL Construction Co., in the amount of \$20,527,343 and Vescorp Construction, LLC, in the amount of \$7,399,800, lowest responsible bidders of five - Total not to exceed \$27,927,143 - Financing: Water Utilities Capital Construction Funds (\$20,527,343) and Stormwater Drainage Management Current Funds (\$7,399,800) (subject to annual appropriations)
37			4	C	WTR	\$8,849,540.00	Authorize a construction contract for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed \$8,849,540 - Financing: Water Utilities Capital Improvement Funds
38			2, 4, 5, 6, 7, 8, 14	C	WTR, PBW	\$12,958,702.25	Authorize a construction contract for the installation of water and wastewater mains at 29 locations - RKM Utility Services, Inc., lowest responsible bidder of six - Not to exceed \$12,958,703 - Financing: Water Utilities Capital Improvement Funds (\$12,635,918) and Street and Alley Improvement Funds (\$322,785)
39			9, 10	C	WTR	\$2,180,289.15	Authorize Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda and Brunz, LLC to provide additional engineering services to replace the Garland Road elevated water tank and associated water system improvements - Not to exceed \$2,180,290, from \$615,330 to \$2,795,620 - Financing: Water Utilities Capital Improvement Funds
40			N/A	I	SEC	NC	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
41			7	I	PKR, ECO	\$300,000.00	Authorize a Chapter 380 Economic Development Grant Agreement with ESPN Productions Inc. in consideration of bringing teams from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 pursuant to the City of Dallas Public/Private Partnership Program - Not to exceed \$300,000 - Financing: General Funds (subject to annual appropriations)
42			N/A	I	CVS	\$128,159.00	Authorize a contract for a one-year corporate membership to LinkedIn Corporation - Not to exceed \$128,159 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)
43			2, 7	I	PBD, ECO	NC	Authorize (1) the rejection of the proposals received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District; and (2) the re-advertisement for a new solicitation - Financing: No cost consideration to the City (This item was deferred on June 27, 2018)

**AGENDA DATE**      August 8, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
44			1, 2, 3, 4, 5, 6, 7, 8, 14	I	POL	\$1,200,000.00	Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019 - Not to exceed \$1,200,000 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)
45			13	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 706 for a public school use on property zoned Planned Development District No. 706, on the northwest corner of Walnut Hill Lane and Gooding Drive
46			5	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District, on the southeast corner of Holcomb Road and Odom Drive
47			3	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 435 for a public school use on property zoned Planned Development District No. 435, on the northwest corner of Duncanville Road and Illinois Avenue
48			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northeast corner of Main Street and North Crowds Street
49			3	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution terminating existing deed restrictions [Z756-181], on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and Planned Development District No. 103, on the east side of Pastor Bailey Drive, north of Scout Avenue
50			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2007 for an attached projecting non-premise district activity videoboard sign, on the east side of North Griffin Street, between Pacific Avenue and Elm Street
51			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the east side of North Cesar Chavez Boulevard, between Elm Street and Main Street
52			8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an A(A) Agricultural District, south of Telephone Road, east of Travis Trail
53			2	PH	DEV	NC	A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District and Planned Development District No. 473 for mixed uses with consideration being given to appropriate zoning for the area including use, development standards, and other appropriate regulations in an area bounded by Main Street, Haskell Avenue, the Santa Fe right-of-way and DART's Green Line right-of-way and an ordinance granting a Planned Development District
54			6	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) an ordinance granting a new tract for MF-2(A) Multifamily District uses; (2) an ordinance granting the termination of Specific Use Permit No. 1636 for multifamily uses; and, (3) an ordinance granting the termination of Specific Use Permit No. 2213 for single family uses, on property zoned Tract 12 for MU-1 Mixed Use District uses and Tract 13 for MF-2(A) Multifamily District uses within Planned Development District No. 508, on the north line of Singleton Boulevard, east of Westmoreland Road
55			10	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses on property zoned an R-10(A) Single Family District, southeast of Vanguard Way, west of Whittenburg Gate
56			7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast corner of Peabody Avenue and Myrtle Street

**AGENDA DATE**      August 8, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
57			9	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay, on Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street
58			7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southeast side of Al Lipscomb Way, between Myrtle Street and Atlanta Street
59			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west corner of South Ervay Street and Beaumont Street
60			9	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway
61			10	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an IR Industrial Research District, on the south line of Skillman Street and the north line of Wendell Road, east of Pagemill Road
62			14	PH	DEV	NC	A public hearing to receive comments regarding a proposal to change the name of Alamo Street between Cedar Springs Road and Woodall Rodgers Service Road, west of Caroline Street, to "Miguel Martinez Way" and an ordinance granting the name change - NC178-005 - Financing: This action has no cost consideration to the City (New street blades to be prepared and paid for by the applicant)
63			10	PH	PKR, OEM	NC	A public hearing to receive comments on the proposed use of a portion of Hamilton Park located at 12100 Willowdell Drive, totaling approximately 39 square feet of land, for the installation of an outdoor warning siren by the Office of Emergency Management, to provide warning siren system coverage for the benefit of the public; and at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: This action has no cost consideration to the City (see Fiscal Information section for future cost)

**TOTAL    \$79,720,736.63**

**AGENDA ITEM # 2**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Attorney's Office  
Police Department

**CMO:** Larry Casto, 670-1333  
Jon Fortune, 670-1204

**MAPSCO:** N/A

---

**SUBJECT**

Authorize settlement of the lawsuit styled Nadeesha Gammampila v. City of Dallas, Cause No. DC-17-16547 - Not to exceed \$80,000 - Financing: Current Funds

**BACKGROUND**

Plaintiff Nadeesha Gammampila filed a lawsuit against the City of Dallas seeking compensation for bodily injuries and other damages sustained in an automobile/pedestrian collision on December 14, 2015, involving a Dallas Police Department vehicle. The City and Ms. Gammampila have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Rad Law Firm.

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

City Council will be briefed by memorandum on August 3, 2018.

**FISCAL INFORMATION**

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

Current Funds - \$80,000

August 8, 2018

**WHEREAS**, a lawsuit styled Nadeesha Gammampila v. City of Dallas, Cause No. DC-17-16547, was filed by the plaintiff, Nadeesha Gammampila, seeking compensation from the City of Dallas for bodily injuries and other damages sustained in an automobile/pedestrian collision on December 14, 2015, involving a Dallas Police Department vehicle; and

**WHEREAS**, the plaintiff has agreed to a settlement of the case whereby the City will pay Nadeesha Gammampila, Rad Law Firm, and all other persons having an interest in the settlement proceeds, the total amount of \$80,000; and

**WHEREAS**, it is in the best interest of the City to settle this lawsuit.

**Now, Therefore,**

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

**SECTION 1.** That the proposed settlement of the lawsuit, styled Nadeesha Gammampila v. City of Dallas, Cause No. DC-17-16547, in an amount not to exceed \$80,000 is hereby approved.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay Nadeesha Gammampila, Rad Law Firm, and all other persons having an interest in the settlement proceeds, the amount of \$80,000, from Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor CTORM001.

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

**AGENDA ITEM # 3**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Controller's Office  
Water Utilities Department

**CMO:** Elizabeth Reich, 670-7804  
Majed Al-Ghafry, 670-3302

**MAPSCO:** N/A

---

**SUBJECT**

An ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, in a principal amount not to exceed \$165,000,000; establishing parameters regarding the sale of the bonds; approving the execution of agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed \$512,360 - Financing: Water Utilities Current Funds

**BACKGROUND**

This proposed revenue bond sale is for the refunding of commercial paper notes issued for interim financing of improvements to the City's water and wastewater system.

Issuance of revenue bonds for refunding up to \$165,000,000 in commercial paper notes is in accordance with the capital program for water and wastewater improvements, and is within the Fiscal Year 2017-18 operating and capital budgets for the Dallas Water Utilities Department.

The City's Co-Financial Advisors, Hilltop Securities, Inc. and Estrada Hinojosa, recommend a competitive sale based on favorable market conditions and Dallas Water Utilities' stable credit profile.

**ESTIMATED SCHEDULE OF PROJECT**

Authorized preparation for issuance of bonds	June 27, 2018
Approval of parameters ordinance	August 8, 2018
Pricing	August 29, 2018 (no later than)
Delivery of proceeds	September 26, 2018 (no later than)



### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Government Performance and Financial Management Committee was briefed regarding this item on June 4, 2018.

On June 27, 2018, City Council authorized preparation of plans for the issuance of the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, by Resolution No. 18-0896.

### **FISCAL INFORMATION**

Water Utilities Current Funds - \$512,360

See Attachment I.

### **M/WBE INFORMATION**

Attachment I provides an estimate of bond issuance costs for the proposed bonds and the M/WBE participation.

**Attachment I**

**SERIES 2018C**

**WATERWORKS AND SEWER SYSTEM**

**REVENUE REFUNDING BONDS**

**\$165,000,000**

Estimate of Total Bond Issuance Costs and M/WBE Participation

**Co-Bond Counsel**

McCall, Parkhurst & Horton LLP (Vendor 193173)	\$ 78,000	15.2%
Escamilla & Poneck (Vendor 518903)	48,250	9.4%

**Disclosure Counsel**

Orrick, Herrington & Sutcliffe LLP (Vendor VC18413)	50,000	9.8%
-----------------------------------------------------	--------	------

**Co-Financial Advisors**

Hilltop Securities (Vendor VS0000052889)	76,650	15.0%
Estrada Hinojosa (Vendor 259910)	45,960	9.0%

**Official Statement Printing**

TBD	10,000	2.0%
-----	--------	------

**Rating Agencies**

FitchRatings (Vendor VC14720)	100,000	19.5%
Standard & Poor's (Vendor 954974)	80,000	15.6%

**Auditor**

Grant Thornton LLP (Vendor VS0000007921)	14,000	2.7%
------------------------------------------	--------	------

**Filing Fee**

Attorney General (Vendor 344989)	9,500	1.9%
----------------------------------	-------	------

**Total Issuance Costs**

<u>\$ 512,360</u>	<u>100%</u>
-------------------	-------------

Total M/WBE Participation as % of Total Issuance Costs:	\$ 104,210	20.3%
---------------------------------------------------------	------------	-------

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2018C; ESTABLISHING PARAMETERS REGARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO**

THE STATE OF TEXAS :  
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :  
CITY OF DALLAS :

WHEREAS, the City of Dallas (the "City" or the "Issuer") has heretofore issued its City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981 (the "Series 1981 Bonds"); and

WHEREAS, defined terms used in this Ordinance shall have the meaning given said terms in Section 7 of this Ordinance, unless otherwise indicated herein; and

WHEREAS, in the ordinance authorizing the issuance of the Series 1981 Bonds (the "1981 Ordinance"), the City reserved the right to issue revenue bonds on a parity with the Series 1981 Bonds; and

WHEREAS, under authority of the right reserved in the 1981 Ordinance, the City issued and there currently remain outstanding revenue bonds from each series of bonds described in the definition of "Previously Issued Parity Bonds" set forth in Section 7 of this Ordinance; and

WHEREAS, in addition to the outstanding Previously Issued Parity Bonds, the City has authorized the issuance from time to time and at any one time outstanding of up to \$600,000,000 of its Waterworks and Sewer System Commercial Paper Notes, Series D and Series E (collectively, the "Commercial Paper Notes"), for the purpose of improving and extending the System; and

WHEREAS, the City deems it appropriate to issue the hereinafter authorized bonds in part for the purpose of retiring an aggregate principal amount of the outstanding Commercial Paper Notes not to exceed \$164,200,000, subject to the parameters hereinafter described; and

WHEREAS, because of fluctuating conditions in the municipal bond market, the City Council has determined to delegate to the City Manager and any Assistant City Manager (each, an "Authorized Representative"), acting individually but not jointly, the authority to effect the sale of the bonds hereinafter authorized for the purpose of providing for the refunding of all or a portion of the outstanding Commercial Paper Notes, subject to the parameters hereinafter described; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to the laws of the State of Texas, including Chapter 1207, Texas Government Code, for the purposes set forth above; and

WHEREAS, the bonds hereinafter authorized shall be on a parity with the outstanding Previously Issued Parity Bonds; and

WHEREAS, the City Council does hereby determine that it is necessary and desirable to adopt this Ordinance for the purposes hereinafter stated;

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS;**

Section 1. **BONDS AUTHORIZED.** That the City's bonds (the "Bonds") are hereby authorized to be issued for the purpose of (i) refunding and retiring an aggregate principal amount of the City's outstanding Commercial Paper Notes, not to exceed \$164,200,000, and (ii) paying costs of issuance of the Bonds. The Bonds shall be designated as the "**City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C**". The Bonds shall be issued as "Additional Bonds" as such term is defined in the 1981 Ordinance, and shall be in all respects on a parity with the outstanding Previously Issued Parity Bonds. The City Council authorizes the issuance of the Bonds in an aggregate principal amount not to exceed \$165,000,000.

Section 2. **DATE, DENOMINATIONS, NUMBER, MATURITIES AND TERMS OF BONDS.** (a) **Sale of Bonds.** That the Bonds shall be sold as fully registered bonds, without interest coupons, numbered consecutively from R-1 upward, payable to the respective initial registered owners of the Bonds, or to the registered assignee or assignees of the Bonds, in the denomination of \$5,000 or any integral multiple thereof (an "Authorized Denomination"), payable serially or otherwise on the dates, in the years and in the principal amounts, and dated, all as set forth in the bidding instructions prepared in connection with the sale of the Bonds (the "Bidding Instructions") and the bid form to be submitted by bidders seeking to purchase the Bonds (the "Official Bid Form").

(b) **Delegation of Authority.** That each Authorized Representative, acting for and on behalf of the City, is hereby authorized to seek competitive bids for the sale of the Bonds authorized to be sold by this Ordinance, and is hereby authorized to prepare and distribute the Bidding Instructions and the Official Bid Form with respect to seeking competitive bids for the sale of the Bonds. The Bidding Instructions shall contain the terms and conditions relating to the sale of the Bonds, including the date bids for the purchase of the Bonds are to be received, the date of the Bonds, any additional designation or title by which the Bonds shall be known, the aggregate principal amount of the Bonds to be sold, the price at which the Bonds will be sold, the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate or rates of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale and delivery of the Bonds so sold including, without limitation, the use of municipal bond insurance for the Bonds. The Bonds shall bear interest at the rates per annum set forth in the Official Bid Form accepted as the best bid. The interest on the Bonds shall be payable to the registered owner of any such Bond on the dates and in the manner provided in the FORM OF BOND set forth in Exhibit B to this Ordinance. The specific dates on which interest shall be payable shall be set forth in the Official Bid Form. Each Authorized Representative, acting for and on behalf of the City, is hereby authorized to receive and accept bids for the sale of Bonds in accordance with the Bidding

Instructions on such date as determined by an Authorized Representative. The Bonds so sold shall be sold at such price as an Authorized Representative of the City shall determine to be the most advantageous to the Issuer, which determination shall be evidenced by the execution thereby of the Official Bid Form submitted by the best and winning bidder. As a condition to executing the Official Bid Form, the Bonds must bear a rating at a level such that the Bonds satisfy the requirements of Chapter 1371 to constitute "obligations", as such term is defined in Chapter 1371. One Bond in the principal amount maturing on each maturity date as set forth in the Official Bid Form shall be delivered to the Purchasers, and the Purchasers shall have the right to exchange such bonds as provided in Section 5 hereof without cost. The FORM OF BOND shall be revised to reflect the terms of the sale of the Bonds as reflected in the Official Bid Form accepted as the best bid for the Bonds. The Bonds shall initially be registered in the name as set forth in the Official Bid Form. In case any officer whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. An Authorized Representative shall not execute the Official Bid Form unless the best bidder has confirmed to an Authorized Representative that either it has made disclosure filings to the Texas Ethics Commission in accordance with Section 2252.908, Texas Government Code or is exempt from making such filings under Section 2252.008(c)(4), Texas Government Code. Within thirty (30) days of receipt of the disclosure filings from the best bidder for the Bonds, the City will submit a copy of the disclosure filings to the Texas Ethics Commission. The authority of an Authorized Representative to execute the Official Bid Form accepting the best and winning bid for the Bonds shall expire at 5:00 p.m. on Friday, September 28, 2018. Any finding or determination made by an Authorized Representative relating to the issuance and sale of the Bonds shall have the same force and effect as a finding or determination made by the City Council.

(c) **Parameters.** That the following parameters shall govern the sale of the Bonds: (i) the price to be paid for the Bonds shall not be less than 95% of the aggregate original principal amount thereof, plus accrued interest, if any, thereon from the date of their delivery, (ii) none of the Bonds shall bear interest at a rate greater than 6.00% per annum; (iii) none of the Bonds shall have a stated maturity that extends beyond October 1, 2048; and (iv) the interest on and principal of the Bonds shall be scheduled to be paid or mature on April 1 or October 1 (or both) of the years such principal is scheduled to be paid or mature.

(d) **General.** That the City Council authorizes the City Manager, any Assistant City Manager and the Chief Financial Officer of the City to provide for and oversee the preparation of a preliminary official statement and the final official statement (the "Official Statement") in connection with the issuance of the Bonds, and to approve the preliminary official statement and the Official Statement and deem the preliminary official statement final, and to provide the Official Statement to the Purchasers, in compliance with the Rule. The Official Statement in the form and content approved by an Authorized Representative shall be deemed approved by the City Council and constitute the Official Statement authorized for distribution to and use by the initial purchasers of the Bonds.

Section 3. **REDEMPTION.** (a) **Optional Redemption.** That the Bonds may be subject to redemption prior to their scheduled maturities at the option of the City, on the dates and in the manner provided in the Bidding Instructions. Should the Bonds be subject to redemption prior to their scheduled maturities, if less than all of the Bonds are to be redeemed by the City, the City shall

determine the maturity or maturities and the amounts to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions of Bonds, within a maturity and in the principal amounts for redemption; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds shall be selected in accordance with the arrangements between the City and the securities depository. The FORM OF BOND shall be revised to reflect any optional redemption of the Bonds, to the extent provided in the Bidding Instructions and incorporated by reference into the Official Bid Form accepted by an Authorized Representative as the best bid on the Bonds. The optional redemption of Bonds at the option of the City may be made conditional upon the occurrence of certain events, as further described in subsection (d) of this Section 3.

**(b) Mandatory Redemption.** That should the Official Bid Form provide for the mandatory sinking fund redemption of the Bonds, the terms and conditions governing any mandatory sinking fund redemption and the payment of Amortization Installments shall be set forth therein, and the FORM OF BOND shall be revised to reflect any mandatory sinking fund redemption of the Bonds, to the extent provided in the Official Bid Form accepted by an Authorized Representative as the best bid for the Bonds.

**(c) General Notice.** That at least thirty (30) days prior to the date any such Bonds are to be redeemed, (i) a written notice of redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at the address thereof as shown on the Registration Books and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Bonds, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Bonds or any portion thereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing or accruing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. In addition, notice of such redemption shall be provided in the manner described in Section 5(h) hereof, but the failure to provide such notice as described in Section 5(h)

hereof shall not affect the validity or effectiveness of the proceedings for the redemption of the Bonds.

(d) **Conditional Notice.** That with respect to any optional redemption of the Bonds, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on the Bonds to be redeemed before giving of a notice of redemption, the notice of redemption may state the City may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem the Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that the Bonds have not been redeemed.

Section 4. **INTEREST.** That the Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BOND set forth in this Ordinance, to their respective dates of maturity at the rates set forth in the Official Bid Form accepted by an Authorized Representative as the best bid for the Bonds. Interest on the Bonds shall be payable on the dates set forth in the accepted Official Bid Form, until maturity or prior redemption of the Bonds.

Section 5. **PAYING AGENT/REGISTRAR; BOOK-ENTRY ONLY SYSTEM.** (a) **Registration and Transfer.** That the City shall keep or cause to be kept at the corporate trust office designated by U.S. Bank National Association as its place of payment for the Bonds, or such other bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve and perform duties of and services of paying agent and registrar, named in accordance with the provisions of (g) of this Section hereof (the "Paying Agent/Registrar"), books or records of the registration and transfer of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep the Registration Books and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of such registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided. The Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any entity other than the City. Registration of each Bond may be transferred in the Registration Books only upon presentation and surrender of such Bond for transfer of registration and cancellation to the Paying Agent/Registrar at its Designated Trust Office during normal business hours, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of the Bond, or any portion thereof in any Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have the Bond or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Bond or any portion thereof, a new substitute Bond or Bonds shall be issued in exchange therefor in the manner herein provided.

As of the date this Ordinance is approved by the City, the Designated Trust Office is the Dallas, Texas corporate trust office of U.S. Bank National Association.

(b) **Ownership of Bonds.** That the entity in whose name any Bond shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Bond shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary unless otherwise required by law; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(c) **Payment of Bonds and Interest.** That the City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, and to act as its agent to exchange or replace Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges of the Bonds, and all replacements of the Bonds, as provided in this Ordinance.

(d) **Exchange.** That each Bond may be exchanged for fully registered Bonds in the manner set forth herein. Each Bond issued and delivered pursuant to this Ordinance, to the extent of the unpaid or unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered Bonds, without interest coupons, in the form prescribed in the FORM OF BOND, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, at the request of the registered owner a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in an Authorized Denomination, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered Bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Bonds for all purposes of this Ordinance, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BOND (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date the Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so



executed and dated. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for exchange or replacement. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, pursuant to Chapter 1206, particularly Subchapter B thereof. The duty of such exchange or replacement of Bonds as described in the preceding sentence is hereby imposed upon the Paying Agent/Registrar, and upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which originally were delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts. Neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business fifteen (15) days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bond after it is selected for redemption, in whole or in part, when such redemption is scheduled to occur within thirty (30) calendar days; provided, however, that such limitation shall not be applicable to an exchange by the owner of the uncalled principal balance of a Bond.

(e) **General.** That all Bonds issued in exchange or replacement of any other Bond or portion thereof (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on the Bonds to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND.

(f) **Payment of Fees.** That the City shall pay all of the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers, conversions and exchanges of the Bonds in accordance with an agreement between the City and the Paying Agent/Registrar, but the registered owner of any Bond requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. In addition, the City hereby covenants with the registered owners of the Bonds that it will pay the reasonable standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due.

(g) **Substitute Paying Agent/Registrar.** That the City covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar, to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days' written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the services of Paying Agent/Registrar, which shall be a cor-

poration organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications substantially are similar to the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the City and to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class, postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h) **Additional Notice of Redemption.** (i) That in addition to the manner of providing notice of redemption of Bonds as described in Section 3 hereof, the Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class, postage prepaid, at least thirty (30) days prior to a redemption date to the MSRB. Any notice sent to the MSRB shall be sent so that such notice is received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of redemption to the registered owner of any Bonds who has not sent the Bonds in for redemption sixty (60) days after the redemption date. The failure to send, mail or receive any such notice described in this clause (i), or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond.

(ii) Each redemption notice, whether required in the FORM OF BOND or otherwise by this Ordinance, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the Series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called of each Bond, the publication and mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bond may be redeemed including a contact person and telephone number.

(iii) All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

(i) **DTC Registration.** That the Bonds initially shall be issued and delivered in such manner that no physical distribution of the Bonds will be made to the public, and DTC initially will act as depository for the Bonds. DTC has represented to the City that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. It is expected that DTC will hold the Bonds on behalf of the Purchasers and its participants, and that the definitive Bonds held at DTC upon delivery of the Bonds to the Purchasers shall be registered in the name of CEDE & CO., the nominee of DTC. So long as each Bond is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual

and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify ownership of the Bonds in Authorized Denominations, with transfers of ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by them, and that the Bonds initially deposited with DTC shall be immobilized and not be further exchanged for substitute Bonds except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to the services of DTC, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Bonds. It shall be the duty of the DTC Participants, as described in the official statement for the Bonds referred to in Section 2(d) hereof, to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Bonds, and the method of paying the fees and charges of DTC. The City does not represent nor does it in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Bonds is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Bonds will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for the Bonds. The City heretofore has executed a "Blanket Letter of Representations" prepared by DTC in order to implement the book-entry system described above.

Section 6. **FORM OF BONDS.** That the form of all Bonds, including the form of the Authentication Certificate, the form of Assignment, and the form of the Comptroller's Registration Certificate to accompany the Bonds on the initial delivery thereof, shall be, respectively, substantially in the form set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance and the Official Bid Form.

Section 7. **DEFINITIONS.** That, as used in this Ordinance, the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Additional Bonds" shall mean the additional parity revenue bonds which the City reserves the right to issue in the future, as provided in this Ordinance.

The term "Amortization Installment", with respect to any Term Bonds of any Previously Issued Parity Bonds, any of the Bonds designated in this Ordinance as Term Bonds, or any series of Additional Bonds, shall mean the amount of money which is required to be deposited into the Mandatory Redemption Account referred to in Section 10(b) hereof for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any), provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

The term "Authorized Denomination" shall have the same meaning as set forth in Section 2(a) hereof.

The term "Authorized Representative" shall have the same meaning as set forth in the preamble to this Ordinance.

The terms "Bonds" and "Series 2018C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, authorized to be issued by this Ordinance.

The term "Bidding Instructions" shall have the meaning given said term in Section 2(a) hereof.

The term "Business Day" shall mean a day other than a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the City or the city where the Designated Trust Office of the Paying Agent/Registrar is located.

The term "Chapter 9" shall mean Chapter 9, Texas Business & Commerce Code.

The term "Chapter 1206" shall mean Chapter 1206, Texas Government Code.

The term "Chapter 1207" shall mean Chapter 1207, Texas Government Code.

The term "Chapter 1208" shall mean Chapter 1208, Texas Government Code.

The terms "City" and "Issuer" shall mean the City of Dallas, Texas.

The term "Code" shall mean the Internal Revenue Code of 1986.

The term "Commercial Paper Notes" shall mean the City's Waterworks and Sewer System Commercial Paper Notes, Series D and Series E, authorized to be outstanding from time to time and at any one time in the aggregate principal amount of \$600,000,000.

The term "DTC" shall mean The Depository Trust Company, New York, New York.

The term "DTC Participant" shall mean the securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

The term "Designated Trust Office" shall have the same meaning as set forth in Section 5(a) hereof.

The terms "Gross Revenues of the City's Combined Waterworks and Sewer System" and "Gross Revenues" shall mean all revenues, income, and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created by this Ordinance, or maintained by the City in connection with the System.

The term "Interest and Sinking Fund" shall have the meaning as set forth in Section 10(a) hereof.

The term "MAC" shall mean the Municipal Advisory Council of Texas.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Net Revenues of the City's Combined Waterworks and Sewer System" and "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Section 1502.056, Texas Government Code, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the Previously Issued Parity Bonds, the Bonds or Additional Bonds, shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law an operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation and any payments to the City in lieu of ad valorem taxes and any other similar payments shall never be considered as an expense of operation and maintenance.

The term "1981 Ordinance" shall mean the ordinance authorizing the issuance of the Series 1981 Bonds.

The term "Official Bid Form" shall have the meaning given said term in Section 2(a) hereof.

The term "Paying Agent/Registrar" shall have the meaning as set forth in Section 5(a) hereof.

The term "Pledged Revenues" shall mean

(1) the Net Revenues, plus

(2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds.

The term "Previously Issued Parity Bonds" shall mean the Series 2008 Bonds, the Series 2009A Bonds, the Series 2009B Bonds, the Series 2009C Bonds, the Series 2010 Bonds, the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series 2013 Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, the Series 2017 Bonds, the Series 2018A Bonds and the Series 2018B Bonds.

The term "Purchasers" shall mean the entity or entities listed in the Official Bid Form accepted by the City as the best bid for the Bonds.

The term "Refunded Commercial Paper Notes" shall mean those Commercial Paper Notes outstanding on the date the Official Bid Form is executed that are selected to be refunded by the Chief Financial Officer of the City in accordance with Section 27 hereof.

The term "Registration Books" shall have the meaning as set forth in Section 5(a) hereof.

The term "Reserve Fund" shall have the meaning as set forth in Section 11 hereof.

The term "Revenue Fund" shall have the meaning as set forth in Section 9 hereof.

The term "Rule" shall mean SEC Rule 15c2-12, as amended from time to time.

The term "SEC" shall mean the United States Securities and Exchange Commission.

The term "Series 1981 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981, dated April 1, 1981, and authorized by ordinance of the City passed April 1, 1981; the term "Series 2008 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2008, dated May 15, 2008, and authorized by ordinance of the City passed May 28, 2008; the term "Series 2009A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009A, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2010 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, dated June 15, 2010, and authorized by ordinance of the City passed June 9, 2010; the term "Series 2011 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011, dated July 26, 2011, and authorized by ordinance of the City passed June 23, 2011; the term "Series 2012A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2012B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2012B, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2013 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2013, dated September 17, 2013, and authorized by ordinance of the City passed August 14, 2013; the term "Series 2015A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2015B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2016A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2016B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2017 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, dated August 17, 2017, and authorized by ordinance of the City passed June 14, 2017; the term "Series 2018A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System

Revenue Bonds, Series 2018A, dated April 1, 2018, and authorized by ordinance of the City passed April 11, 2018; and the term "Series 2018B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, dated April 1, 2018, and authorized by ordinance of the City passed April 11, 2018.

The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided, however, that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Pledged Revenues as defined herein, but which are secured by and payable solely from special contract revenues or payments received from any other legal entity in connection with such facilities; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

The term "Term Bonds" shall mean those Bonds (if any) so designated pursuant to this Ordinance, and those Previously Issued Parity Bonds or Additional Bonds so designated in the ordinances authorizing such bonds, which shall be subject to retirement by operation of the Mandatory Redemption Account referred to in Section 10(b) hereof.

The term "Year" shall mean the regular fiscal year used by the City in connection with the operation of the System, which may be any twelve consecutive months period established by the City.

Section 8. **PLEDGE.** (a) **Pledge.** That the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, and any interest payable thereon, are and shall be secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are further pledged irrevocably to the establishment and maintenance of the Interest and Sinking Fund and the Reserve Fund as hereinafter provided. The Previously Issued Parity Bonds, the Bonds and any Additional Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the System.

(b) **Application of Chapter 1208.** That Chapter 1208 applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City is to be subject to the filing requirements of Chapter 9, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 and enable a filing to perfect the security interest in said pledge to occur.

Section 9. **REVENUE FUND.** That there has been created and established on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Fund" (the "Revenue Fund"). All Gross Revenues are and shall be credited to the Revenue Fund immediately upon receipt. All current expenses of operation and maintenance of the System are and shall be paid from such Gross Revenues as a first charge against same.

Section 10. **INTEREST AND SINKING FUND.** (a) **Fund Created.** That for the sole purpose of paying the principal of and interest on the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, as the same come due, there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund" (the "Interest and Sinking Fund"). Monies in the Interest and Sinking Fund are and shall be maintained at an official depository bank of the City.

(b) **Mandatory Redemption Account.** That within the Interest and Sinking Fund there has been established the Mandatory Redemption Account, into which account shall be credited the Amortization Installments which shall be used for the payment of the principal of Term Bonds as the same shall come due, whether by maturity thereof or by redemption, through the operation of the Mandatory Redemption Account.

Section 11. **RESERVE FUND.** That there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Reserve Fund" (the "Reserve Fund"). Monies in the Reserve Fund shall be used solely for the purpose of retiring the last of any Previously Issued Parity Bonds, Bonds or Additional Bonds as they become due or paying principal of and interest on any Previously Issued Parity Bonds, Bonds or Additional Bonds when and to the extent the amounts in the Interest and Sinking Fund are insufficient for such purpose. Monies in the Reserve Fund shall be maintained at an official depository bank of the City.

Section 12. **DEPOSITS OF PLEDGED REVENUES; INVESTMENTS.** (a) **Deposits.** That the Pledged Revenues shall be deposited in the Interest and Sinking Fund and the Reserve Fund when and as required by ordinances authorizing Previously Issued Parity Bonds and by this Ordinance.

(b) **Investments.** That money in any Fund established by this Ordinance or by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be invested in Authorized Investments; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds. As used in this Section, the term "Authorized Investments" shall mean those investments in



which the City is now or hereafter authorized by law, including, but not limited to, Chapter 2256, and consistent with the City's investment policy adopted and approved from time to time by the City Council pursuant to the provisions of Chapter 2256, to purchase, sell and invest its funds and funds under its control.

Section 13. **FUNDS SECURED.** That money in all Funds created by this Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City.

Section 14. **DEBT SERVICE REQUIREMENTS.** (a) **Deposit of Any Accrued Interest.** That promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Sinking Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) **Transfers to Interest and Sinking Fund.** That in addition to all amounts heretofore required to be transferred from the Pledged Revenues and deposited to the credit of the Interest and Sinking Fund by the ordinances authorizing the issuance of the Previously Issued Parity Bonds, the City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Sinking Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

Section 15. **RESERVE REQUIREMENTS.** That the Reserve Fund shall be maintained in an amount equal to the average annual principal and interest requirements (including Amortization Installments) of the Previously Issued Parity Bonds, the Bonds and Additional Bonds (the "Required Amount"). When and so long as the money and investments in the Reserve Fund are not less than the Required Amount, no deposits need be made to the credit of the Reserve Fund. When and if the Reserve Fund contains less than the Required Amount due to the issuance of the Bonds or Additional Bonds, beginning on the 25th day of the month following the delivery of the Bonds or Additional Bonds to the purchasers thereof, and continuing for sixty months, the City shall transfer from the Pledged Revenues and deposit to the credit of the Reserve Fund an amount equal to 1/60th of the difference determined as of such delivery date between the amount in the Reserve Fund and the Required Amount. When and if the Reserve Fund at any time contains less than the Required Amount due to any cause or condition other than the issuance of Additional Bonds, then, subject and subordinate to making the required deposits to the credit of the Interest and Sinking Fund, such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from

any other sources available for such purpose. The City may, at its option, withdraw and use for any lawful purpose not inconsistent with the City's Charter, all surplus in the Reserve Fund over the Required Amount.

Section 16. **DEFICIENCIES; EXCESS PLEDGED REVENUES.** (a) **Deficiencies.** That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) **Excess Pledged Revenues.** That, subject to making the required deposits to the credit of the Interest and Sinking Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the issuance of Previously Issued Parity Bonds or Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose not inconsistent with the City's Charter.

Section 17. **PAYMENT OF THE BONDS AND ADDITIONAL BONDS.** That on or before October 1, 2018, and semiannually on or before each April 1 and October 1 thereafter while any of the Previously Issued Parity Bonds, the Bonds or Additional Bonds are outstanding and unpaid, the City shall make available to the paying agents therefor (including the Paying Agent/Registrar), out of the Interest and Sinking Fund and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Previously Issued Parity Bonds, the Bonds and Additional Bonds as shall become due on such dates, respectively, at maturity or by redemption prior to maturity. The aforesaid paying agents (including the Paying Agent/Registrar) shall destroy all paid Previously Issued Parity Bonds, Bonds and Additional Bonds, and furnish the City with an appropriate certificate of cancellation or destruction.

Section 18. **FINAL DEPOSITS; GOVERNMENTAL OBLIGATIONS.** (a) **Defeasance.** That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Defeasance Securities, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Defeasance Securities.

(b) **Investment in Defeasance Securities.** That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from all Defeasance Securities in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) **Not Arbitrage Bonds.** That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) **Defeasance Securities Defined.** That for the purpose of this Section, the term "Defeasance Securities" shall mean (i) direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(e) **Payment of Defeased Bonds.** That notwithstanding any other provisions of this Ordinance, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) **Redemption Rights Reserved.** That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of

the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 19. **ADDITIONAL BONDS.** (a) **Issuance.** That the City shall have the right and power at any time and from time to time to authorize, issue and deliver additional parity revenue bonds (herein called "Additional Bonds") in one or more series or issues, in accordance with law, in any amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any Previously Issued Parity Bonds, Bonds, Additional Bonds or other obligations of the City incurred in connection with the ownership or operation of the System. Such Additional Bonds, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Previously Issued Parity Bonds, the Bonds, and all other outstanding Additional Bonds, from an irrevocable first lien on and pledge of the Pledged Revenues.

(b) **Funds Secure Additional Bonds.** That the Interest and Sinking Fund and the Reserve Fund established by the 1981 Ordinance shall secure and be used to pay all Additional Bonds as well as the Previously Issued Parity Bonds and the Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required to be deposited to the credit of the Interest and Sinking Fund by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds, the City shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary) to an amount not less than the average annual principal and interest requirements (including Amortization Installments) of all Previously Issued Parity Bonds, Bonds and Additional Bonds which will be outstanding after the issuance and delivery of the then proposed Additional Bonds; and that the required additional amount shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Bonds, or, at the option of the City, by the deposit of said required additional amount (or any balance of said required additional amount not deposited in cash as permitted above) in monthly installments, made on or before the 25th day of each month following the delivery of the then proposed Additional Bonds, of not less than 1/60th of said required additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) **Calculations.** That all calculations of average annual principal and interest requirements (including Amortization Installments) made pursuant to this Section shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) **Payment Dates.** That the principal of all Additional Bonds must be scheduled to be paid or mature on April 1 or October 1 (or both) of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on April 1 and October 1.

Section 20. **FURTHER REQUIREMENTS FOR ADDITIONAL BONDS.** That Additional Bonds shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, Series or issue of Additional Bonds shall be issued or delivered unless:

(a) **No Default.** The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with all outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, and the ordinances authorizing same, and that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be therein.

(b) **Coverage Certificate.** The Chief Financial Officer of the City signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in her or his opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds.

Section 21. **GENERAL COVENANTS.** That the City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) **Performance.** It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance, and each ordinance authorizing the issuance of Previously Issued Parity Bonds and Additional Bonds, and in each and every Previously Issued Parity Bond, Bond and Additional Bond; it will promptly pay or cause to be paid the principal of and interest on every Previously Issued Parity Bond, Bond and Additional Bond, on the dates and in the places and manner prescribed in such ordinances and Previously Issued Parity Bonds, Bonds or Additional Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the Previously Issued Parity Bonds, Bonds or Additional Bonds may require the City, its officials and employees to carry out, respect or enforce the covenants and obligations of this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials and employees.

(b) **City's Legal Authority.** It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) **Title.** It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the holders and owners of the Previously Issued Parity Bonds, Bonds and Additional Bonds, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) **Liens.** It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein; and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the City.

(e) **Operation of System; No Free Service.** It will, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the City or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the City out of funds from sources other than the revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 16(b) hereof.

(f) **Further Encumbrance.** It, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance; but the right of the City to issue revenue bonds payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) **Sale or Disposal of Property.** It, while the Previously Issued Parity Bonds, the Bonds or any Additional Bonds are outstanding and unpaid, will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or otherwise dispose of the System, or any significant or substantial part thereof; provided, however, that whenever the City deems it necessary to dispose of any property, machinery, fixtures or equipment, it may sell or otherwise dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem Previously Issued Parity Bonds, Bonds and Additional Bonds.

(h) **Insurance.** (1) It shall cause to be insured such parts of the System as would usually be insured by corporations operating like properties, with a responsible insurance company or companies, against risks, accidents or casualties against which, and to the extent, insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work

being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their representatives at all reasonable times. Upon the happening of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the Previously Issued Parity Bonds, the Bonds and Additional Bonds, ratably in the proportion that the outstanding principal of each series of Previously Issued Parity Bonds, Bonds or Additional Bonds bears to the total outstanding principal of all Previously Issued Parity Bonds, Bonds and Additional Bonds, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds is subject to redemption, then for the purchase on the open market and retirement of said Previously Issued Parity Bonds, Bonds and Additional Bonds in the same proportion as prescribed in the foregoing clause (i), to the extent practicable; provided, however, that the purchase price for any Previously Issued Parity Bond, Bond or Additional Bond shall not exceed the redemption price of such Previously Issued Parity Bond, Bond or Additional Bond on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which, together with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the City shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the City.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) **Rate Covenant.** The City Council of the City will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues sufficient, (1) to pay all current operation and maintenance expenses of the System, (2) to produce Net Revenues for each Year at least equal to 1.25 times the principal and interest requirements (including Amortization Installments) of all then outstanding Previously Issued

Parity Bonds, Bonds and Additional Bonds for the Year during which such requirements are scheduled to be the greatest, and (3) to pay all other obligations of the System.

(j) **Records.** It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(k) **Audits.** After the close of each Year while any of the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding, an audit will be made of the books and accounts relating to the System and the Pledged Revenues by an independent certified public accountant or an independent firm of certified public accountants. As soon as practicable after the close of each such Year, and when said audit has been completed and made available to the City, a copy of such audit for the preceding Year shall be mailed to the MAC and to any holder of 5% or more in aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds who shall so request in writing. Such annual audit reports shall be open to the inspection of the bondholders and their agents and representatives at all reasonable times.

(l) **Governmental Agencies.** It will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

(m) **No Competition.** It will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities, and, to the extent that it legally may, the City will prohibit any such competing facilities.

Section 22. **AMENDMENT OF ORDINANCE.** (a) **Approval.** That the holders of the Previously Issued Parity Bonds, Bonds and Additional Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City; provided, however, that without the consent of the holders of all of the Previously Issued Parity Bonds, Bonds and Additional Bonds at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Previously Issued Parity Bonds, Bonds or Additional Bonds so as to:

- (1) Make any change in the maturity of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (2) Reduce the rate of interest borne by any of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;



- (3) Reduce the amount of the principal payable on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (4) Modify the terms of payment of principal of or interest on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds or impose any conditions with respect to such payment;
- (5) Affect the rights of the holders of less than all of the Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding; or
- (6) Change the minimum percentage of the principal amount of Previously Issued Parity Bonds, Bonds and Additional Bonds necessary for consent to such amendment.

(b) **Notice.** That if at any time the City shall desire to amend the Ordinance under this Section, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in The City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all holders of Previously Issued Parity Bonds, Bonds and Additional Bonds. Such publication is not required, however, if notice in writing is given to each holder of Previously Issued Parity Bonds, Bonds and Additional Bonds.

(c) **Consent.** That whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) **Effective Date.** That upon the passage of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under this Ordinance of the City and all the holders of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) **Consent Irrevocable.** That any consent given by the holder of a Previously Issued Parity Bond, Bond or Additional Bond pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication of the notice or other service of written notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Previously Issued Parity Bond, Bond or Additional Bond during such period. Such consent may be revoked at any time after six (6) months from the date of the first publication of such notice or other service of written notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the paying agent/registrar therefor and the City, but such revocation shall not be effective if the holders, identified in accordance with subsection (f) of this

Section, of 51% in aggregate principal amount of the then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds have, prior to the attempted revocation, consented to and approve the amendment.

(f) **Ownership.** That for the purpose of this Section, the fact of the holding of Previously Issued Parity Bonds, Bonds, or Additional Bonds issued in registered form without coupons and the amounts and numbers of such Previously Issued Parity Bonds, Bonds or Additional Bonds and the date of their holding same shall be proved by the bond registration books of the paying agent/registrar therefor. For purposes of this Section, the holder of a Previously Issued Parity Bond, Bond or Additional Bond in such registered form shall be the owner thereof as shown on such registration books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) **Certain Amendments.** That the foregoing provisions of this Section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in Section 26(c)(vi) hereof, or those matters necessary to obtain a rating on the Bonds or to obtain the approving opinion of the Attorney General of Texas as required by law, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Previously Issued Parity Bonds outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Bonds issued after the date of the adoption of such modification.

Section 23. **DAMAGED, MUTILATED, LOST, STOLEN OR DESTROYED BONDS.**

(a) **Replacement of Bonds.** That in the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) **Indemnity.** That application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the City and to the Paying

Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) **Payment.** That notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement bond, provided security or indemnity is furnished as above provided in this Section.

(d) **Fees Payable by Bondholder.** That prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) **Legal Authority.** That in accordance with Chapter 1206, particularly Subchapter B thereof, this Section of this Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such bonds in the form and manner and with the effect, as provided in Section 5(d) of this Ordinance for Bonds issued in exchange for other Bonds.

Section 24. **TAX COVENANTS.** That the City covenants to refrain from any action which would adversely affect, or to take any action to assure, the treatment of the Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use", as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Bonds or the

projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate", within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any), is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(a) of the Code;

(e) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(1) proceeds of the Bonds invested for a reasonable temporary period, until such proceeds are needed for the purpose for which the Bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(g) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(h) to refrain from using the proceeds of the Bonds or the proceeds of any prior bonds to pay debt service on another issue more than ninety (90) days after the issuance of the Bonds in contravention of section 149(d) of the Code (relating to advance refundings); and

(i) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "excess earnings", within the meaning of section 148(f) of the Code, and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of a refunding bond, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of the issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of the foregoing, the Mayor, the City Manager, the Chief Financial Officer of the City, and any Assistant City Manager may execute any certificates or other reports required by the Code and make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. In order to facilitate compliance with the above clause (i), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Bonds. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

**Section 25. ADDITIONAL TAX COVENANTS; WRITTEN PROCEDURES. (a) Disposition of Bond Financed Property.** That the City covenants that property financed with the proceeds of the Refunded Commercial Paper Notes will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds or the Refunded Commercial Paper Notes. For purposes of this Section, the portion of the property comprising personal property and disposed of in the ordinary course of business shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

**(b) Written Procedures.** That unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the written procedures adopted by the City in the ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, adopted by the City Council on September 19, 2012, apply to the Bonds.

**Section 26. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports. (i)** That the City shall provide annually to the MSRB, within six months after the end of each Year ending in or after 2018, financial information and operating data with respect to the City of the general type included in the final official statement for the Bonds referred to in Section 2(d) of this

Ordinance, being the information described in Exhibit B hereto (as such information may be amended or supplemented by the City Manager or the Chief Financial Officer of the City to conform Exhibit B to the final official statement prepared in connection with the sale of the Bonds). The City will additionally provide audited annual financial statements of the City, when and if available, and in any event, within twelve (12) months after the end of each Year ending in or after 2018. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in Exhibit B hereto by the required time, and will provide audited financial statements for the applicable Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(ii) If the Year is changed by the City, the City will notify the MSRB of such change (and of the date of the new end of the Year) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) **Disclosure Event Notices.** That the City shall notify the MSRB of any of the following events with respect to the Bonds, in a timely manner not in excess of ten Business Days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

**(c) Limitations, Disclaimers, and Amendments.** (i) That the City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 27. **REFUNDING.** That the City hereby finds that the issuance of the Bonds for the purpose of refunding the Refunded Commercial Paper Notes is a public purpose. The Refunded Commercial Paper Notes are being refunded to convert interim financing into long-term fixed rate financing, as contemplated by the City in the operation of the interim financing program for the System, and the manner in which the refunding of the Refunded Commercial Paper Notes is being executed by the City makes it impracticable to make the determinations required by subsection (a) of Section 1207.008, Texas Government Code. The Refunded Commercial Paper Notes shall be those outstanding Commercial Paper Notes to be refunded and retired with a portion of the proceeds of the Bonds, in an aggregate principal amount not to exceed \$164,200,000 in principal amount, as designated in a letter of instructions delivered by the Chief Financial Officer of the City. The principal amount of the Refunded Commercial Paper Notes shall be specifically identified in the letter of instructions delivered by the Chief Financial Officer of the City. For the sole purpose of establishing for the benefit of the Public Finance Division of the Office of the Attorney General of Texas that the City possesses sufficient Pledged Revenues to pay the Commercial Paper Notes and the interest thereon, the City shall establish sufficiency through the issuance of bonds on a parity with the Bonds under authority of Chapter 1207 at then current market interest rates with level debt service over a thirty (30) year period to refinance such Commercial Paper Notes, under authority of Section 1371.057(c), Texas Government Code. The determination of an Authorized Representative relating to the issuance and sale of Bonds to refund Refunded Commercial Paper Notes in such principal amount as provided in the Bidding Instructions and the letter of instructions delivered by the Chief Financial Officer of the City shall have the same force and effect as if such determination were made by the City Council.

Section 28. **DEFAULT AND REMEDIES.** (a) **Events of Default.** That each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:



(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the registered owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any registered owner to the City.

**(b) Remedies for Default.**

(i) That upon the happening of any Event of Default, then and in every case, any registered owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the registered owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the registered owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all registered owners of Bonds then outstanding.

**(c) Remedies Not Exclusive.**

(i) That no remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of

this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 29. **APPROVAL AND REGISTRATION OF BONDS.** That the City Manager of the City is hereby authorized to have control of the Bonds and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act therefor) shall manually sign the Comptroller's Registration Certificate set forth in the FORM OF BOND. The Bonds thus registered shall remain in the custody of the City Manager (or the designee thereof) until delivered to the Purchasers.

Section 30. **FURTHER PROCEDURES.** That the City Manager, the Chief Financial Officer of the City, any Assistant City Manager, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Bonds and fixing all details in connection therewith. Should a municipal bond insurance policy be obtained insuring the payment of debt service on all or any portion of the Bonds, it is hereby authorized that a statement of insurance provided by the bond insurer may be printed on the Bonds so insured. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

Section 31. **USE OF PROCEEDS.** That the proceeds representing accrued interest on the Bonds, if any, shall be deposited to the credit of the Interest and Sinking Fund. Proceeds representing premium, if any, paid by the Purchasers in connection with the sale of the Bonds may be used for any purpose authorized by Section 1201.042(d), Texas Government Code, including specifically, but not by way of limitation, in connection with the refunding of the Refunded Commercial Paper Notes. Concurrently with the delivery of the Bonds, proceeds in the amount of the principal amount of the Refunded Commercial Paper Notes shall be deposited to the credit of the "Series D Note Payment Fund" and the "Series E Note Payment Fund", as the case may be, each established in accordance with the provisions of the respective ordinances of the City adopted December 10, 2014 and June 25, 2014, to refund Commercial Paper Notes of such series designated by the Chief Financial Officer of the City to be refunded and retired with a portion of the proceeds of the Bonds, in accordance with and as further described in the letter of instructions executed by the Chief Financial Officer of the City referred to in Section 27 of this Ordinance.

Section 32. **PREAMBLE.** That the preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

Section 33. **RULES OF CONSTRUCTION.** That for all purposes of this Ordinance, unless the context requires otherwise, all references to designated Sections and other subdivisions are to the Sections and other subdivisions of this Ordinance. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any

particular Section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to any named person means that party and its successors and assigns. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to the payment of principal in this Ordinance shall be deemed to include the payment of Amortization Installments (if any). Any reference to "FORM OF BOND" shall refer to the form of the Bonds set forth in Exhibit A to this Ordinance. As used in Section 18 hereof, the term "Previously Issued Parity Bonds" means those Previously Issued Parity Bonds issued on and after March 25, 2015. The calculation of average annual principal and interest requirements as may be required by this Ordinance shall be made at the beginning of each Year and shall be the sum of the annual principal and interest requirements due for the current and each subsequent Year in which the Previously Issued Parity Bonds, the Bonds and any Additional Bonds are outstanding divided by the number of such Years, or partial Years, if applicable. Surplus moneys in the Reserve Fund the source of which are proceeds of bonds may be used only to complete projects for which such bond proceeds were issued, for improvements to the System, or for other costs for which the City could issue bonds for the System. The terms "owner" and "holder" and "bondholder", as used in this Ordinance, shall mean the registered or beneficial owner of a Bond.

Section 34. **IMMEDIATE EFFECT.** That this Ordinance shall be effective immediately from and after its passage in accordance with the provisions of Section 1201.028, Texas Government Code.

PASSED AND APPROVED the 8th day of August, 2018.

APPROVED AS TO FORM:  
Larry Casto, City Attorney

---

**EXHIBIT A**

**FORM OF BOND:**

NO. R-

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL  
CITY OF DALLAS, TEXAS  
WATERWORKS AND SEWER SYSTEM  
REVENUE REFUNDING BOND  
SERIES 2018C

<u>MATURITY</u> <u>DATE</u>	<u>INTEREST</u> <u>RATE</u>	<u>DELIVERY</u> <u>DATE</u>	<u>CUSIP</u>
		September 26, 2018	

ON THE MATURITY DATE SPECIFIED ABOVE, THE CITY OF DALLAS, IN DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL COUNTIES, TEXAS (the "City"), hereby promises to pay to \_\_\_\_\_, or the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount of

\_\_\_\_\_

and to pay interest thereon, from the delivery date of this Bond specified above, to the date of its scheduled maturity or the date of its redemption prior to scheduled maturity, at the rate of interest per annum specified above, with said interest being payable on April 1, 2019, and semiannually on each October 1 and April 1 thereafter, except that if the Paying Agent/Registrar's Authentication Certificate appearing on the face of this Bond is dated later than April 1, 2019, such interest is payable semiannually on each October 1 and April 1 following such date.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office"), of U.S. Bank National Association, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof as shown by the "Registration Books" kept by the Paying Agent/Registrar at the close of business on the Record Date (hereinafter defined) by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class, postage prepaid, on each such interest payment date, to the registered owner hereof at its address as it appears on the

Registration Books kept by the Paying Agent/Registrar, as hereinafter described, or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. The date for determining the person to whom the interest is payable on any interest payment date means the 15th day of the preceding month (the "Record Date"). In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. The City covenants with the registered owner of this Bond that no later than each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due, in the manner set forth in the ordinance authorizing the issuance of the Bonds (the "Ordinance").

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the city where the Designated Trust Office of the Paying Agent/Registrar is located, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. Notwithstanding the foregoing, during any period in which ownership of the bonds of this Series is determined only by a book entry at a securities depository therefor, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THIS BOND is one of a Series of bonds of like tenor and effect except as to denomination, number, maturity, interest rate and right of prior redemption, dated as of the delivery date specified above, issued in the aggregate principal amount of \$\_\_\_\_,000,000 for the purpose of refunding the "Refunded Commercial Paper Notes" (as defined in the Ordinance), and paying costs of issuance. All Bonds of this Series are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of \$5,000 (an "Authorized Denomination").

THE BONDS of this Series scheduled to mature on and after October 1, 2029 may be redeemed prior to their scheduled maturities, in whole or in part, in principal amounts of any Authorized Denomination, at the option of the City, on October 1, 2028, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the principal amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided, however, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the

Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

THE BONDS are also subject to mandatory redemption in part by lot pursuant to the terms of the Ordinance, on October 1 in each of the years 20\_\_ through 20\_\_, inclusive, with respect to Bonds maturing October 1, 20\_\_, in the following years and in the following amounts, at a price equal to the principal amount thereof and accrued and unpaid interest to the date of redemption, without premium:

<u>Term Bonds Maturing October 1, 20__</u>	
<u>Year</u>	<u>Principal Amount (\$)</u>

\*

\* Final Maturity

To the extent, however, that Bonds subject to sinking fund redemption have been previously purchased or called for redemption in part and otherwise than from a sinking fund redemption payment, each annual sinking fund payment for such Bond shall be reduced by the amount obtained by multiplying the principal amount of Bonds so purchased or redeemed by the ratio which each remaining annual sinking fund redemption payment for such Bonds bears to the total remaining sinking fund payments, and by rounding each such payment to the nearest \$5,000 integral; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, the particular Bonds to be called for mandatory redemption shall be selected in accordance with the arrangements between the City and the securities depository.

AT LEAST 30 days prior to the date fixed for any such redemption, (i) a written notice of such redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion hereof which is

to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of this Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender hereof for cancellation, at the expense of the City, all as provided in the Ordinance.

WITH RESPECT TO any optional redemption of this Bond, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on this Bond to be redeemed before giving of a notice of redemption, the notice of redemption may state the City may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem this Bond and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that this Bond has not been redeemed.

AS PROVIDED IN THE ORDINANCE, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any Authorized Denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The City shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring, converting and exchanging any Bond or portion thereof; provided, however, that any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such transfer, conversion and exchange. In any circumstance, neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business 15 days before the day of the first mailing of a notice of redemption of bonds and ending at the close of business on the day of such mailing, or (2) to transfer

or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the City, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between each registered owner hereof and the City.

THE CITY has reserved the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity revenue bonds which also may be made payable from, and secured by a first lien on and pledge of, the "Pledged Revenues" (as defined in the Ordinance).

THE REGISTERED OWNER HEREOF is not entitled to demand payment of this obligation out of any money raised or to be raised by taxation, or from any source whatsoever other than the Pledged Revenues.

IT IS HEREBY certified and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is a special obligation; and that the principal of and interest on this Bond together with outstanding parity revenue bonds are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues of the City's Combined Waterworks and Sewer System (as defined in the Ordinance).



IN TESTIMONY WHEREOF, the City Council has caused the seal of the City to be duly impressed or placed in facsimile hereon, and this Bond to be signed with the imprinted facsimile signature of the Mayor and countersigned by the facsimile signatures of the City Manager and the City Secretary.

COUNTERSIGNED:

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Bond has been issued under the provisions of the proceedings adopted by the City as described in the text of this Bond; and that this Bond has been issued in exchange for or replacement of a Bond, Bonds, or a portion of a Bond or Bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated \_\_\_\_\_

U.S. BANK NATIONAL ASSOCIATION,  
Paying Agent/Registrar

By: \_\_\_\_\_  
Authorized Representative

(FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO  
THE BONDS UPON INITIAL DELIVERY THEREOF ONLY)

OFFICE OF COMPTROLLER :

REGISTER NO. \_\_\_\_\_

STATE OF TEXAS :

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Bond and that this Bond has been registered this day by me.

Witness my signature and seal this

\_\_\_\_\_  
Comptroller of Public Accounts of  
the State of Texas

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

---

Please insert Social Security or Taxpayer Identification Number of Transferee

\_\_\_\_\_  
/ \_\_\_\_\_ /

---

(Please print or typewrite name and address, including zip code of Transferee)

---

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

\_\_\_\_\_ attorney to

register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

---

NOTICE: Signatures must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

---

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

**DESCRIPTION OF ANNUAL FINANCIAL INFORMATION**

The following information is referred to in Section 26 of this Ordinance.

**Annual Financial Statements and Operating Data**

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified below (and included in the Appendix or under the headings of the Official Statement referred to):

Tables 1 through 9 under the Official Statement Section entitled "THE WATER AND WASTEWATER SYSTEM".

Tables 10 through 12 under the Official Statement Section entitled "DEBT INFORMATION".

Tables 13 through 17 under the Official Statement Section entitled "FINANCIAL INFORMATION".

Appendix C to the Official Statement, entitled "DALLAS WATER UTILITIES FINANCIAL STATEMENTS".

**Accounting Principles**

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in Appendix C described above.

THE STATE OF TEXAS :  
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :  
CITY OF DALLAS :

I, BILLIERAE JOHNSON, City Secretary of the City of Dallas, Texas, do hereby certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, had in Regular Meeting on the 8th day of August, 2018, and an Ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, which Ordinance is duly of record in the minutes of said City Council; and that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this the 8th day of August, 2018.

\_\_\_\_\_  
Billierae Johnson, City Secretary  
City of Dallas, Texas

(SEAL)

## AGENDA ITEM # 4

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Manager's Office

**CMO:** Theresa O'Donnell, 670-3309

**MAPSCO:** N/A

---

### SUBJECT

Authorize acceptance of the specific goals, initiatives and actions in the Resilient Dallas Plan to build resilience and further equity for all Dallas residents - Financing: No cost consideration to the City

### BACKGROUND

In 2015, Dallas was selected as one of only 100 cities around the world to participate in the prestigious 100 Resilient Cities (100 RC) program, pioneered by the Rockefeller Foundation. The 100 RC program has provided a well-documented, field-tested strategy development process to shepherd cities through the creation of a robust resilience plan. With the technical assistance of AECOM, Dallas has methodically adhered to these processes and utilized the analytic tools provided by the 100 Resilient Cities program.

The Dallas Resilience process has greatly benefited from extensive community participation and meaningful stakeholder engagement to gain a comprehensive perspective of the state of Dallas' current conditions and guidance on how we should move forward into the 21<sup>st</sup> century as an inclusive, vibrant community. Input was gathered through a variety of methods that acknowledge and respect the similarities as well as the notable differences inherent in Dallas' economically and socially diverse population. Throughout this process public surveys, desktop research, and sophisticated analytic tools were used to develop a data-driven examination into Dallas' strengths and vulnerabilities. That analytic assessment was evaluated, validated, and enriched through one-on-one interviews, focus groups, listening sessions, and stakeholder advisory meetings with a diverse array of Dallas residents.

## **BACKGROUND** (continued)

This examination of data strengthened by community insight confirmed that Dallas' primary resilience challenge is not the threat posed by weather-related disasters that devastate communities across the world every year.

Rather, Dallas' future as the robust, economic engine of the prosperous North Central Texas economy is threatened by a series of alarming socio-economic trends that have bound hard working Dallas residents in the grips of financial adversity despite their best efforts to provide a stable, secure lives for themselves and their families. Currently, more than one-half of Dallas households earn less than a living wage. This staggering statistic reveals an unsustainable trend that threatens Dallas' economic vitality now and in the future.

It was this awareness and understanding that shaped the early iterations of project focus areas or Discovery Areas. The preliminary Discovery Areas were crafted by residents, business leaders, community experts, and academicians in a variety of stakeholder workshops, discussion groups, and interviews. The synthesis of this work resulted in four final Discovery Areas for Dallas: Inclusive Economy, Healthy Communities, Neighborhood Infrastructure, and Transportation Equity.

- Inclusive Economy: Harnessing the power of the robust North Central Texas economy to be more inclusive and create economic resilience for Dallas residents
- Healthy Communities: Exploring opportunities to improve public health outcomes and decrease health disparity
- Neighborhood Infrastructure: Assessing the conditions in Dallas neighborhoods, and understanding the impacts of climate change on the natural and built environment
- Transportation Equity: Preparing for a 21st century urban mobility by leveraging the region's transportation investment to expand mobility options, and improve transportation equity

## **Strategy Development**

These four Discovery Areas became the basis of an extensive Phase II scope of work. Over several months, staff worked with internal and external stakeholders to develop new knowledge, strengthen partnerships, explore opportunities, and understand the challenges that constrain Dallas' future prosperity. This work culminated in the development of concrete goals, initiatives and actions that correspond with each of the four Discovery Areas, and are intended to move Dallas toward greater equity on a number of social and economic measures.

The recommended goals and initiatives, as written below, have been crafted by subject matter experts, the 100 RC staff, and the Resilient Cities Community Advisory Committee:

## **BACKGROUND** (continued)

### **1. Advance equity in City government**

- A Build an equitable City administration and culture.
- B Support and partner with anchor institutions and community based efforts to advance equity initiatives across Dallas by recognizing and reconciling a history of inequity and fostering communication of social differences between diverse communities and individuals.
- C Incorporate an "Equity Lens" into the city-wide visioning process for Goals for Dallas 2030, creation of the City's Strategic Plan, and the development of the biennial budget.
- D Commit to identifying and measuring inequity to drive collaborative action across sectors.

### **2. Ensure Dallas is a Welcoming City to immigrants and all residents**

- A Partner with Welcoming America to become a Certified Welcoming City, a national best practice program that assesses and scores a city's strengths and achievements toward becoming an inclusive, welcoming place for immigrants.
- B Develop community leadership partnership strategy with a focus on immigration reception and increasing immigrant participation in civic life.
- C Improve immigrant access to government, nonprofit, and educational services and resources to foster well-being and prosperity.

### **3. Expand economy opportunity for Dallas' vulnerable and marginalized residents.**

- A Prioritize workforce readiness and training, skills development, small business capacity-building, and access to wrap-around services to provide marginalized populations to living wage jobs and career pathways.
- B Collaborate with the Community Council of Greater Dallas to develop outreach strategies, programs, and workforce services Dallas residents who experience significant barriers to living wage employment.
- C Champion community efforts that ensure: (a) all Dallas students have access to a quality education that provides the skills and knowledge necessary to succeed in the 21st century workforce; and (b) ensure that high school graduates are career and/or college-ready and have access to post-secondary opportunities for education, certification, and employment.
- D Partner with key community stakeholders, including Dallas County Community College District, community-based organizations, and local foundations to explore successful financial empowerment center models that leverage municipal engagement or support.



## **BACKGROUND** (continued)

### **4. Ensure Dallas provides residents with reasonable, reliable, and equitable access.**

- A Ensure the Strategic Mobility Plan incorporates transportation equity into all elements of the plan, including the vision, goals, guiding principles, partnerships, resource allocation and funding priorities.
- B Regularly convene Dallas members of the Dallas Area Rapid Transit (DART) Board to establish and formalize City goals and policy recommendations to guide decision-making and align representation with Dallas' priorities.
- C Improve transportation access to employment, housing, education, health care, and other essential services for Dallas residents by addressing neighborhood infrastructure and system operational standards.

### **5. Leverage partnerships to promote healthy Communities**

- A Develop new collaborative strategies and align resources to address health disparities for children and families living with toxic stress generated by adverse economic, social, and environmental conditions of poverty and blight.
- B Advance operational strategies and public education models that will effectively reduce non-emergency Emergency Management System calls and improve public health outcomes.
- C Strengthen the Office of Emergency Management's capacity to plan for, prevent, respond to, and ensure recovery from pandemic public health emergencies and events.

### **6. Invest in neighborhood infrastructure to revitalize historically underserved neighborhoods.**

- A Recognize and institutionalize the need for a multi-pronged, coordinated, place-based approach and the long-term commitment to achieve wholistic revitalization in low-income and moderate-income neighborhoods.

### **7. Promote environment sustainability to improve public health and alleviate adverse environmental conditions.**

- A Support and leverage the leadership of academic institutions, non-profit organizations, and philanthropic foundations working to fill science and data gaps to bring best practices to Dallas and North Texas.
- B Promote partnership efforts to implement green infrastructure projects in neighborhoods disproportionately vulnerable to the impacts of urban heat island effect, poor water quality, and poor air quality.

## **BACKGROUND** (continued)

In addition to the seven goals and accompanying initiatives presented above, the Resilience Strategy also contains specific actions with timeframes and key partners identified to move these initiatives forward. The initiatives and actions should be considered a solid first step in achieving progress toward the recommended goals. As progress is achieved, additional work will be needed to fully implement each of the initiatives to attain the vision of building a more resilient and equitable Dallas.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On February 8, 2016, the Quality of Life and Environment Committee received a briefing on the 100 Resilient Cities Program and a description of the tools, resources and support provided by the 100 Resilient Cities organization to assist cities in undertaking the creation of a resilience plan.

On April 11, 2016, the Quality of Life and Environment Committee received a briefing update on the initial research and analysis performed during Phase I of the strategy development process and the proposed Discovery Areas under consideration for Phase II.

On August 8, 2016, the Quality of Life and Environment Committee received a briefing update on the Scope of Work for Phase I.

On March 27, 2017, the Quality of Life and Environment Committee received a briefing update on the progress of work on Phase II initiatives in which a companion briefing on Transportation Equity was presented.

On September 5, 2017, the Human and Social Needs Committee received a briefing update on the 100 Resilient Cities Program and process, the Phase I work, and the Preliminary Resilience Assessment document.

On October 23, 2017, the Mobility Solutions, Infrastructure and Sustainability Committee received a briefing on Transportation Equity and Access to Opportunity for Transit-Dependent Populations in Dallas.

On October 16, 2017, the Human and Social Needs Committee received a briefing on the Phase II scope of work and the analysis and findings to-date including outlined preliminary, conceptual goals identified by stakeholders and a bulleted list of proposed initiatives.

On December 4, 2017, the Human and Social Needs Committee received a briefing memo on Resilience Dallas preliminary goals and initiatives and a staff presentation on proposed themes and topics for the Equity Indicators project.

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

On May 7, 2018, the Human and Social Needs Committee received a briefing on preliminary findings of the Equity Indicators Project update.

On June 4, 2018, the Human and Social Needs Committee received a briefing on the final draft of the Resilient Dallas Strategy Project and the completed data and findings of the Equity Indicators project.

City Council will be briefed regarding this item on August 1, 2018.

**FISCAL INFORMATION**

No cost consideration to the City.

August 8, 2018

**WHEREAS**, 100 Resilient Cities partners with cities around the world to help them become more resilient to the social, economic and physical challenges that are a growing part of the 21<sup>st</sup> century; and

**WHEREAS**, urban resilience is defined as the capacity of individuals, communities, institutions, businesses, and systems within a city to survive, adapt and grow despite chronic stresses and acute shocks; and

**WHEREAS**, the City of Dallas, through stakeholder engagement, focus groups, data collection and geographic analysis, has identified resilience goals and initiatives to build upon areas of strength and to address weaknesses/needs throughout the community; and

**WHEREAS**, a foundational principle of the Resilient Dallas plan is building an Equitable Dallas; and

**WHEREAS**, the first resilience goal is to advance equity in City government; and

**WHEREAS**, an analysis of city programs and administration will lead to greater equity in service delivery, strategic planning and budget allocation; and

**WHEREAS**, leading by example will enable the City of Dallas to engage its partner institutions and neighborhood organizations to address areas of inequality such as childhood poverty, access to quality education, transportation, housing, and greater participation in our robust economy; and

**WHEREAS**, implementation of equity initiatives and actions will allow the city to measure progress toward achieving greater equity in Dallas and move the community toward increased resilience.

**Now, Therefore,**

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

**SECTION 1.** That the Dallas City Council accepts the specific goals, initiatives and actions set forth in the Resilient Dallas Plan.

**SECTION 2.** That the City Manager is directed to move forward with these initiatives to further the goals of resilience and equity within the City of Dallas.

**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.

**STRATEGIC PRIORITY:** Clean, Healthy Environment

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Code Compliance

**CMO:** Raquel Favela, 670-3309

**MAPSCO:** N/A

---

**SUBJECT**

An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code, by **(1)** amending Sections 17-1.5 and 17-10.2; **(2)** providing for definitions of different risk level establishments; **(3)** providing for varying periodic inspections of food establishments depending on risk level classification; **(4)** providing for standards for inspection frequency; **(5)** providing that on-site food establishment risk profile assessment inspections may be conducted; **(6)** providing a fee schedule for inspections of fixed facilities; **(7)** providing that variances are also vehicle specific, event specific, and location specific; **(8)** providing a penalty not to exceed \$2,000; **(9)** providing a saving clause; **(10)** providing a severability clause; and **(11)** providing an effective date - Estimated Revenue Reduction: (\$140,000)

**BACKGROUND**

Adoption of this ordinance amendment will allow the City to move from inspecting food establishments at a minimum of once every six months to inspecting food establishments on a risk-based approach set forth under Section 228.249 of the Texas Administrative Code.

On June 25, 2018, Code briefed the Quality of Life, Arts and Culture Committee with a proposal to reform the current food inspection model to add criteria that will determine the frequency of inspections for food establishments. Over the past 10 years, the number of food establishments has grown at a rate of approximately 200 per year. Under the current ordinance, Sanitarians are required to provide health inspections to approximately 7,100 food establishments every 6 months. The proposed food inspection model reform will allow Code to keep pace with the current work demand from the increase in the food market to maintain operations within our current budget. This proposal will allow Code to reduce operational costs by \$175K that coincides with a \$140K reduction in annual food permit fees, creating a net savings of \$35K.

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

On June 25, 2018, the Quality of Life, Arts, and Culture Committee was briefed on Chapter 17 changes for risk-based food assessments.

**FISCAL INFORMATION**

Estimated Revenue Reduction: (\$140,000)

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 17, “Food Establishments,” of the Dallas City Code, by amending Sections 17-1.5 and 17-10.2; providing for definitions of different risk level establishments; providing for varying periodic inspections of food establishments depending on risk level classification; providing for standards for inspection frequency; providing that on-site food establishment risk profile assessment inspections may be conducted; providing a fee schedule for inspections of fixed facilities; providing that variances are also vehicle specific, event specific, and location specific; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

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

SECTION 1. That Subsection (b) of Section 17-1.5, “Definitions,” of Article I, “Food Establishments Generally,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(b) In addition to the definitions adopted in Subsection (a), the following terms have the following meanings in this chapter:

(1) ADULTERATED means the condition of food that:

(A) contains a poisonous or deleterious substance in a quantity that may render it injurious to health; or

(B) contains an added poisonous or deleterious substance:

(i) for which no safe tolerance has been established or accepted by a governmental agency; or

(ii) in excess of a safe tolerance, established or accepted by a governmental agency; or

(C) consists in whole or part of a filthy, putrid, or decomposed substance; or

(D) is unsafe for human consumption; or

(E) was processed, prepared, or otherwise handled under an unsanitary condition that may have contaminated the food or rendered it injurious to health; or

(F) is in whole or part the product of a diseased animal or an animal that did not die by slaughter; or

(G) the container of which is composed in whole or part of a poisonous or deleterious substance that may render the food injurious to health; or

(H) is not in a safe, sound condition, free from spoilage, filth, and other contamination.

(2) CATERING SERVICE means a food establishment, other than a mobile food preparation vehicle, that:

(A) prepares or serves food on premises in control of another; or

(B) prepares food on the premises of a fixed food establishment and delivers the food to a different location to be served.

(3) COMMISSARY means a food establishment that serves as an operating base for a mobile food establishment and where:

(A) food, containers, or supplies are kept, handled, prepared, packaged, or stored for use by a mobile food establishment; and

(B) a mobile food establishment is stored, parked, serviced, cleaned, supplied, and maintained.

(4) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(5) DIRECTOR means the director of the department, the city health authority, or the environmental health officer and includes representatives, agents, or city employees designated by the director of the department, the city health authority, or the environmental health officer to enforce or administer this chapter; except that, in Section 17-10.2(p), the term refers only to the director of the department.

(6) EXTENSIVELY REMODELED means the expenditure of at least \$25,000 or an amount equal to at least 10 percent of the assessed value of the facility, whichever is more, for the purpose of repairs or remodeling, but does not include:

(A) expenditures for the replacement of movable equipment; or



(B) remodeling that does not affect the construction or operation of food storage or food preparation areas or areas used to store or clean utensils and equipment used in food storage or food preparation.

(7) FOOD ESTABLISHMENT:

(A) The term means an operation that:

(i) sells, stores, prepares, packages, serves, or otherwise provides food for human consumption such as: a food service establishment; retail food store; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; remote catered operations; conveyance used to transport people; institution; or food bank; and

(ii) relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(B) The term includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; a restaurant; a grocery store; an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off premises; and regardless of whether there is a charge for the food.

(C) The term does not include a produce stand that only offers whole, uncut fresh fruits and vegetables or an establishment that offers only prepackaged foods that are not time/temperature control for safety, except that the term does include an establishment that sells ice cream, frozen custard, soft serve dairy products, gelato, or other frozen desserts.

(8) MOBILE FOOD ESTABLISHMENT means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes, but is not limited to, mobile food preparation vehicles and pushcarts.

(9) NON-FOOD CONTACT SURFACE means a surface (including, but not limited to, a shelf, counter, fan, or an exterior part of equipment) that does not normally come into contact with food in the operation of a food establishment.

(10) PERMIT means the document issued by the department that authorizes a person to operate a food establishment.

(11) PERSON IN CHARGE means the individual present in a food establishment who is the apparent supervisor of the food establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

(12) PREMISES means:

(A) the physical facility, its contents, and the contiguous land or property under the control of the permit holder; or

(B) the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation.

(13) RECONSTITUTED means the recombining of dehydrated food products with water or other liquids.

(14) REGULATORY AUTHORITY means the director.

(15) RISK LEVEL ONE ESTABLISHMENT means an establishment with no cooking processes of any kind, no heat holding, no open exposed food handling (including handling mixed drinks), or only holds refrigerated and frozen foods packaged from the manufacture.

(16) RISK LEVEL THREE ESTABLISHMENT means an establishment that cooks time and temperature control products from the raw state, heat hold, and reheat food items. These establishments may have an extensive menu and/or extensive handling of food ingredients. This includes food establishments that engage in special processes, have a hazard analysis critical control point (HACCP) plan, or serves a highly susceptible population.

(17) RISK LEVEL TWO ESTABLISHMENT means an establishment that has a limited menu selection, serves only commercially processed time and temperature control foods, heats and serves food items with no cooking or reheating process, or has minimal heat holding.

(18) SAFE TEMPERATURE means a temperature of not more than 41 degrees Fahrenheit if held cold (5 degrees Centigrade) or not less than 135 degrees Fahrenheit if held hot (60 degrees Centigrade). The symbols "°F." and "°C." are used in this chapter to refer, respectively, to degrees Fahrenheit and degrees Centigrade.

(19[16]) SEAL means to close the junction between surfaces in a way that prevents entry of moisture.

(20[17]) TEMPORARY FOOD SERVICE ESTABLISHMENT means:

(A) a food establishment that operates at a fixed location for a limited period of time in conjunction with:

(i) a plaza event for which a permit has been issued by the city under Chapter 35;

(ii) a special event for which a permit has been issued by the city under Chapter 42A;

(iii) a special event conducted with written permission of the city on property under the control of the park and recreation board, on property of the "convention center" or "reunion arena" as defined in Section 43-127 of this code, or on property of the "Neighborhood Farmers Market" [~~"municipal produce market"~~] as defined in Section 29A-2(6)[~~(A)~~] of this code;

(iv) a temporary carnival or circus conducted with written authorization of the building official under Section 51A-4.206(2) of the Dallas Development Code;

(v) an activity or event conducted entirely inside a facility that is primarily and routinely used to hold exhibitions, conventions, concerts, symphonies, plays, sporting events, or similar activities or events at which food is customarily served or offered for sale;

(vi) a single event or celebration conducted on any nonresidential premises as an accessory use under Section 51A-4.217 of the Dallas Development Code; or

(vii) a neighborhood farmers market for which a permit has been issued under Chapter 29A of this code; or

(B) a concessionaire operating under a seasonal contract with the city on property owned or operated by the city.

(~~21~~[48]) TEXAS FOOD ESTABLISHMENT RULES means the rules of the Texas Department of State Health Services found in Title 25 Texas Administrative Code, Chapter 228, as amended."

SECTION 2. That Subsection (f), "Inspections," of Section 17-10.2, "Additional Requirements," of Article X, "Compliance and Enforcement," of Chapter 17, "Food Establishments," of the Dallas City Code, is amended to read as follows:

"(f) Inspections.

(1) Consent to inspection. Application for and operation of a food establishment inside the city constitutes consent for the director to inspect the food establishment to determine whether the establishment complies with all conditions of the permit and applicable requirements of this chapter and other city ordinances and state and federal law.

(2) Inspection procedure. An inspection will be conducted in the following manner:

(A) The director may inspect during business hours or at any other reasonable time.

(B) An inspecting officer shall present official identification to the manager or person in charge before conducting the inspection.

(C) An inspecting officer shall wear appropriate clothing and hair restraint when entering food preparation or equipment and utensil washing areas of a food establishment.

(D) Upon authorization of the director, photographs of any part of a food establishment, or of any food handling activities conducted inside or outside of a food establishment, may be taken during an inspection.

(3) Pre-operation inspection. Before issuing a permit under this article, the director shall inspect a food establishment to determine whether the establishment complies with applicable requirements of this chapter and other city ordinances and state and federal law. If the food establishment does not comply, the director shall notify the permit applicant of the nonconformance in the manner prescribed by this article.

(4) Periodic inspections. The director shall periodically inspect each separate and distinct facility and vehicle from which a food establishment operates to determine whether the establishment complies with this chapter and other applicable city ordinances and state and federal law. The director shall conduct the periodic inspection as often as the director considers necessary to enforce this chapter or other applicable law, but at least once each six-month period for risk level three establishments, once a year for risk level two establishments, and every other year for risk level one establishments. Whenever a food establishment is inspected by the director and a violation of this chapter or other applicable law is found, the director shall, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, reinspect the food establishment to determine that the violation has been eliminated. A \$71 fee will be charged for each reinspection that must be conducted before the violation is determined to be eliminated.

(5) Inspection form. The director shall prepare and use an inspection form for rating the code compliance of a food establishment.

(6) On-site food establishment risk profile assessment inspection. An on-site food establishment risk profile assessment inspection may be conducted when the establishment is newly opened, changes ownership, or experiences a substantial change in menu offerings or food handling processes. Inspection frequency is based on types of food preparation processes used by the food establishment, the food served and sold, the average number of meals served, and the population served. A non-refundable service fee of \$106.00 will be charged for each on-site food establishment risk profile assessment inspection.

(7) Entry of persons other than the director. Nothing in this chapter authorizes the entry of persons other than the director and the director's authorized

representatives into food preparation or equipment and utensil washing areas of a food establishment.”

SECTION 3. That Paragraph (2), “Amount,” of Subsection (h), “Annual Inspection Fee: Fixed Facilities,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(2) Amount. The amount of the fee for each facility is determined by the floor area of the facility. In determining the floor area, the director shall include each interior part of the facility used to manufacture or process, store, package, prepare, distribute, sell, or serve food. The fees are as prescribed in the following schedule:

(A) For facilities not included in Section 17-10.2(h)(2)(B):

Risk Level One Establishment:

<b>Area in square feet</b>	<b>Annual fee</b>
1 to 2,000	\$77 [ <del>\$280</del> ]
2,001 or more	\$87 [ <del>\$318</del> ]

Risk Level Two Establishment:

<b>Area in square feet</b>	<b>Annual fee</b>
1 to 2,000	\$155
2,001 or more	\$174

Risk Level Three Establishment:

<b>Area in square feet</b>	<b>Annual fee</b>
1 to 2,000	\$280
2,001 or more	\$318

(B) If a food establishment is being operated from more than one separate and distinct facility in the same building, for each facility in excess of one:

Risk Level One Establishment:

<b>Area in square feet</b>	<b>Annual fee</b>
1 to 2,000	\$77 [ <del>\$280</del> ]

2,001 or more	<u>\$87</u> [ <del>\$318</del> ]
---------------	----------------------------------

Risk Level Two Establishment:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	<u>\$155</u>
2,001 or more	<u>\$174</u>

Risk Level Three Establishment:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	<u>\$280</u>
2,001 or more	<u>\$318</u>

SECTION 4. That Paragraph (2) of Subsection (l), “Service Fees,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(2) To obtain from the director a detailed, written survey or risk level assessment of an existing food establishment, a prospective operator must:

(A) present to the director written permission for the survey or risk level assessment from the owner of the food establishment; and

(B) pay to the city a nonrefundable service fee of \$106.”

SECTION 5. That Paragraph (1) of Subsection (s), “Variances,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection ~~228.243(c)(2)~~ [229.171(e)(2)] of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of \$264.”

SECTION 6. That Paragraph (4) of Subsection (s), “Variances,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(4) A variance granted under this section is nontransferable, vehicle specific, event specific, and location specific. If granted, the variance is valid for at least one year but not for more than two years. The variance expiration date must be printed on the variance and will remain effective unless it is sooner revoked by the director or terminated by the food establishment. A variance may be renewed through the application process set forth in Paragraph (1) of this subsection.”

SECTION 7. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$2,000.

SECTION 8. That Chapter 17 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 10. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 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:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_



**AGENDA ITEM # 6**

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

August 8, 2018

**COUNCIL DISTRICT(S):**

4, 5

**DEPARTMENT:**

Department of Public Works  
Water Utilities Department

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

54V 59X

---

**SUBJECT**

Authorize **(1)** street paving, drainage, and water main improvements for Street Group 12-464; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on September 26, 2018, to receive comments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

**BACKGROUND**

Crenshaw Drive from Cushing Drive to Old Seagoville Road was requested by property owner petition, accepted on July 29, 2011. Michigan Avenue from East Saner Avenue to East Hobson Avenue was requested by property owner petition, accepted on January 26, 2012. These streets are included in the 2012 Bond Program as Street Petition Projects.

On December 11, 2013, City Council authorized a professional services contract with Teague Nall and Perkins, Inc. for the engineering design of street improvements on Crenshaw Drive from Cushing Drive to Old Seagoville Road and Michigan Avenue from East Saner Avenue to East Hobson Avenue by Resolution No. 13-2072.

This action will authorize the project, partial payment of costs by assessment, and a benefit assessment hearing. The improvements will consist of constructing a 26-foot wide concrete pavement with curbs, sidewalks, drive approaches, drainage, and water main improvements.

**BACKGROUND** (continued)

The paving assessment process requires the following three steps:

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

These actions are the first and second steps in the process.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	February 2014
Completed Design	May 2018
Begin Construction	December 2018
Complete Construction	December 2019

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

On December 11, 2013, City Council authorized a professional services contract with Teague Nall and Perkins, Inc. for the engineering design of alley petition and three street petition improvement projects on: alley between Bluffman Drive, Castle Hills Drive and Lovingood Drive from Lovingood Drive to Loud Drive and alley between Idaho Avenue and Maryland Avenue from Holden Avenue an estimated 250' south to Dallas Power and Light Property; street petition projects on Crenshaw Drive from Cushing Drive to Old Seagoville Road, Fernheath Lane from South Beltline Road to Dead End and Michigan Avenue from Saner Avenue to Hobson Avenue by Resolution No. 13-2072.

On September 14, 2016, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Teague Nall and Perkins, Inc. for additional engineering design and survey services for three street petition improvement projects on: Crenshaw Drive from Cushing Drive to Old Seagoville Road, Fernheath Lane from South Beltline Road to Dead End and Michigan Avenue from Saner Avenue to Hobson Avenue by Resolution No. 16-1459.

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

Design	\$ 82,264.50
Supplemental Agreement No. 1	\$ 20,554.94
Construction	
Paving & Drainage (PBW)	\$1,108,485.00 (est.)
Water & Wastewater (DWU)	\$ <u>249,482.00</u> (est.)
 Total Project Cost	 \$1,460,786.44 (est.)

This project does involve assessments.

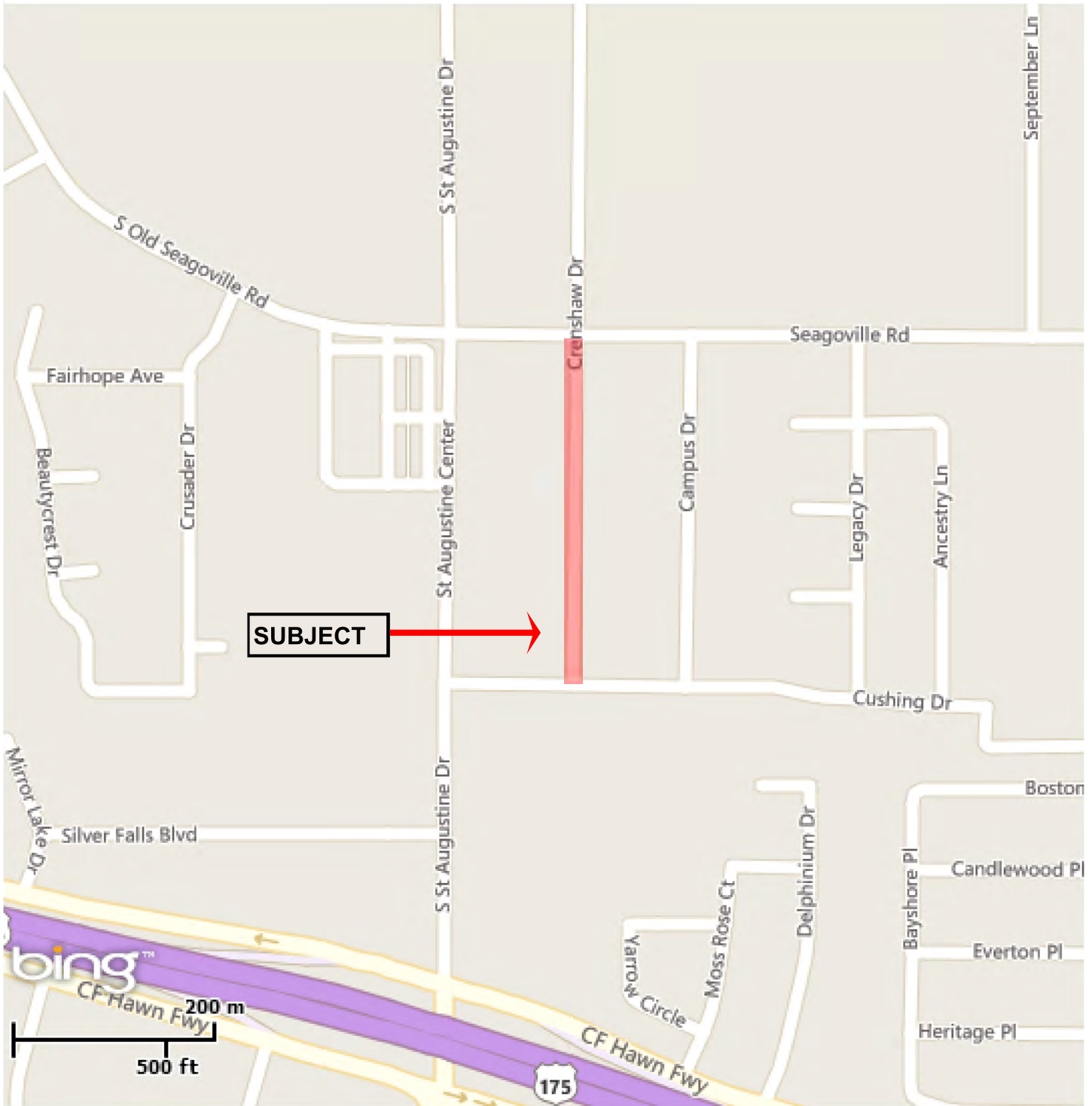
**MAPS**

Attached

**Street Group 12-464**

<b><u>Project</u></b>	<b><u>Limits</u></b>	<b><u>Council District</u></b>
Crenshaw Drive	from Cushing Drive to Old Seagoville Road	5
Michigan Avenue	from East Saner Avenue to East Hobson Avenue	4

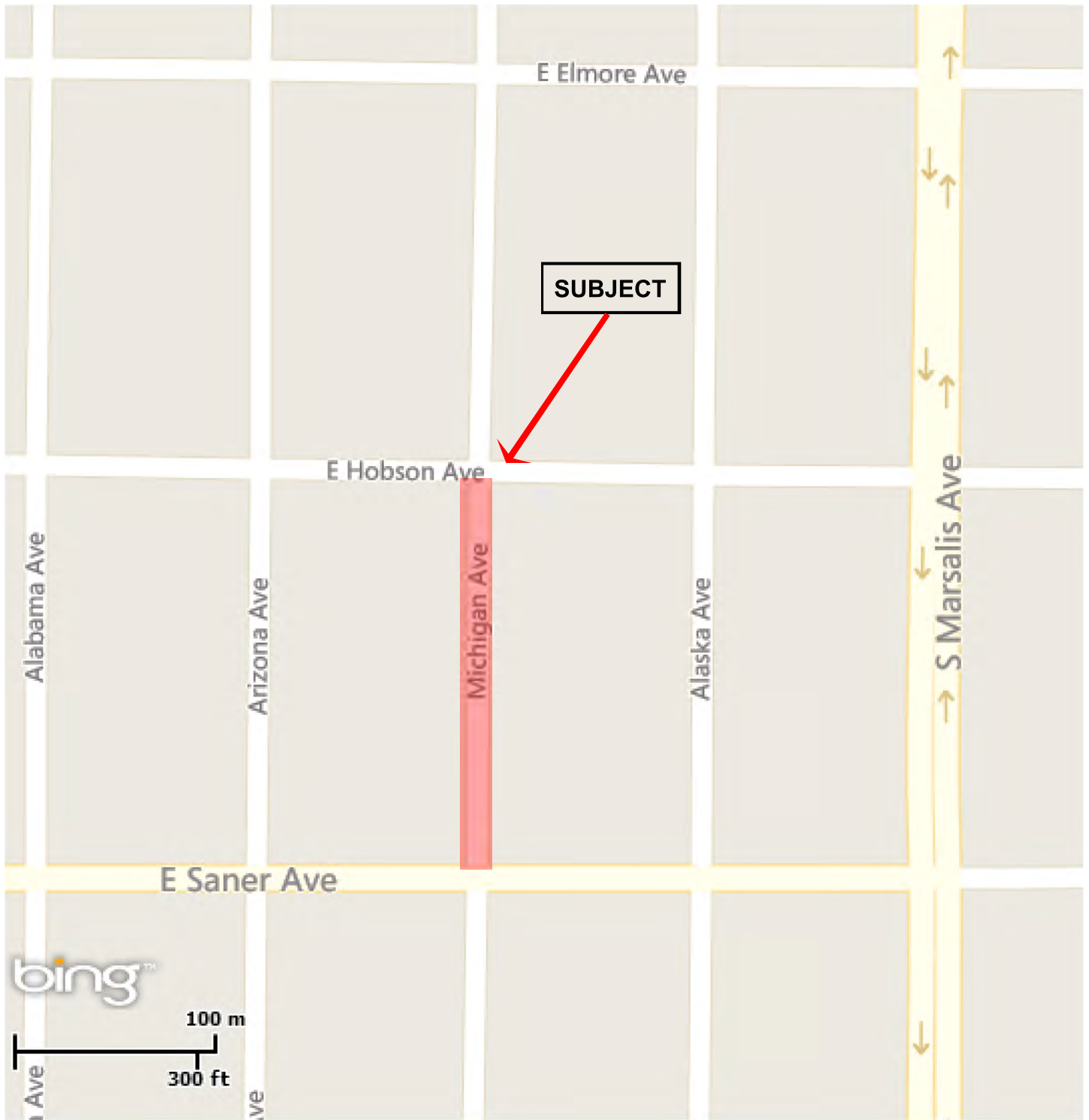
# STREET GROUP 12-464 (CRENSHAW DRIVE)



MAPSCO 59X



**STREET GROUP 12-464 (MICHIGAN AVENUE)**



**MAPSCO 54V**



August 8, 2018

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

**Now, Therefore,**

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

**SECTION 1.** That the following streets

**Street Group 12-464**

- 1. Crenshaw Drive from Cushing Drive to Old Seagoville Road**
- 2. Michigan Avenue from East Saner Avenue to East Hobson Avenue**

shall be improved in the following manner, to wit:

- (1) That said streets shall be profiled so as to bring same to design grade.
- (2) That said streets shall be paved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime stabilization base course; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4-feet wide so that the roadway shall be 26-feet in width; and

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

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

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

- (a) That the City of Dallas shall pay only an amount equal to the cost of water main, and also all the cost of improving intersections of said streets with other street, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets.
- (b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks shall be paid by the owners of property abutting on said street named to be paved, in the following manner, to wit:

August 8, 2018**SECTION 1.** (continued)

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

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

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

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



August 8, 2018**SECTION 1.** (continued)

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

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

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

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

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

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



**NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY**

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

**Street Group 12-464**

**Crenshaw Drive from Cushing Drive to Old Seagoville Road**

**West Side of Street**

<b><u>Subdivision</u></b>	<b><u>Block</u></b>	<b><u>Lot</u></b>
Evelyn Lavelle Heights Addition	A/7881	30
Evelyn Lavelle Heights Addition	A/7881	29
Evelyn Lavelle Heights Addition	A/7881	28
Evelyn Lavelle Heights Addition	A/7881	27
Evelyn Lavelle Heights Addition	A/7881	26
Evelyn Lavelle Heights Addition	A/7881	25
Evelyn Lavelle Heights Addition	A/7881	24
Evelyn Lavelle Heights Addition	A/7881	23
Evelyn Lavelle Heights Addition	A/7881	22
Evelyn Lavelle Heights Addition	A/7881	21
Evelyn Lavelle Heights Addition	A/7881	20
Evelyn Lavelle Heights Addition	A/7881	19
Evelyn Lavelle Heights Addition	A/7881	18
Evelyn Lavelle Heights Addition	A/7881	17

**East Side of Street**

<b><u>Subdivision</u></b>	<b><u>Block</u></b>	<b><u>Lot</u></b>
Evelyn Lavelle Heights Addition	B/7881	14
Evelyn Lavelle Heights Addition	B/7881	13
Evelyn Lavelle Heights Addition	B/7881	12
Evelyn Lavelle Heights Addition	B/7881	11
Evelyn Lavelle Heights Addition	B/7881	10
Evelyn Lavelle Heights Addition	B/7881	9
Evelyn Lavelle Heights Addition	B/7881	8
Evelyn Lavelle Heights Addition	B/7881	7
Evelyn Lavelle Heights Addition	B/7881	6
Evelyn Lavelle Heights Addition	B/7881	5
Evelyn Lavelle Heights Addition	B/7881	4
Evelyn Lavelle Heights Addition	B/7881	3
Evelyn Lavelle Heights Addition	B/7881	2
Evelyn Lavelle Heights Addition	B/7881	1

**Michigan Avenue from E Saner Avenue to E Hobson Avenue**

**West Side of Street  
Subdivision**

	<b><u>Block</u></b>	<b><u>Lot</u></b>
Broadmoor Addition	42/4212	24
Broadmoor Addition	42/4212	23
Broadmoor Addition	42/4212	22
Broadmoor Addition	42/4212	21
Broadmoor Addition	42/4212	20
Broadmoor Addition	42/4212	17A Acs 0.5165
Broadmoor Addition	42/4212	16
Broadmoor Addition	42/4212	15
Broadmoor Addition	42/4212	14
Broadmoor Addition	42/4212	13

**East Side of Street  
Subdivision**

	<b><u>Block</u></b>	<b><u>Lot</u></b>
Broadmoor Addition	41/4211	1
Broadmoor Addition	41/4211	2
Broadmoor Addition	41/4211	3
Broadmoor Addition	41/4211	4
Broadmoor Addition	41/4211	5
Broadmoor Addition	41/4211	6
Broadmoor Addition	41/4211	7
Broadmoor Addition	41/4211	8
Broadmoor Addition	41/4211	9
Broadmoor Addition	41/4211	10
Broadmoor Addition	41/4211	11
Broadmoor Addition	41/4211	12

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

City of Dallas, Texas

By \_\_\_\_\_  
City Secretary

(File in Deed of Trust Records)

August 8, 2018

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

**Street Group 12-464**

- 1. Crenshaw Drive from Cushing Drive to Old Seagoville Road**
- 2. Michigan Avenue from East Saner Avenue to East Hobson Avenue**

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

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

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

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

**Now, Therefore,**

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

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

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

August 8, 2018

**SECTION 2.** (continued)

**Street Group 12-464**

- 1. Crenshaw Drive from Cushing Drive to Old Seagoville Road**
- 2. Michigan Avenue from East Saner Avenue to East Hobson Avenue**

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

The estimated cost of the improvements is **\$1,357,967.00 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$67.56/S.Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

**Where Property Classification is WSR-I (Residential)**

The front rate for 6-inch thick reinforced concrete pavement 13.5-feet wide with curb: **\$123.23/L.F.**

The side rate for 6-inch thick reinforced concrete pavement 2.5-feet wide with curb: **\$25.54/L.F.**

The front rate for 4-inch thick reinforced concrete sidewalk is: **\$12.12/L.F.**

The side rate for 4-inch thick reinforced concrete sidewalk is: **\$6.06/L.F.**

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

August 8, 2018

**SECTION 3.** That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **26th** day of **September**, A.D. **2018**, at **1:00** O'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as:

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

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

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

Engineer's Report

August 8, 2018

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of **Street Group 12-464**. That said streets shall be paved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime stabilization base course; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4-feet wide so that the roadway shall be 26-feet in width; and with estimates of the cost of improving the streets as listed thereon, together with the proposed assessments, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

**Street Group 12-464**

**1. Crenshaw Drive from Cushing Drive to Old Seagoville Road**

Total Property Owners' Cost – Assessments \$281,314.82

Total Estimated City of Dallas' Cost - Paving \$447,305.18

Total Estimated City of Dallas' Cost - Drainage \$0.00

Total Estimated Water Utilities Department Cost \$249,482.00  
Water Main Improvements

Total Estimated City of Dallas' Cost \$696,787.18

Total Estimated Cost of Improvements \$978,102.00

**2. Michigan Avenue from E Saner Avenue to E Hobson Avenue**

Total Property Owners' Cost – Assessments \$173,079.62

Total Estimated City of Dallas' Cost - Paving \$131,886.38

Total Estimated City of Dallas' Cost - Drainage \$74,899.00

Total Estimated Water Utilities Department Cost \$0.00  
Water Main Improvements

Total Estimated City of Dallas' Cost \$206,785.38

Total Estimated Cost of Improvements \$379,865.00



**Street Group 12-464**

- 1. Crenshaw Drive from Cushing Drive to Old Seagoville Road**
- 2. Michigan Avenue from E Saner Avenue to E Hobson Avenue**

Grand Total Property Owners' Cost – Assessments		\$454,394.44
Estimated Grand Total City of Dallas' Cost - Paving	\$579,191.56	
Estimated Grand Total City of Dallas' Cost - Drainage	\$74,899.00	
Estimated Grand Total Water Utilities Department Cost Water Main Improvements	\$249,482.00	
Estimated Grand Total City of Dallas' Cost		\$903,572.56
Estimated Grant Total Cost of Improvements		\$1,357,967.00

The Director of the Department of Public Works reports that representatives of this Department have studied the actual existing conditions on this street, and found that the existing roadway has a narrow asphalt surface with shallow earth ditches; which has accessibility and drainage issues. Taking this into consideration, plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said street, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,



---

Director, Department of Public Works

**STREET GROUP 12-464**

**1. CRENSHAW DRIVE FROM CUSHING DRIVE TO OLD SEAGOVILLE ROAD  
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE  
 INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH THICK LIME STABILIZATION BASE  
 COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICK REINFORCED CONCRETE  
 DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS  
 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
<b>WEST SIDE OF STREET</b>						
<b><i>EVELYN LAVELLE HEIGHTS ADDITION</i></b>						
VELMA ALFRED LIFE ESTATE 315 HOLLY LEAF TRAIL FORNEY, TX 75126	30 <b>375</b> <b>Crenshaw Dr</b>	A/7881	43 FT PVMT 46 FT WALK 10 FT DRIVE	\$123.23 \$12.12 No Cost	\$5,298.89 \$557.52 \$0.00	<b>\$5,856.41</b>
DEBRA CLEVINGER 369 CRENSHAW DR DALLAS, TX 75217	29	A/7881	70 FT PVMT 60 FT WALK 10 FT WALK	\$123.23 \$12.12 No Cost	\$8,626.10 \$727.20 \$0.00	<b>\$9,353.30</b>
PABLO VILLEGAS & OLGA LOPEZ 365 CRENSHAW DR DALLAS, TX 75217	28	A/7881	70 FT PVMT 50 FT WALK 20 FT DRIVE	\$123.23 \$12.12 No Cost	\$8,626.10 \$606.00 \$0.00	<b>\$9,232.10</b>
TEODORO & MARIA OVALLE 361 CRENSHAW DR DALLAS, TX 75217	27	A/7881	70 FT PVMT 33 FT WALK 22.9 SY DR (10' Wide) 54 SY DR (27' Wide)	\$123.23 \$12.12 \$67.56 \$67.56	\$8,626.10 \$399.96 \$1,547.12 \$3,648.24	<b>\$14,221.42</b>
JOYCE RINER 355 CRENSHAW DR DALLAS, TX 75217	26	A/7881	70 FT PVMT 53 FT WALK 17 FT DRIVE	\$123.23 \$12.12 No Cost	\$8,626.10 \$642.36 \$0.00	<b>\$9,268.46</b>
PEDRO MORENO 351 CRENSHAW DR DALLAS, TX 75217	25	A/7881	70 FT PVMT 52 FT WALK 37.5 SY DR (18' Wide)	\$123.23 \$12.12 \$67.56	\$8,626.10 \$630.24 \$2,533.50	<b>\$11,789.84</b>

**STREET GROUP 12-464**

**1. CRENSHAW DRIVE FROM CUSHING DRIVE TO OLD SEAGOVILLE ROAD  
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE  
 INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH THICK LIME STABILIZATION BASE  
 COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICK REINFORCED CONCRETE  
 DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS  
 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH**

<b>OWNER</b>	<b>LOT(S)</b>	<b>BLOCK</b>	<b>FRONTAGE</b>		<b>RATE</b>	<b>AMOUNT</b>	<b>TOTAL ASSESSMENT</b>
<b><i>EVELYN LAVELLE HEIGHTS ADDITION</i></b>							
RODOLFO & MARIA VILLATORO 345 CRENSHAW DR DALLAS, TEXAS 75217	24	A/7881	70	FT PVMT	\$123.23	\$8,626.10	
			59	FT WALK	\$12.12	\$715.08	
			24.7	SY DR (11' Wide)	\$67.56	\$1,668.73	
							<b>\$11,009.91</b>
LUIS ALVAREZ 341 CRENSHAW DR DALLAS, TX 75217	23	A/7881	70	FT PVMT	\$123.23	\$8,626.10	
			50	FT WALK	\$12.12	\$606.00	
			41.2	SY DR (20' Wide)	\$67.56	\$2,783.47	
							<b>\$12,015.57</b>
ISIDRO VILLEGAS & ROSALINDA LOPEZ 337 CRENSHAW DR DALLAS, TX 75217	22	A/7881	70	FT PVMT	\$123.23	\$8,626.10	
			51	FT WALK	\$12.12	\$618.12	
			39.4	SY DR (19' Wide)	\$67.56	\$2,661.86	
							<b>\$11,906.08</b>
ADELFA SERRATO 331 CRENSHAW DR DALLAS, TX 75217	21	A/7881	70	FT PVMT	\$123.23	\$8,626.10	
			50	FT WALK	\$12.12	\$606.00	
			41.2	SY DR (20' Wide)	\$67.56	\$2,783.47	
							<b>\$12,015.57</b>
REINA DE LA PAZ PORTILLO 325 CRENSHAW DR DALLAS, TX 75217	20	A/7881	70	FT PVMT	\$123.23	\$8,626.10	
			54	FT WALK	\$12.12	\$654.48	
			38.5	SY DR (16' Wide)	\$67.56	\$2,601.06	
							<b>\$11,881.64</b>
BARBARA S LENTO PO BOX 12 BEN WHEELER, TX 75754	19 <b>319</b>	A/7881	70	FT PVMT	\$123.23	\$8,626.10	
			52	FT WALK	\$12.12	\$630.24	
	<b>Crenshaw Dr</b>		37.5	SY DR (18' Wide)	\$67.56	\$2,533.50	
							<b>\$11,789.84</b>

**STREET GROUP 12-464**

**1. CRENSHAW DRIVE FROM CUSHING DRIVE TO OLD SEAGOVILLE ROAD  
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE  
 INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH THICK LIME STABILIZATION BASE  
 COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICK REINFORCED CONCRETE  
 DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS  
 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH**

<b>OWNER</b>	<b>LOT(S)</b>	<b>BLOCK</b>	<b>FRONTAGE</b>	<b>RATE</b>	<b>AMOUNT</b>	<b>TOTAL ASSESSMENT</b>
<b><i>EVELYN LAVELLE HEIGHTS ADDITION</i></b>						
NORMA A AREVALO 315 CRENSHAW DR DALLAS, TX 75217	18	A/7881	70 FT PVMT 50 FT WALK 45.8 SY DR (20' Wide)	\$123.23 \$12.12 \$67.56	\$8,626.10 \$606.00 \$3,094.25	<b>\$12,326.35</b>
THE VILLAS ENTERPRISE GROUP LLC 4515 SHEPHERD LN BALCH SPRINGS, TX 75180	17 <b>9622</b>	A/7881 <b>Seagoville Rd</b>	125 FT PVMT 125 FT WALK	\$25.54 \$6.06	\$3,192.50 \$757.50	<b>\$3,950.00</b>
<b>EAST SIDE OF STREET</b>						
WILLIAM COLLINS 224 WEDGEWOOD LN CEDAR HILL, TX 75104	14 <b>9706</b>	B/7881 <b>Seagoville Rd</b>	125 FT PVMT 125 FT WALK	\$25.54 \$6.06	\$3,192.50 \$757.50	<b>\$3,950.00</b>
LUCIANO NAVA CHAVEZ 314 CRENSHAW DR DALLAS, TX 75217	13	B/7881	70 FT PVMT 50 FT WALK 24.7 SY DR (11' Wide)	\$123.23 \$12.12 \$67.56	\$8,626.10 \$606.00 \$1,668.73	<b>\$10,900.83</b>
LUIS & SONIA DELGADO 318 CRENSHAW DR DALLAS, TX 75217	12	B/7881	70 FT PVMT 50 FT WALK 20 FT DRIVE	\$123.23 \$12.12 No Cost	\$8,626.10 \$606.00 \$0.00	<b>\$9,232.10</b>
JOSE J SOSA 324 CRENSHAW DR DALLAS, TX 75217	11	B/7881	70 FT PVMT 52 FT WALK 37.5 SY DR (18' Wide)	\$123.23 \$12.12 \$67.56	\$8,626.10 \$630.24 \$2,533.50	<b>\$11,789.84</b>

**STREET GROUP 12-464**

**1. CRENSHAW DRIVE FROM CUSHING DRIVE TO OLD SEAGOVILLE ROAD  
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE  
 INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH THICK LIME STABILIZATION BASE  
 COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICK REINFORCED CONCRETE  
 DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS  
 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH**

<b>OWNER</b>	<b>LOT(S)</b>	<b>BLOCK</b>	<b>FRONTAGE</b>	<b>RATE</b>	<b>AMOUNT</b>	<b>TOTAL ASSESSMENT</b>
<b><i>EVELYN LAVELLE HEIGHTS ADDITION</i></b>						
MARTINA SOSA 330 CRENSNAHW DR DALLAS, TX 75217	10	B/7881	70 FT PVMT 42 FT WALK 60.5 SY DR (28' Wide)	\$123.23 \$12.12 \$67.56	\$8,626.10 \$509.04 \$4,087.38	<b>\$13,222.52</b>
ADELFA SERRATO 331 CRENSHAW DR DALLAS, TX 75217	9 <b>336</b>	B/7881 <b>Crenshaw Dr</b>	70 FT PVMT 56 FT WALK 14 FT DRIVE	\$123.23 \$12.12 No Cost	\$8,626.10 \$678.72 \$0.00	<b>\$9,304.82</b>
PEGGY I ABRAHAMSEN 340 CRENSHAW DR DALLAS, TX 75217	8	B/7881	70 FT PVMT 55 FT WALK 15 FT DRIVE	\$123.23 \$12.12 No Cost	\$8,626.10 \$666.60 \$0.00	<b>\$9,292.70</b>
FRED W WILSON 344 CRENSHAW DR DALLAS, TX 75217	7	B/7881	70 FT PVMT 52 FT WALK 18 FT DRIVE	\$123.23 \$12.12 No Cost	\$8,626.10 \$630.24 \$0.00	<b>\$9,256.34</b>
SALVADOR A HUERTA 350 CRENSHAW DR DALLAS, TX 75217	6	B/7881	70 FT PVMT 48 FT WALK 22 FT DRIVE	\$123.23 \$12.12 No Cost	\$8,626.10 \$581.76 \$0.00	<b>\$9,207.86</b>
CHARLIE J COOK 354 CRENSHAW DR DALLAS, TX 75217	5	B/7881	70 FT PVMT 54 FT WALK 16 FT DRIVE	\$123.23 \$12.12 No Cost	\$8,626.10 \$654.48 \$0.00	<b>\$9,280.58</b>

**STREET GROUP 12-464**

**1. CRENSHAW DRIVE FROM CUSHING DRIVE TO OLD SEAGOVILLE ROAD  
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE  
 INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH THICK LIME STABILIZATION BASE  
 COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICK REINFORCED CONCRETE  
 DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS  
 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH**

<b>OWNER</b>	<b>LOT(S)</b>	<b>BLOCK</b>	<b>FRONTAGE</b>	<b>RATE</b>	<b>AMOUNT</b>	<b>TOTAL ASSESSMENT</b>
<b><i>EVELYN LAVELLE HEIGHTS ADDITION</i></b>						
JOSE A AGUIRRE 360 CRENSHAW DR DALLAS, TX 75217	4	B/7881	70 FT PVMT 50 FT WALK 10 FT DRIVE 22.9 SY DR (10' Wide)	\$123.23 \$12.12 No Cost \$67.56	\$8,626.10 \$606.00 \$0.00 \$1,547.12	<b>\$10,779.22</b>
FRANCISCO & HILARIA CARDONA 364 CRENSHAW DR DALLAS, TX 75217	3	B/7881	70 FT PVMT 49 FT WALK 24.7 SY DR (11' Wide)	\$123.23 \$12.12 \$67.56	\$8,626.10 \$593.88 \$1,668.73	<b>\$10,888.71</b>
VICTORINO CHAVARRIA JR 7102 RED BUD DR DALLAS, TX 75227	2 <b>368</b>	B/7881	70 FT PVMT 51 FT WALK 39.4 SY DR (19' Wide)	\$123.23 \$12.12 \$67.56	\$8,626.10 \$618.12 \$2,661.86	<b>\$11,906.08</b>
VICTORINA CABRERA 374 CRENSHAW DR DALLAS, TX 75217	1	B/7881	43 FT PVMT 32 FT WALK 25 FT DRIVE	\$123.23 \$12.12 No Cost	\$5,298.89 \$387.84 \$0.00	<b>\$5,686.73</b>

**STREET GROUP 12-464**

**2. MICHIGAN AVENUE FROM E SANER AVENUE TO E HOBSON AVENUE**

**SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH THICK LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICK REINFORCED CONCRETE DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH**

<b>OWNER</b>	<b>LOT(S)</b>	<b>BLOCK</b>	<b>FRONTAGE</b>		<b>RATE</b>	<b>AMOUNT</b>	<b>TOTAL ASSESSMENT</b>
<b>WEST SIDE OF STREET</b>							
<b>BROADMOOR ADDITION</b>							
JUAN CARLOS PORTILLO 2747 MICHIGAN AVE DALLAS, TX 75216	24	42/4212	52	FT PVMT	\$123.23	\$6,407.96	
			42	FT WALK	No Cost	\$0.00	
			15.9	SY DR (10' Wide)	\$67.56	\$1,074.20	
							<b>\$7,482.16</b>
BETTY JO MONK 2743 MICHIGAN AVE DALLAS, TX 75216	23	42/4212	50	FT PVMT	\$123.23	\$6,161.50	
			40	FT WALK	\$12.12	\$484.80	
			15.9	SY DR (10' Wide)	\$67.56	\$1,074.20	
							<b>\$7,720.50</b>
JAMES E MITCHELL 3835 VANETTE LN DALLAS, TX 75216	22	42/4212	50	FT PVMT	\$123.23	\$6,161.50	
	<b>2739</b>		40	FT WALK	\$12.12	\$484.80	
	<b>Michigan Ave</b>		15.9	SY DR (10' Wide)	\$67.56	\$1,074.20	
							<b>\$7,720.50</b>
ELOY & JUANA GARCIA 2735 MICHIGAN AVE DALLAS, TX 75216	21	42/4212	50	FT PVMT	\$123.23	\$6,161.50	
			30	FT WALK	\$12.12	\$363.60	
			15.9	SY DR (10' Wide)	\$67.56	\$1,074.20	
			15.9	SY DR (10' Wide)	\$67.56	\$1,074.20	
							<b>\$8,673.51</b>
EARL BARNETT & ICY LEE 2731 MICHIGAN AVE DALLAS, TX 75216	20	42/4212	50	FT PVMT	\$123.23	\$6,161.50	
			40	FT WALK	No Cost	\$0.00	
			11.5	SY DR (10' Wide)	\$67.56	\$776.94	
							<b>\$6,938.44</b>
ST MATTHEW MISSIONARY BAPTIST CHURCH 2719 MICHIGAN AVE DALLAS, TX 75216	17A	42/4212	150	FT PVMT	\$123.23	\$18,484.50	
	Acs 0.5165		90	FT WALK	\$12.12	\$1,090.80	
			19.1	SY DR (10' Wide)	\$67.56	\$1,290.40	
			19.1	SY DR (10' Wide)	\$67.56	\$1,290.40	
							<b>\$22,156.09</b>

**STREET GROUP 12-464**

**2. MICHIGAN AVENUE FROM E SANER AVENUE TO E HOBSON AVENUE**

**SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH THICK LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICK REINFORCED CONCRETE DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH**

<b>OWNER</b>	<b>LOT(S)</b>	<b>BLOCK</b>	<b>FRONTAGE</b>		<b>RATE</b>	<b>AMOUNT</b>	<b>TOTAL ASSESSMENT</b>
<b>BROADMOOR ADDITION</b>							
JOSE CERVANTEZ & FLORENCIA NAJERA 2638 MICHIGAN AVE DALLAS, TX 75216	16 <b>2715</b>	42/4212	50	FT PVMT	\$123.23	\$6,161.50	
			40	FT WALK	No Cost	\$0.00	
	<b>Michigan Ave</b>		15.9	SY DR (10' Wide)	\$67.56	\$1,074.20	<b>\$7,235.70</b>
GONZALO VALDEZ & GUADALUPE ELIZONDO 2711 MICHIGAN AVE DALLAS, TX 75216	15	42/4212	50	FT PVMT	\$123.23	\$6,161.50	
			30	FT WALK	No Cost	\$0.00	
			11.5	SY DR (10' Wide)	\$67.56	\$776.94	<b>\$6,938.44</b>
TOMAS L JASSO 2707 MICHIGAN AVE DALLAS, TX 75216	14	42/4212	50	FT PVMT	\$123.23	\$6,161.50	
			30	FT WALK	\$12.12	\$363.60	
			19.1	SY DR (10' Wide)	\$67.56	\$1,290.40	
			10	FT DRIVE	No Cost	\$0.00	<b>\$7,815.50</b>
PEDRO & FELISITAS MENDOZA 2701 MICHIGAN AVE DALLAS, TX 75216	13	42/4212	42	FT PVMT	\$123.23	\$5,175.66	
			32	FT WALK	\$12.12	\$387.84	
			19.1	SY DR (10' Wide)	\$67.56	\$1,290.40	<b>\$6,853.90</b>
<b>EAST SIDE OF STREET</b>							
ALEJANDRO & SAN JUANITA CARRILLO 2700 MICHIGAN AVE DALLAS, TX 75216	1	41/4211	42	FT PVMT	\$123.23	\$5,175.66	
			30	FT WALK	\$12.12	\$363.60	
			18.5	SY DR (12' Wide)	\$67.56	\$1,249.86	<b>\$6,789.12</b>
GONZALO & MARIA E VALDEZ 2706 MICHIGAN AVE DALLAS, TX 75216	2	41/4211	50	FT PVMT	\$123.23	\$6,161.50	
			36	FT WALK	\$12.12	\$436.32	
			21	SY DR (14' Wide)	\$67.56	\$1,418.76	<b>\$8,016.58</b>



**STREET GROUP 12-464**

**2. MICHIGAN AVENUE FROM E SANER AVENUE TO E HOBSON AVENUE**

**SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH THICK LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICK REINFORCED CONCRETE DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH**

<b>OWNER</b>	<b>LOT(S)</b>	<b>BLOCK</b>	<b>FRONTAGE</b>		<b>RATE</b>	<b>AMOUNT</b>	<b>TOTAL ASSESSMENT</b>
<b>BROADMOOR ADDITION</b>							
BOBBY GENE WILLIAMS 2710 MICHIGAN AVE DALLAS, TX 75216	3	41/4211	50	FT PVMT	\$123.23	\$6,161.50	
			50	FT WALK	\$12.12	\$606.00	
							<b>\$6,767.50</b>
JOSE ESTRADA & MARIA O MARTINEZ 2914 SEEVERS AVE DALLAS, TX 75216	4 <b>2714</b>	41/4211	50	FT PVMT	\$123.23	\$6,161.50	
			40	FT WALK	\$12.12	\$484.80	
	<b>Michigan Ave</b>		15.9	SY DR (10' Wide)	\$67.56	\$1,074.20	
							<b>\$7,720.50</b>
MARCOS ROSTRO 2718 MICHIGAN AVE DALLAS, TX 75216	5	41/4211	50	FT PVMT	\$123.23	\$6,161.50	
			34	FT WALK	No Cost	\$0.00	
			16	FT DRIVE	No Cost	\$0.00	
							<b>\$6,161.50</b>
FME PROPERTIES LLC PO BOX 1266 HUTCHINS, TX 75141	6 <b>2722</b>	41/4211	50	FT PVMT	\$123.23	\$6,161.50	
			40	FT WALK	No Cost	\$0.00	
	<b>Michigan Ave</b>		10	FT DRIVE	No Cost	\$0.00	
							<b>\$6,161.50</b>
DAVID VILLEGAS SANCHEZ & BRENDA IDALIA MEJIA ORTIZ 2726 MICHIGAN AVE DALLAS, TX 75216	7	41/4211	50	FT PVMT	\$123.23	\$6,161.50	
			30	FT WALK	No Cost	\$0.00	
			10	FT DRIVE	No Cost	\$0.00	
			11.5	SY DR (10' Wide)	\$67.56	\$776.94	
							<b>\$6,938.44</b>
EUSEBIA BONILLA 2730 MICHIGAN AVE DALLAS, TX 75216	8	41/4211	50	FT PVMT	\$123.23	\$6,161.50	
			40	FT WALK	\$12.12	\$484.80	
			15.9	SY DR (10' Wide)	\$67.56	\$1,074.20	
							<b>\$7,720.50</b>

**STREET GROUP 12-464**

**2. MICHIGAN AVENUE FROM E SANER AVENUE TO E HOBSON AVENUE**

**SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH THICK LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICK REINFORCED CONCRETE DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH**

<b>OWNER</b>	<b>LOT(S)</b>	<b>BLOCK</b>	<b>FRONTAGE</b>	<b>RATE</b>	<b>AMOUNT</b>	<b>TOTAL ASSESSMENT</b>
<b>BROADMOOR ADDITION</b>						
TURKNETT HAZEL EST OF 2734 MICHIGAN AVE DALLAS, TX 75216	9	41/4211	50 FT PVMT 40 FT WALK 11.5 SY DR (10' Wide)	\$123.23 No Cost \$67.56	\$6,161.50 \$0.00 \$776.94	<b>\$6,938.44</b>
ELIZABETH O ARMENDARIZ 2738 MICHIGAN AVE DALLAS, TX 75216	10	41/4211	50 FT PVMT 40 FT WALK 10 FT DRIVE	\$123.23 \$12.12 No Cost	\$6,161.50 \$484.80 \$0.00	<b>\$6,646.30</b>
PRAYER HOUSE CHURCH OF GOD IN CHRIST 1258 HILLTOP DR CEDAR HILL, TX 75104	11 <b>2742</b>	41/4211 <b>Michigan Ave</b>	50 FT PVMT 50 FT WALK	\$123.23 \$12.12	\$6,161.50 \$606.00	<b>\$6,767.50</b>
ABRON FORBS 1125 WAWEENOC AVE DALLAS, TX 75216	12 <b>2746</b>	41/4211 <b>Michigan Ave</b>	52 FT PVMT 42 FT WALK 10 FT DRIVE	\$123.23 \$12.12 No Cost	\$6,407.96 \$509.04 \$0.00	<b>\$6,917.00</b>

**AGENDA ITEM # 7**

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 2, 7

**DEPARTMENT:** Department of Public Works

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 47J N

---

**SUBJECT**

Authorize an additional payment to the Texas Department of Transportation for the City of Dallas' share of estimated direct state costs for the construction oversight of the Dolphin Road (Hatcher Street) Project from Spring Avenue to north of Haskell Avenue - Not to exceed \$138,000 - Financing: 2006 Bond Funds

**BACKGROUND**

The Dolphin Road Project from Spring Avenue to north of Haskell Avenue is a partnership project between the City of Dallas and the Texas Department of Transportation (TxDOT) for the design and construction of paving and drainage improvements. An Interlocal Agreement with TxDOT was previously authorized in May 2015. The City is the lead agency responsible for administering the design and construction of the project. Design is 95 percent complete, and construction is estimated to begin in January 2019. This action will authorize an additional payment to TxDOT for the City's share of estimated direct State costs for the construction oversight of the Dolphin Road Project from Spring Avenue to north of Haskell Avenue, as required by the Interlocal Agreement prior to the construction letting.

Currently, Dolphin Road between Spring Avenue and Haskell Avenue is a four-lane undivided concrete roadway. The proposed project will reconstruct the existing roadway to a four-lane divided concrete roadway with sidewalks, street and pedestrian lighting, drainage, strategic median openings, three midblock crosswalks, landscaping, and water and wastewater main improvements.

The total estimated project cost including environmental, design, and construction is estimated at \$6,762,279.00 of which \$3,795,146.40 is to be funded by federal, \$654,563.00 is to be funded by Dallas Water Utilities (DWU), \$269,461.00 is to be funded by TxDOT, and \$2,043,108.60 is to be funded by the Department of Public Works. The City's funding for design, construction, and right-of-way (ROW) was approved in the 1995, 1998, and 2017 Bond Programs. Future council actions will be required to authorize right-of-way acquisitions and the construction contract.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	November 2015
Completed Design	July 2018
Began ROW Acquisition	July 2018
Complete ROW Acquisition	July 2019
Begin Construction	February 2019
Complete Construction	March 2022

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 8, 1997, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation (TxDOT) for design and construction of paving improvements to Hatcher Street from Haskell Avenue to Spring Avenue by Resolution No. 97-0098.

On August 22, 2007, City Council authorized an additional payment to TxDOT for the City's share of design costs for paving and drainage improvements on Hatcher Street from Haskell Avenue to Spring Avenue by Resolution No. 07-2398.

On June 19, 2013, City Council authorized an additional payment to TxDOT for the City's share of preliminary engineering costs for improvements on Hatcher Street from Haskell Avenue to Spring Avenue by Resolution No. 13-1038.

On May 27, 2015, City Council authorized the termination of the existing Interlocal Agreement with TxDOT and authorized a Local Transportation Project Advance Funding Agreement between the City of Dallas and TxDOT for the design and construction of paving improvements to the Dolphin Road (Hatcher Street) from Spring Avenue to North Haskell Avenue by Resolution No. 15-0965.

The Transportation and Trinity River Project Committee was briefed on Overview of Transportation Improvement Program on August 24, 2015.

On August 26, 2015, City Council authorized a professional services contract with Bridgefarmer & Associates, Inc. for the design of Dolphin Road (Hatcher Street) from Spring Avenue to north of Haskell Avenue by Resolution No. 15-1556.

The Mobility Solutions, Infrastructure and Sustainability Committee was briefed by memorandum regarding this matter on September 11, 2017.

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

On September 13, 2017, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Bridgefarmer & Associates, Inc. to provide additional engineering services for Dolphin Road (Hatcher Street) from Spring Avenue to north of Haskell Avenue in an amount not to exceed \$157,738.00 by Resolution No. 17-1428.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on August 6, 2018.

**FISCAL INFORMATION**

2006 Bond Funds - \$138,000.00

Design/Engineering /Environmental	\$ 398,377.00
Supplemental Agreement No. 1	\$ 157,738.00
Supplemental Agreement No. 2	\$ 49,483.00
Amount Expended Prior to May 2015	\$ 217,829.00
ROW	\$ 995,000.00
Construction	\$ 4,661,185.00
TxDOT Engineering Review (100% City)	\$ 144,667.00
Construction E&C (100% City)	<u>\$ 138,000.00</u> (this action)
Estimated Total Project Costs	\$ 6,762,279.00

**Project Share Cost**

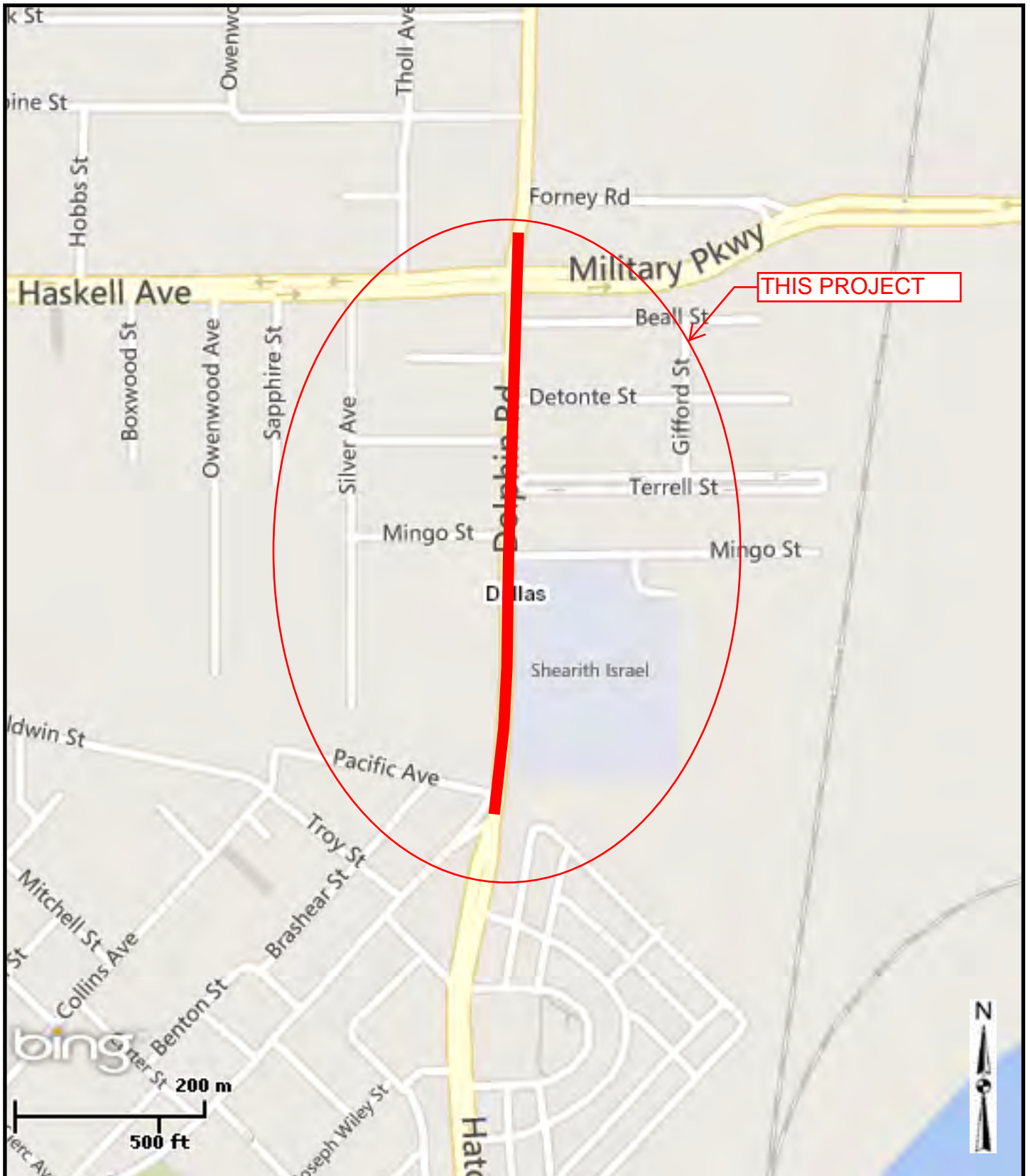
City's Share of Cost	\$ 2,043,108.60
Federal Share of Cost	\$ 3,795,146.40
DWU Share of Cost	\$ 654,563.00
TxDOT Share of Cost	\$ 269,461.00

<b><u>Council District</u></b>	<b><u>Amount</u></b>
2	\$ 5,520.00
7	<u>\$ 132,480.00</u>
Total	\$ 138,000.00

**MAP**

Attached

# STREET RECONSTRUCTION DOLPHIN RD. FROM SPRING AVE. TO N. HASKELL AVE.



THIS PROJECT



MAPSCO 47J, N

August 8, 2018

**WHEREAS**, Hatcher Street from Spring Avenue to Haskell Avenue was nominated as a candidate project in the Surface Transportation Program – Metropolitan Mobility, provided for by the Intermodal Surface Transportation Efficiency Act; and

**WHEREAS**, on January 8, 1997, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation (TxDOT) for design and construction of paving and drainage improvements to Hatcher Street from Haskell Avenue to Spring Avenue, in an amount not to exceed \$22,829, by Resolution No. 97-0098; and

**WHEREAS**, on August 22, 2007, City Council authorized an additional payment to TxDOT for the City's share of design costs for paving and drainage improvements on Hatcher Street from Haskell Avenue to Spring Avenue, in an amount not to exceed \$120,000, by Resolution No. 07-2398; and

**WHEREAS**, on June 19, 2013, City Council authorized an additional payment to TxDOT for the City's share of the preliminary engineering costs for improvements on Hatcher Street from Haskell Avenue to Spring Avenue, in an amount not to exceed \$75,000, by Resolution No. 13-1038; and

**WHEREAS**, in order to expedite this project and better coordinate with the neighborhood, the City of Dallas desired to take over the responsibility to administer the design, right-of-way acquisition, and construction of the Dolphin Road (Hatcher Street) from Spring Avenue to north of Haskell Avenue project; and

**WHEREAS**, TxDOT informed the City that a new agreement was necessary because the existing agreement that was executed on January 8, 1997 was outdated; therefore, the existing agreement was voided in its entirety and replaced with a new agreement to include current federal and state provisions; and

**WHEREAS**, on May 27, 2015, City Council authorized the termination of the existing Interlocal Agreement with TxDOT and authorized a Local Transportation Project Advance Funding Agreement between the City of Dallas and the Texas Department of Transportation for the design and construction of paving improvements to the Dolphin Road (Hatcher Street) from Spring Avenue to North Haskell Avenue, in an amount not to exceed \$144,667, by Resolution No. 15-0965; and

**WHEREAS**, on August 26, 2015, City Council authorized a professional services contract with Bridgefarmer & Associates, Inc. for the design of Dolphin Road (Hatcher Street) from Spring Avenue to north of Haskell Avenue, in an amount not to exceed \$398,377, by Resolution No. 15-1556; and

August 8, 2018

**WHEREAS**, on September 13, 2017, City Council authorized a Supplemental Agreement No. 1 to the professional services contract with Bridgefarmer & Associates, Inc. to provide additional engineering services for Dolphin Road Project from Spring Avenue to North Haskell Avenue Project, in an amount not to exceed \$157,738, from \$398,777 to \$556,115, by Resolution 17-1428; and

**WHEREAS**, on December 20, 2017, Administrative Action No. 18-5172 authorized a Supplemental Agreement No. 2 to the professional services contract with Bridgefarmer & Associates, Inc. to provide additional engineering services for Dolphin Road Project from Spring Avenue to north of Haskell Avenue Project, in an amount not to exceed \$49,483, from \$556,115 to \$605,598; and

**WHEREAS**, it is now necessary to authorize an additional payment to the Texas Department of Transportation for the City's share of estimated direct state costs for the construction oversight of the Dolphin Road (Hatcher Street) Project from Spring Avenue to north of Haskell Avenue, in an amount not to exceed \$138,000.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to make an additional payment to the Texas Department of Transportation for the City's share of estimated direct state costs for the construction oversight of the Dolphin Road (Hatcher Street) Project from Spring Avenue to north of Haskell Avenue, in an amount not to exceed \$138,000.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$138,000 to TxDOT from Street and Transportation Improvements Fund, Fund 2T22, Department PBW, Unit L194, Object 4510, Activity THRG, Program PB95L194, CX-PBW-2018-00006829, Vendor 239588.

**SECTION 3.** That the Chief Financial Officer is authorized to deposit any unused bond funds advanced to TxDOT pertaining to this project in Fund 2T22, Department PBW, Balance Sheet Account 032B.

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



## AGENDA ITEM # 8

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Sustainable Development and Construction  
City Attorney's Office  
Department of Public Works

**CMO:** Majed Al-Ghafry, 670-3302  
Larry Casto, 670-3491

**MAPSCO:** 46J

---

### SUBJECT

Authorize (1) settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Cold Beer in Deep Ellum, L.P., et al., pending in County Court at Law No. 4, Cause No. CC-15-04210-D, for acquisition from Cold Beer in Deep Ellum, L.P., et al., of approximately 3,725 square feet of land for right-of-way located near the intersection of Exposition Avenue and Main Street for the CBD-Fair Park Link Project; and (2) the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$480,000 increased from \$253,833 (\$248,833 being the award, plus closing costs and title expenses not to exceed \$5,000) to \$487,000 (\$480,000 being the settlement amount, plus closing costs and title expenses not to exceed \$7,000) - Financing: 2003 Bond Funds

### BACKGROUND

This item authorizes settlement for the acquisition of approximately 3,725 square feet of land for right-of-way located near the intersection of Exposition Avenue and Main Street for the CBD-Fair Park Link Project. This settlement will allow acquisition of the property without further condemnation proceedings.

City Council authorized the purchase and/or condemnation in the amount of \$248,833, based on an independent appraisal and inclusive of title and closing costs by Resolution No. 13-0724 dated April 24, 2013. The owner rejected the official offer and the City Attorney filed the condemnation proceeding for the acquisition of the property for the project. There are no relocation benefits associated.

The Special Commissioners' awarded \$141,900 on May 4, 2016.

**BACKGROUND** (continued)

The Special Commissioners' award was deposited with the County Clerk of Dallas County, Texas on May 17, 2016.

The City and Cold Beer in Deep Ellum, L.P., et al., attended a Court ordered mediation on May 24, 2018. The parties reached an amount to settle the lawsuit.

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

On April 24, 2013, City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Advance Brake and Clutch Services, of approximately 3,725 square feet of land improved with a commercial building located near the intersection of Exposition Avenue and Main Street for the CBD-Fair Park Link Project by Resolution No. 13-0724.

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

2003 Bond Funds - \$233,167

Resolution No. 13-0724	\$253,833
Additional Amount (this action)	<u>\$233,167</u>
Total Authorized Amount	\$487,000

**OWNER**

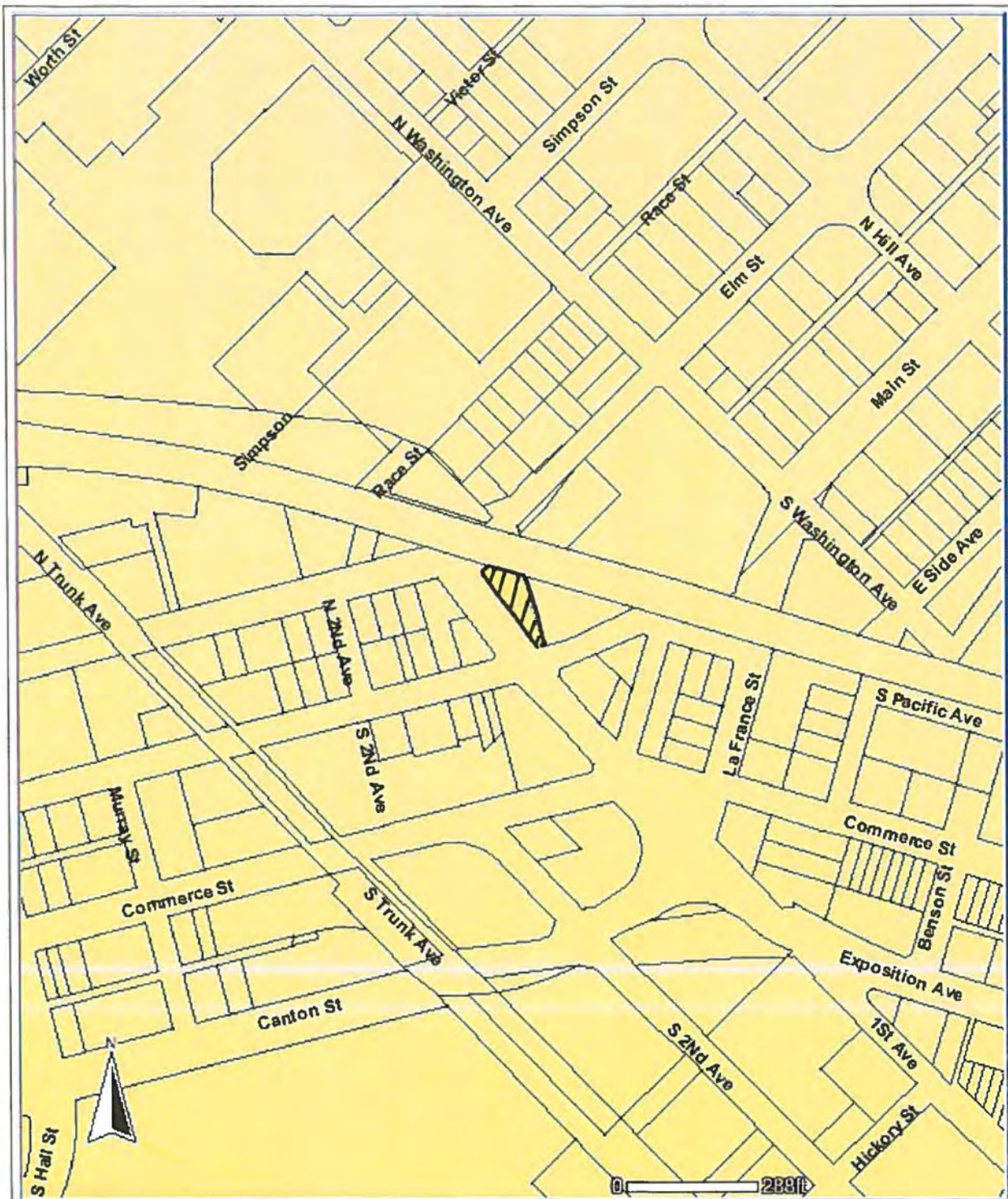
**Cold Beer in Deep Ellum L.P.**

42 A, LLC, General Manager

Scott Rohrman, Manager

**MAP**

Attached



SUBJECT PARCEL:





August 8, 2018

**A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION LAWSUIT.**

*All capitalized terms are defined in Section 1 below.*

**WHEREAS**, the Dallas City Council by the RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

**WHEREAS**, the Dallas City Council by the RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

**WHEREAS**, the Dallas City Council by the RESOLUTION authorized the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT through appropriation and/or condemnation; and

**WHEREAS**, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the RESOLUTION; and

**WHEREAS**, the Dallas City Council by the RESOLUTION authorized and directed the City Attorney to file the necessary proceeding and to take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT by condemnation, or in any other manner provided by law; and

**WHEREAS**, the City Attorney, pursuant to the RESOLUTION, filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT; and

**WHEREAS**, objections to the SPECIAL COMMISSIONERS' AWARD AMOUNT were filed, turning the CONDEMNATION PROCEEDING into a CONDEMNATION LAWSUIT; and

**WHEREAS**, OWNERS have agreed to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT; and

**WHEREAS**, the Dallas City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

**Now, Therefore,**

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

August 8, 2018

**SECTION 1.** For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“RESOLUTION”: Resolution No. 13-0724 approved by the Dallas City Council on April 24, 2013, authorizing appropriation and/or condemnation for a public use.

“CONDEMNATION PROCEEDING/LAWSUIT”: Cause No. CC-15-04210-D, in Dallas County Court at Law No. 4, and styled City of Dallas v. Cold Beer in Deep Ellum, LP, et al., filed pursuant to the RESOLUTION.

“PROPERTY”: Approximately 3,725 square feet of land in fee in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING/LAWSUIT.

“PROPERTY INTEREST”: Fee

“PROJECT”: CBD-Fair Park Link Project

“USE”: Future extension of the CBD-Fair Park Link thoroughfare, together with such appurtenant facilities as may be necessary, however, to the extent fee title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

“OWNER”: Cold Beer in Deep Ellum, LP., provided, however, that the term “OWNER” as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

“OFFICIAL OFFER AMOUNT”: \$248,833 as approved in RESOLUTION No.13-0724.

“SPECIAL COMMISSIONERS’ AWARD AMOUNT”: \$141,900, the same having been previously deposited pursuant to the RESOLUTION.

“SETTLEMENT AMOUNT”: \$480,000, which includes the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$7,000

“ADDITIONAL AMOUNT”: \$233,167, the difference between the SETTLEMENT AMOUNT and AUTHORIZED AMOUNT from City Council Resolution 13-0724.

August 8, 2018

**SECTION 1.** (continued)

“AUTHORIZED AMOUNT”: Not to exceed \$487,000

“DESIGNATED FUNDS”:

\$141,900 out of 2003 Bond Fund, Fund 5R22, Department PBW, Unit R157, Activity INGV, Program PB03R157, Object 4210, Encumbrance CT-SUSR157LK04.

\$111,933 out of 2003 Bond Fund, Fund 5R22, Department PBW, Unit R157, Activity INGV, Program PB03R157, Object 4210, Encumbrance/Contract No. CX-PBW-2018-00007045.

\$233,167 out of 2006 Bond Fund, Fund 3T22, Department PBW, Unit U203, Activity INGV, Program PB06U203, Object 4210, Encumbrance/Contract No. CX-PBW-2018-00007045.

**SECTION 2.** That the City Attorney and the City Manager are hereby authorized to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

**SECTION 3.** That the City Attorney and the City Manager are hereby authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

**SECTION 4.** That if the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the ADDITIONAL AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the ADDITIONAL AMOUNT, made payable to the County Clerk of Dallas County, Texas, which is to be deposited into the registry of the Court. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The ADDITIONAL AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.



August 8, 2018

**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.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:

  
Assistant City Attorney



**AGENDA ITEM # 9**

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Department of Sustainable Development and Construction  
Water Utilities Department

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** N/A

---

**SUBJECT**

Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 266,621 square feet from Forney Ranch Road, LLC located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$62,473, increased from \$96,815 (\$93,315, plus closing costs and title expenses not to exceed \$3,500) to \$159,288 (\$155,788, plus closing costs and title expenses not to exceed \$3,500) – Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This item authorizes a settlement for the acquisition of a tract of land containing approximately 266,621 square feet located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Pipeline Project. This settlement will allow acquisition of the property without further condemnation proceedings.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands. The consideration is based on an independent appraisal. There are no relocation benefits associated.

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

On August 12, 2015, City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Forney Ranch Road, LLC, of a tract of land containing approximately 266,621 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project by Resolution No. 15-1419.

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$62,473

Resolution No. 15-1419	\$ 96,815
Additional Amount (this action)	<u>\$ 62,473</u>
Total Authorized Amount	\$159,288

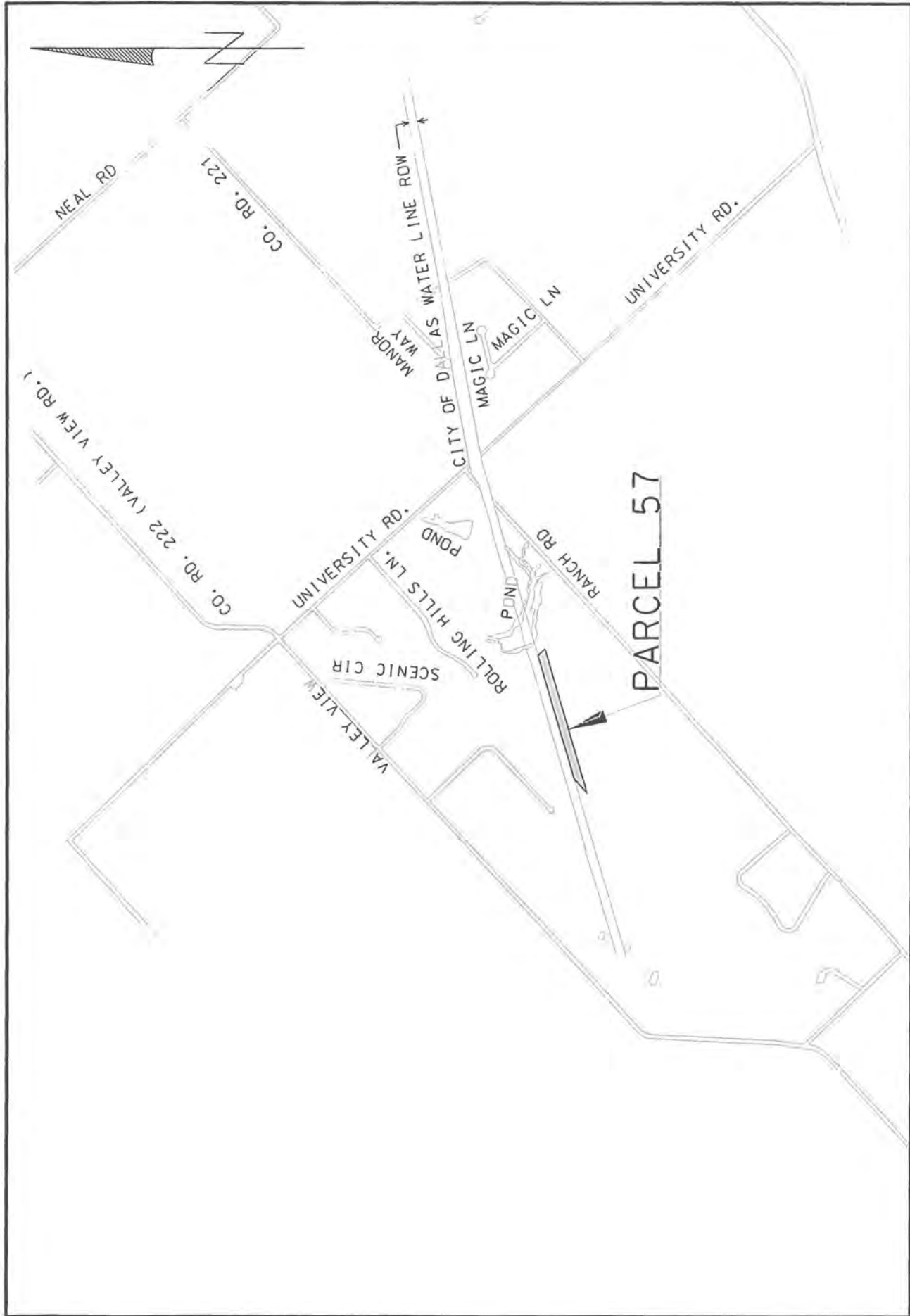
**OWNER**

**Forney Ranch Road, LLC**

M. Joe Dempsey, Manager

**MAP**

Attached



VICINITY MAP  
APPROXIMATE SCALE 1" = 2000'



August 8, 2018

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.**

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

**WHEREAS**, OWNER refused the FIRST RESOLUTION PURCHASE AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

**WHEREAS**, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated SETTLEMENT AMOUNT stated herein.

**Now, Therefore,**

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

**SECTION 1.** That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 15-1419 approved by the Dallas City Council on August 12, 2015, to authorize the purchase and/or condemnation for a purchase amount of \$93,315, (plus closing costs and title expenses not to exceed \$3,500).

“PROJECT”: Lake Tawakoni 144-inch Pipeline Project

“USE”: The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“OWNER”: Forney Ranch Road, LLC, a Texas limited liability company, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

August 8, 2018

**SECTION 1.** (continued)

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

“PROPERTY”: Approximately 266,621 square feet of land located in Kaufman County, Texas, and being the same property more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

“FIRST RESOLUTION PURCHASE AMOUNT”: \$93,315

“SETTLEMENT AMOUNT”: \$62,473

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,500

“REVISED AUTHORIZED AMOUNT”: \$159,288

**SECTION 2.** That the City Manager, and/or the City Manager’s designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

**SECTION 3.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY’S market value.

**SECTION 4.** That OWNER has been provided with a copy of the Landowner’s Bill of Rights as contemplated by applicable state statute.

**SECTION 5.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the SETTLEMENT AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable as follows:

Water Utilities Capital Improvement Funds, Fund No. 3115, Department DWU, Unit PW20, Activity RWPT, Program No. 704041, Object 4230, Encumbrance/Contract No. CX-DWU-2018-00005997, in an amount not to exceed \$62,473.

August 8, 2018

**SECTION 5.** (continued)

Water Utilities Capital Improvement Funds, Fund No. 2115, Department DWU, Unit PW20, Program No. 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005997, in an amount not to exceed \$96,815.

The SETTLEMENT AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

**SECTION 6.** That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney

FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF  
RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
KAUFMAN COUNTY, TEXAS

Parcel: 57

BEING a 6.121 acre tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being a portion of a 134.936 acre tract of land described as "Tract II" in Special Warranty Deed with Vendor's Lien to Forney Ranch Road, LLC, dated September 13, 2007, as recorded in Instrument 200700022212 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a concrete monument with brass disk stamped "City of Dallas" found at the northernmost corner of said Tract II, being in the south line of a City of Dallas Water Line Right-of-Way (variable width at this point), as recorded in Volume 442, Page 193, D.R.K.C.T., said point being in the southwest line of a 92 acre tract of land described in Special Warranty Deed to Alfred S. Holcomb, Jr., dated April 4, 1983, as recorded in Volume 733, Page 101, D.R.K.C.T.;

THENCE South 46 degrees 26 minutes 53 seconds East, with the east line of said Tract II, a distance of 145.43 feet to a 1/2-inch set iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing the east line of said Tract II and, 130 feet parallel to the south line of said City of Dallas Water Line Right-of-Way, a distance of 2,216.77 feet a 1/2-inch iron rod with cap set in the common line of the northwest line of said Tract II and the southeast line of The Ridge Addition, an addition to Kaufman County, Texas, as recorded in Volume 7, Page 40, in the Plat Records of Kaufman County, Texas;

THENCE North 44 degrees 10 minutes 57 seconds East, with said common line, a distance of 296.50 feet to a 1/2-inch iron rod with cap set at a north corner of said Tract II, being in the south line of said City of Dallas Water Line Right-of-Way;

THENCE North 70 degrees 11 minutes 16 seconds East, with a north line of said Tract II and south line of said City of Dallas Water Line Right-of-Way, a distance of 1,885.09 feet to the POINT OF BEGINNING and containing 266,621 square feet or 6.121 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By: [Signature] Date: 10.23.13

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504



FIELD NOTES APPROVED:  
[Signature] 10/25/13





MATCH LINE SEE SHEET 2 OF 3

OWNER:  
FORNEY RANCH ROAD, LLC  
"TRACT I"  
(INST. 200700022212)  
D.R.K.C.T.

KAUFMAN COUNTY

OWNER:  
WILLIAM H. PHILIPS JR.  
(VOL. 1336, PG. 338)  
D.R.K.C.T.

THE RIDGE  
(VOL. 7, PG. 40)  
P.R.K.C.T.

OWNER:  
DANIEL CRAIG WALBRIDGE,  
A MARRIED PERSON  
(VOL. 1110, PG. 660)  
D.R.K.C.T.

LOT 12

LOT 13  
BLOCK A

LOT 11

LOT 14

LOT 13A

LOT 12A

N44° 10'57"E  
296.50'

1/2" SIR  
W/CAP

130.00'

PARCEL 57  
266,621 S.F.  
6.121 AC.

OWNER:  
FORNEY RANCH ROAD, LLC  
"TRACT II"  
(INST. 200700022212)  
D.R.K.C.T.

LOT 11A

LOT 12A

1/2" SIR  
W/CAP

1/2" SIR  
W/CAP

130.00'

N70° 11'16"E 1,885.00'

N70° 11'16"W 2,216.77'

130.00'



NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20066818, WITH AN EFFECTIVE DATE OF JANUARY 28, 2008

- LEGEND:
- S.F. SQUARE FEET
  - C.M. CONTROL MONUMENT
  - O FIR FOUND IRON ROD
  - O FIP FOUND IRON PIPE
  - O 1/2" SIR SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "OTE"
  - O SX SET "X" CUT IN CONCRETE
  - O FPK FOUND PK., NAIL
  - O SPK SET PK., NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NOS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT

RIGHT-OF-WAY ACQUISITION

SITUATED IN THE  
JUAN LOPEZ SURVEY, ABSTRACT NO. 286  
KAUFMAN COUNTY, TEXAS

FOR THE  
CITY OF DALLAS.

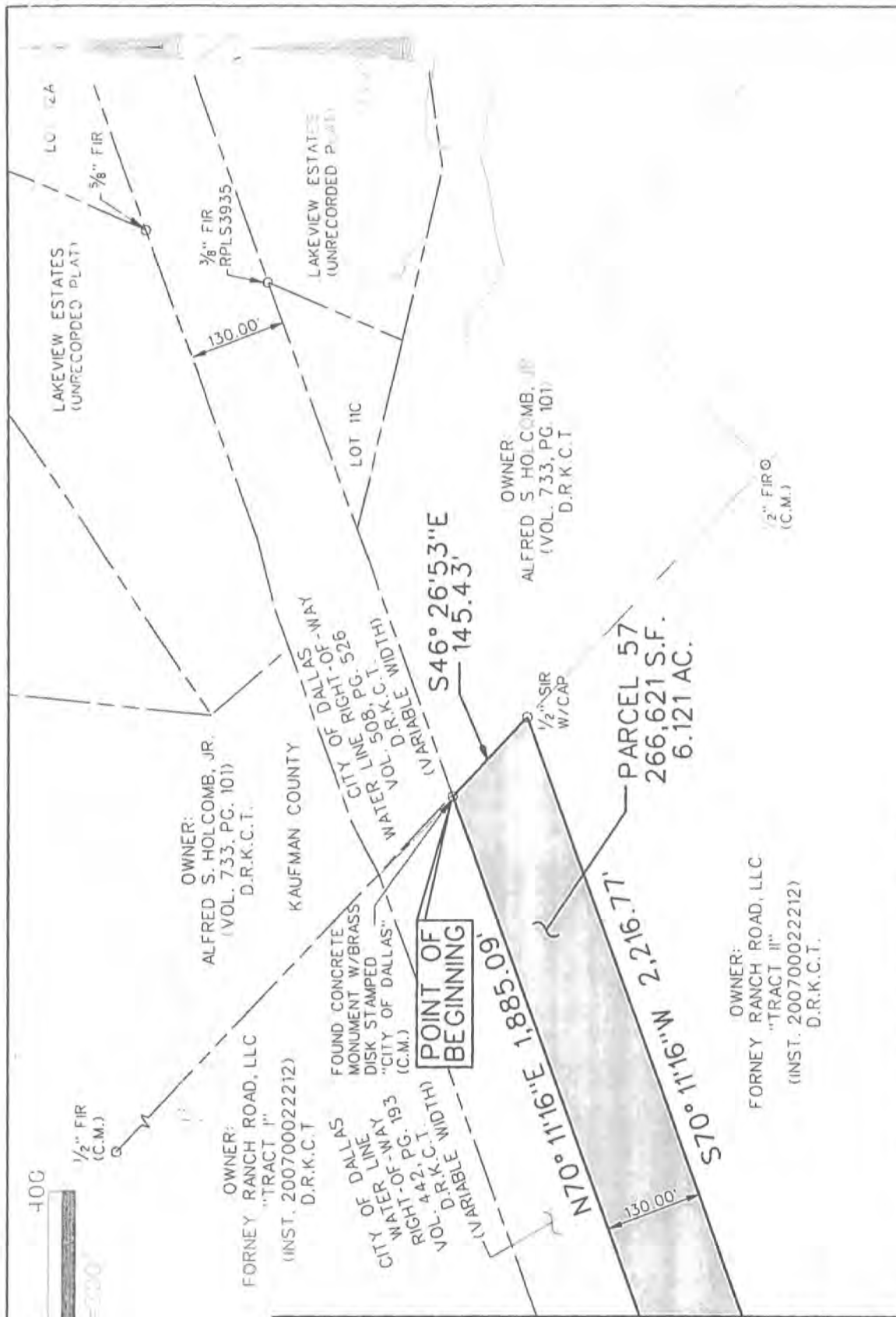
BY  
DAL TECH ENGINEERING INC 14500 DALLAS PARKWAY SUITE 11  
DALLAS TEXAS 75244 TEL 972-259-1111 FAX 972-259-1112

40G



SCALE: 1"=500'

MATCH LINE SEE SHEET 3 OF 3



OWNER:  
ALFRED S. HOLCOMB, JR.  
(VOL. 733, PG. 101)  
D.R.K.C.T.

OWNER:  
FORNEY RANCH ROAD, LLC  
"TRACT I"  
D.R.K.C.T.  
(INST. 200700022212)

FOUND CONCRETE  
MONUMENT W/BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS  
WATER-OF-WAY  
RIGHT-OF-WAY  
VOL. 442, PG. T.  
D.R.K.C.T.  
(VARIABLE WIDTH)

KAUFMAN COUNTY

CITY OF DALLAS  
DALLAS RIGHT-OF-WAY  
CITY LINE PG. 526  
WATER 508, C.T.  
VOL. D.R.K.C.T.  
(VARIABLE WIDTH)

POINT OF  
BEGINNING

S46°26'53"E  
145.43'

S72°07'11"W  
1,885.06'

1/2" SIR  
W/CAP

OWNER:  
ALFRED S. HOLCOMB, JR.  
(VOL. 733, PG. 101)  
D.R.K.C.T.

PARCEL 57  
266,621 S.F.  
6.121 AC.

OWNER:  
FORNEY RANCH ROAD, LLC  
"TRACT II"  
D.R.K.C.T.  
(INST. 200700022212)

1/2" FIRM  
(C.M.)



NOTE: THIS SURVEY WAS PERFORMED BASE UPON  
RECORD DATA PROVIDED UNDER JACKSON TITLE  
INSURANCE COMPANY COMMITMENT G.F. NUMBER  
20066818, WITH AN EFFECTIVE DATE OF JANUARY 28, 2008

- LEGEND:
- S.F. SQUARE FEET
  - C.M. CONTROL MONUMENT
  - O FIP FOUND IRON ROD
  - O FIP FOUND IRON PIPE
  - O 1/2" SIR 1/2" SET IRON ROD WITH A RED PLASTIC CAP, STAMPED "DAL-TECH" OR "DTE"
  - O SX SET "X" CUT IN CONCRETE
  - O FPK FOUND PK. NAIL
  - O SPK SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT  
OF A

RIGHT-OF-WAY ACQUISITION  
SITUATED IN THE  
JUAN LOPEZ SURVEY ABSTRACT NO. 78  
KAUFMAN COUNTY, TEXAS

FOR THE  
CITY OF DALLAS  
BY

DAL-TECH ENGINEERING INC 17400 DALLAS PARKWAY SUITE 100  
DALLAS TEXAS 75287 TEL 972-350-2727 FAX 972-350-1234

# EXHIBIT B

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS §  
                                                          §       KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF KAUFMAN §

That Forney Ranch Road, LLC, a Texas limited liability company (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Kaufman, State of Texas, for and in consideration of the sum of ONE HUNDRED FIFTY FIVE THOUSAND SEVEN HUNDRED EIGHTY EIGHT DOLLARS AND 00/100 DOLLARS (\$155,788.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

**SPECIAL PROVISIONS:** This conveyance is made and accepted subject to the reservations provided in Exhibit B and Exhibit C which is attached hereto and incorporated herein for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Forney Ranch Road, LLC**

\_\_\_\_\_  
M. Joe Dempsey, Manager

\_\_\_\_\_  
Gary W. Beene, Manager

\* \* \* \* \*

STATE OF TEXAS '
COUNTY OF KAUFMAN '

This instrument was acknowledged before me on \_\_\_\_\_
by M. Joe Dempsey, Manager of Forney Ranch Road, LLC, a Texas limited liability
company, on behalf of said limited liability company.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

STATE OF TEXAS '
COUNTY OF KAUFMAN '

This instrument was acknowledged before me on \_\_\_\_\_
by Gary W. Beene, Manager of Forney Ranch Road, LLC, a Texas limited liability
company, on behalf of said limited liability company.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Christian Roman

Warranty Deed Log No 40159

FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF  
RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
KAUFMAN COUNTY, TEXAS

Parcel: 57

BEING a 6.121 acre tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being a portion of a 134.936 acre tract of land described as "Tract II" in Special Warranty Deed with Vendor's Lien to Forney Ranch Road, LLC, dated September 13, 2007, as recorded in Instrument 200700022212 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a concrete monument with brass disk stamped "City of Dallas" found at the northernmost corner of said Tract II, being in the south line of a City of Dallas Water Line Right-of-Way (variable width at this point), as recorded in Volume 442, Page 193, D.R.K.C.T., said point being in the southwest line of a 92 acre tract of land described in Special Warranty Deed to Alfred S. Holcomb, Jr., dated April 4, 1983, as recorded in Volume 733, Page 101, D.R.K.C.T.;

THENCE South 46 degrees 26 minutes 53 seconds East, with the east line of said Tract II, a distance of 145.43 feet to a 1/2-inch set iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing the east line of said Tract II and, 130 feet parallel to the south line of said City of Dallas Water Line Right-of-Way, a distance of 2,216.77 feet a 1/2-inch iron rod with cap set in the common line of the northwest line of said Tract II and the southeast line of The Ridge Addition, an addition to Kaufman County, Texas, as recorded in Volume 7, Page 40, in the Plat Records of Kaufman County, Texas;

THENCE North 44 degrees 10 minutes 57 seconds East, with said common line, a distance of 296.59 feet to a 1/2-inch iron rod with cap set at a north corner of said Tract II, being in the south line of said City of Dallas Water Line Right-of-Way;

THENCE North 70 degrees 11 minutes 16 seconds East, with a north line of said Tract II and south line of said City of Dallas Water Line Right-of-Way, a distance of 1,885.09 feet to the POINT OF BEGINNING and containing 266,621 square feet or 6.121 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By: [Signature] Date: 10.23.13

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 55614



FIELD NOTES APPROVED:  
[Signature] 10/25/13



MATCH LINE SEE SHEET 2 OF 3

OWNER:  
FORNEY RANCH ROAD, LLC  
"TRACT III"  
INST. 0070002227  
D.R.K.C.T.

KAUFMAN COUNTY

OWNER:  
WILLIAM H. PHILLIPS JR  
(VOL. 1335, PG. 338)  
D.R.K.C.T.

OWNER:  
DANIEL CRAIG WALBRIDGE,  
A MARRIED PERSON  
(VOL. 1110, PG. 660)  
D.R.K.C.T.

THE RIDGE  
(VOL. 7, PG. 40)  
P.R.K.C.T.

LOT 12  
LOT 13  
BLOCK A

LOT 12A

N44° 10'57"E  
296.50'

OWNER:  
FORNEY RANCH ROAD, LLC  
"TRACT III"  
INST. 0070002227  
D.R.K.C.T.

150.00'

N70° 11'16" E 1,885.09'

S75° 0' 11'16" W 2,216.77'

PARCEL 57  
266,621 S.F.  
6.121 AC.

CITY OF DALLAS  
WATER LINE PG. 195  
VOL. 442, P. 1  
D.R.K.C.T.  
VARIABLE WIDTH



NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20066818, WITH AN EFFECTIVE DATE OF JANUARY 28, 2008

- LEGEND:
- S.F. SQUARE FEET
  - C.M. CONTROL MONUMENT
  - O F IR FOUND IRON ROD
  - O F I P FOUND IRON PIPE
  - O 1/2" S IR 1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
  - O SX SET "X" CUT IN CONCRETE
  - O F PK FOUND PK NAIL
  - O S PK SET PK NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE #202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIER CORRS ARP, DALLAS CORRS ARP, KAUFMAN CORRS ARP, TYLER CORRS ARP, AND PARIS CORRS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114027 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT

APPROVED BY: [Signature]  
CITY OF DALLAS  
PLANNING DEPARTMENT  
1500 JAMES WHITE BLVD., SUITE 1000  
DALLAS, TEXAS 75202  
DATE: 10/23/13

MATCH LINE SEE SHEET 3 OF 3



NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20066818, WITH AN EFFECTIVE DATE OF JANUARY 28, 2008

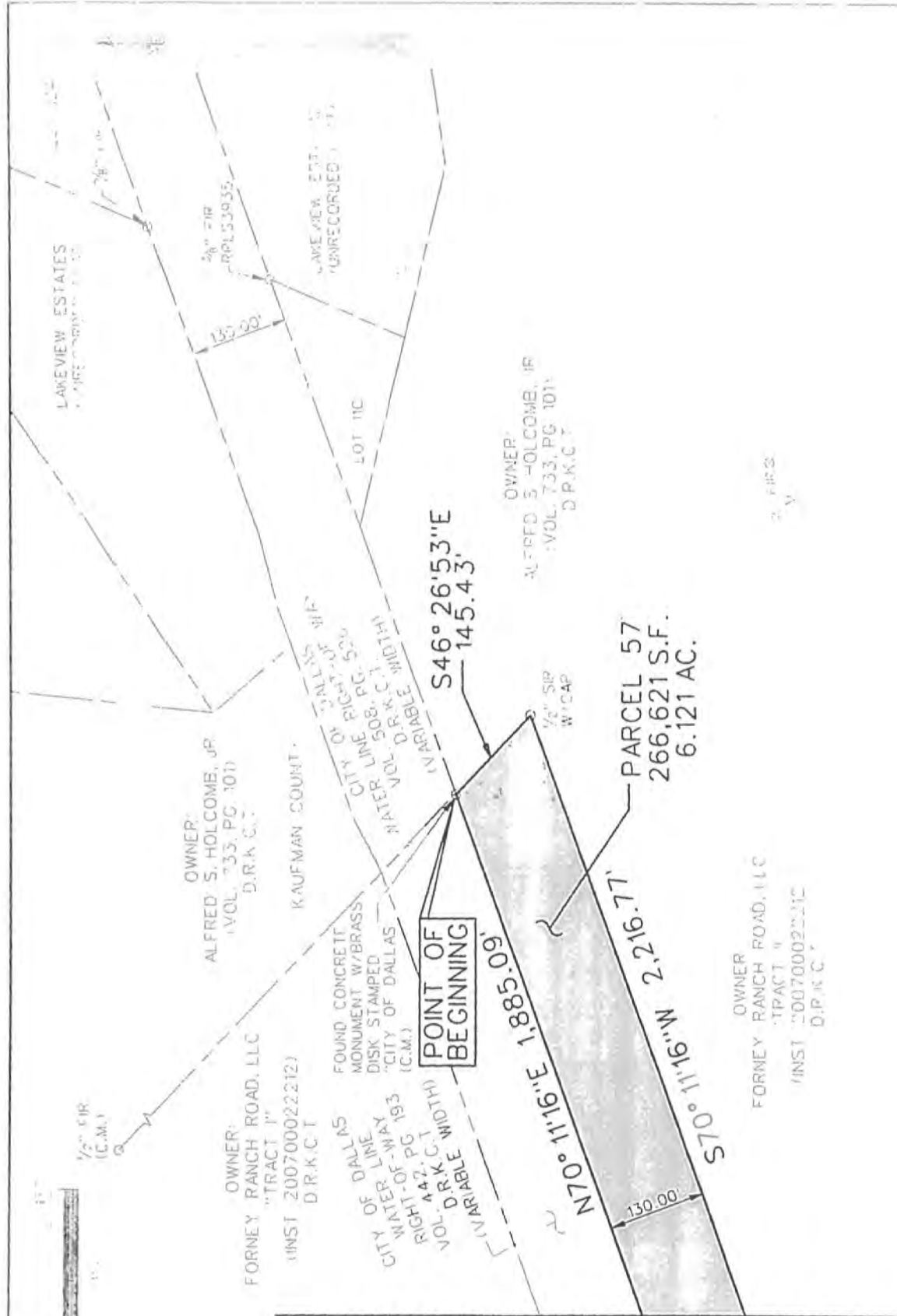
LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
○ FIR	FOUND IRON ROD
○ FIP	FOUND IRON PIPE
○ 1/2" SIP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTC"
○ SX	SET "X" CUT IN CONCRETE
○ FPK	FOUND P.K. NAIL
○ SPK	SET P.K. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLIN CORPS APP., DALLAS CORPS APP., KAUFMAN CORPS APP., TYLER CORPS APP., AND PARIS CORPS APP., THE KAUFMAN COUNTY SCALE FACTOR OF 1.0001407 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT No. 2

RIGHT-OF-WAY ACQUISITION  
 80-1327-18-144  
 1000 COPY BEARS ABBREVIATED "A" TAG  
 KAUFMAN COUNTY TEXAS  
 CITY OF DALLAS  
 DAL 1504 ENGINEERING AND SURVEYING, INC. (NEW 0545)  
 DALLAS, TEXAS 75201



S46°26'53"E  
 145.43'

PARCEL 57  
 266,621 S.F.  
 6.121 AC.

POINT OF BEGINNING

N70°11'16"E 1,885.00'  
 S70°11'16"W 2,216.77'

OWNER:  
 ALFRED S. HOLCOMBE, JR.  
 (VOL. 33, PG. 101)  
 D.P.K.C.

OWNER:  
 FORNEY RANCH ROAD, LLC  
 "TRACT 1"  
 (INST. 200700022212)  
 D.P.K.C.

OWNER:  
 FORNEY RANCH ROAD, LLC  
 "TRACT 1"  
 (INST. 200700022212)  
 D.P.K.C.

OWNER:  
 ALFRED S. HOLCOMBE, JR.  
 (VOL. 33, PG. 101)  
 D.P.K.C.

KAUFMAN COUNTY  
 CITY OF DALLAS  
 WATER LINE 508.C.T. (H)  
 VARIABLE D.P.K.C.T.  
 VARIABLE D.P.K.C.T.  
 VARIABLE D.P.K.C.T.

FOUND CONCRETE MONUMENT W/BRASS DISK STAMPED "CITY OF DALLAS (C.M.)"

CITY OF DALLAS  
 WATER-OF-PG 193  
 RIGHT-OF-WAY  
 VOL. 442, T  
 D.P.K.C.T.  
 VARIABLE D.P.K.C.T.

LAKEVIEW ESTATES  
 "TRACT 1"

1/2" SIP  
 RPLS 3935

LAKEVIEW ESTATES  
 (UNRECORDED)

1/2" SIP  
 (C.M.)



## **EXHIBIT “B”**

### **EASEMENT – ACCESS [To Be Located]**

Grantor, for Grantor and Grantor’s heirs, successors and assigns (“the holder of the easement”) does hereby reserve an easement over, on and across the property described in Exhibit “A” to provide free and uninterrupted pedestrian, vehicular and utility access at one location to and from Grantor’s adjoining or abutting property, being more fully described in Attachment “1a” & “1b”, attached hereto and made a part hereof by reference for all purposes, (the “Dominant Estate Property”) and portions thereof, in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit “A” by City.

The easement is appurtenant to and runs with the Dominant Estate Property and all portions of it, whether or not the easement is referenced in any conveyance of the Dominant Estate Property or any portion of it. The easement binds and inures to the benefit of Grantor and City and their respective heirs, successors, and assigns.

The easement is perpetual.

This easement is nonexclusive, and City reserves for City and City’s successors and assigns the right to convey the same or similar easement or other rights or easements to others. Notwithstanding any provision of this easement reservation to the contrary, City and City’s successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the property described in Exhibit “A” and covered by this easement, without any liability for damages, destruction or injury to any improvements located in the easement, from time to time.

Professionally engineered plans and specifications bearing the seal of a professional engineer currently registered in the State of Texas showing the exact location of the access and any and all improvements desired by the holder of the easement, including without limitation, fill or removal of soil within the easement, paving, support, protection of City’s uses, utility lines, structures and facilities, must be submitted to and approved in writing by the City of Dallas Water Department (“DWU”) in advance of any construction by the holder of the easement. No vehicle, equipment or machinery exceeding a total weight of 15,000 lbs may come on the easement or any use be allowed to exist that would exceed said weight limit at any time during normal use unless confined to the designated access points on improvements the plans and specifications for which are structurally designed and constructed with supporting appurtenances that meet or exceed H20 highway design capacity and that protect the City’s facilities from all imposed loading. The parties acknowledge and agree that the paramount consideration in the evaluation of any access location and/or proposed improvements is to fully and completely accommodate City’s uses (current, anticipated, and/or potential) of the property described in Exhibit “A” and any facilities it may install. Consequently, City’s determinations in this regard are conclusive and final. All such improvements and maintenance of the access location will be at the sole expense of the holder of the easement and must be constructed in a good and workmanlike manner in



conformity with the approved plans and specifications. The holder of the easement will maintain the access location in a neat, clean and safe condition at all times.

Once the exact location of the access has been identified by the holder of the easement and approved by City, the remainder of the property described by Exhibit "A" shall be released from this easement and the parties shall execute and deliver any and all instruments reasonably necessary, appropriate and/or convenient to document same. If City desires to have the access location identified and established before the holder of the easement has requested to identify and establish the exact location of same, City may require the easement holder to identify a location acceptable to both parties in the reasonable good faith exercise of their discretion, in which case the remainder of the property described by Exhibit "A" shall be released from this easement and the parties shall execute and deliver any and all instruments reasonably necessary, appropriate and/or convenient to document same. In such event if the parties cannot reach agreement on the location of the access, City may unilaterally identify and establish same, in which case the remainder of the property described by Exhibit "A" shall be released from this easement and the parties shall execute and deliver any and all instruments reasonably necessary, appropriate and/or convenient to document same.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the easement and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF  
RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
KAUFMAN COUNTY, TEXAS

Parcel: 57

BEING a 6.121 acre tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being a portion of a 134.936 acre tract of land described as "Tract II" in Special Warranty Deed with Vendor's Lien to Forney Ranch Road, LLC dated September 13, 2007, as recorded in Instrument 200700022212 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a concrete monument with brass disk stamped "City of Dallas" found at the northernmost corner of said Tract II, being in the south line of a City of Dallas Water Line Right-of-Way (variable width at this point), as recorded in Volume 442, Page 193, D.R.K.C.T., said point being in the southwest line of a 92 acre tract of land described in Special Warranty Deed to Alfred S. Holcomb, Jr., dated April 4, 1983, as recorded in Volume 733, Page 101 D.R.K.C.T.;

THENCE South 46 degrees 26 minutes 53 seconds East, with the east line of said Tract II, a distance of 145.43 feet to a 1/2-inch set iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing the east line of said Tract II and, 130 feet parallel to the south line of said City of Dallas Water Line Right-of-Way, a distance of 2,216.77 feet a 1/2-inch iron rod with cap set in the common line of the northwest line of said Tract II and the southeast line of The Ridge Addition, an addition to Kaufman County, Texas, as recorded in Volume 7, Page 40, in the Plat Records of Kaufman County, Texas;

THENCE North 44 degrees 10 minutes 57 seconds East, with said common line, a distance of 296.50 feet to a 1/2-inch iron rod with cap set at a north corner of said Tract II, being in the south line of said City of Dallas Water Line Right-of-Way;

THENCE North 70 degrees 11 minutes 16 seconds East, with a north line of said Tract II and south line of said City of Dallas Water Line Right-of-Way, a distance of 1,885.09 feet to the POINT OF BEGINNING and containing 266.621 square feet or 6.121 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By: [Signature] Date 10/23/13

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional I and Surveyor  
Texas No. 5504



FIELD NOTES APPROVED:  
[Signature] 10/25/13

MATCH LINE SEE SHEET 2 OF 3

OWNER:  
FORNEY RANCH ROAD, LLC  
"TRACT"  
INS# 2007000222  
D.R.K.C.T.

KAUFMAN COUNTY

OWNER:  
WILLIAM H. PHILLIPS JR  
(VOL. 133b, PG. 338)  
D.R.K.C.T.

OWNER:  
DANIEL CRAIG WALBRIDGE,  
A MARRIED PERSON  
(VOL. 1110, PG. 660)  
D.R.K.C.T.

THE RIDGE  
(VOL. 7, PG. 40)  
P.R.K.C.T.

LOT 14

LOT 13  
BLOCK A

LOT 12

N44° 10'57"E  
296.50'

1/2" SIR  
W/CAP

LOT 12A

LOT 11A

PARCEL 57  
266,621 S.F.  
6.121 AC.

OWNER:  
FORNEY RANCH ROAD, LLC  
"TRACT"  
INS# 2007000222  
D.R.K.C.T.

CITY OF DALLAS  
MATCH LINE SEE SHEET 2 OF 3  
INTERLINE 442.C.T.  
D.R.K.C.T.  
VARIABLE WIDTH

N70° 11'16"E 1,885.09'

S70° 11'16"W 2,216.77'

LOT 13A

INS# 2007000222  
D.R.K.C.T.

EXHIBIT

2008-01-28 10:00 AM  
JAMES LOPEZ SURVEY, DISTRICT NO. 106  
INS# 2007000222  
D.R.K.C.T.

CITY OF DALLAS

NOTE: THIS SURVEY WAS PERFORMED BASE UPON:  
RECORD DATA PROVIDED UNDER JACKSON TITLE  
INSURANCE COMPANY COMMITMENT G.F. NUMBER  
20066818, WITH AN EFFECTIVE DATE OF JANUARY 28, 2008

LEGEND:

- S.F. SQUARE FEET
- C.M. CONTROL MONUMENT
- O FIP FOUND IRON ROD
- O FIP FOUND IRON PIPE
- O 1/2" SIR 1/2" SFT IRON ROD WITH A
- W/CAP RED PLASTIC CAP STAMPED
- "DAL-TECH" OR "DTE"
- O SX SET "X" CUT IN CONCRETE
- O FPK FOUND PK (NAIL)
- O SPK SET PK, NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83  
TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL  
ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS  
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN  
CORS ARP, DALLAS CORN. ARP, KAUFMAN CORN. ARP, TYLER  
CORS ARP, AND PARIS CORN. ARP. THE KAUFMAN COUNTY  
SCALE FACTOR OF 1.00014077 AS PUBLISHED BY THE  
TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS  
DISTRICT WAS USED FOR THIS SURVEY.



MATCH LINE SEE SHEET 3 OF 3



NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20066818, WITH AN EFFECTIVE DATE OF JANUARY 28, 2008.

LEGEND:

- S.F. SQUARE FEET
- C.M. CONTROL MONUMENT
- O FTR FOUND IRON ROD
- O FIP FOUND IRON PIPE
- O 1/2" SIR 1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DIE"
- O SX SET "X" CUT IN CONCRETE
- O FPK FOUND PK. NAIL
- O SPK SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4207, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIER CORP. APP., DALLAS CORP. APP., KAUFMAN CORP. APP., TYLEY CORP. APP., AND PARIS CORP. APP., THE KAUFMAN COUNTY SCALE FACTOR OF 1.00014077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

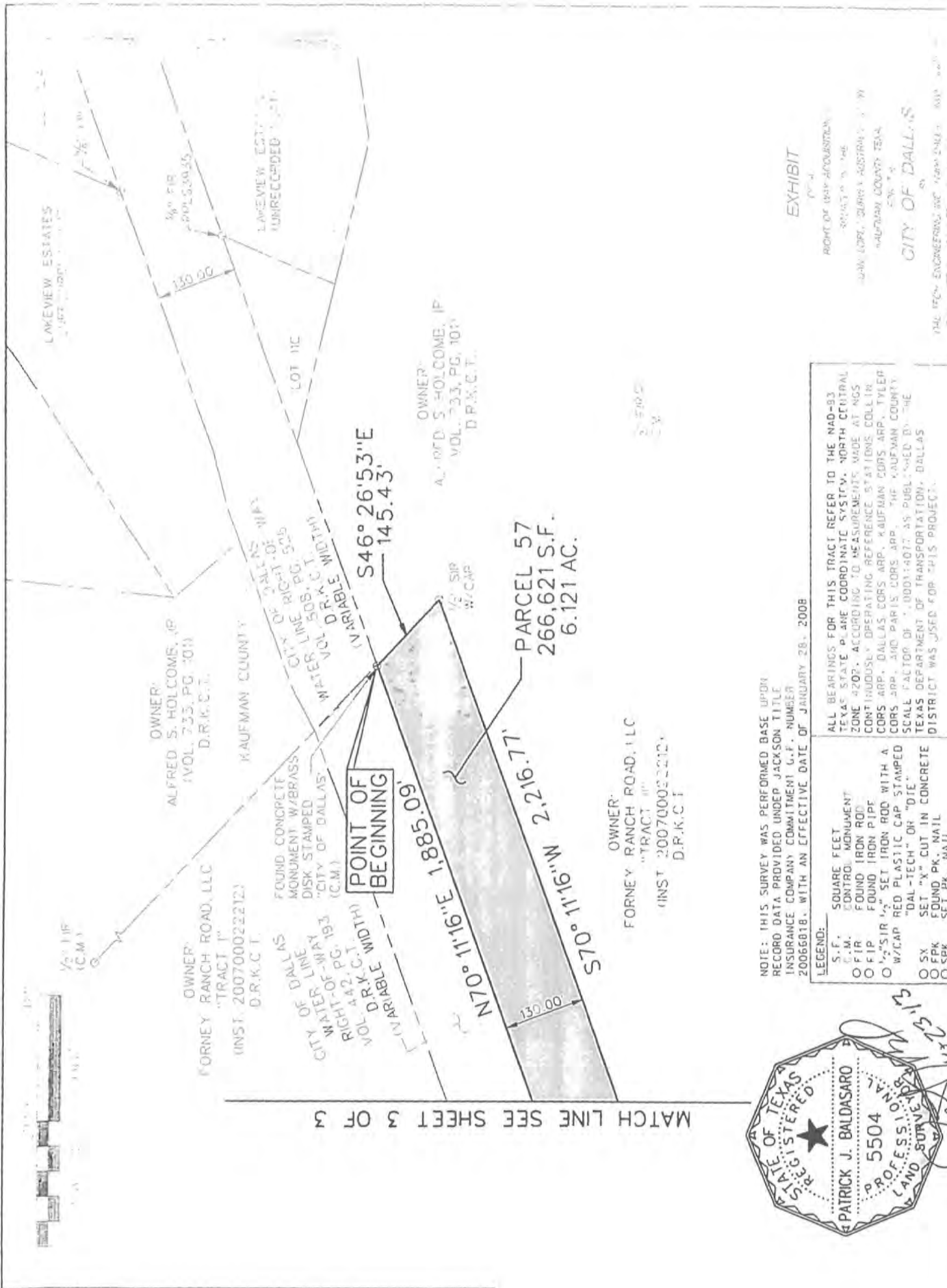
EXHIBIT

RIGHT OF WAY ACQUISITION

2005.5.15.146  
DAN LOPEZ, COUNTY ADMINISTRATOR  
KAUFMAN COUNTY, TEXA

CITY OF DALLAS

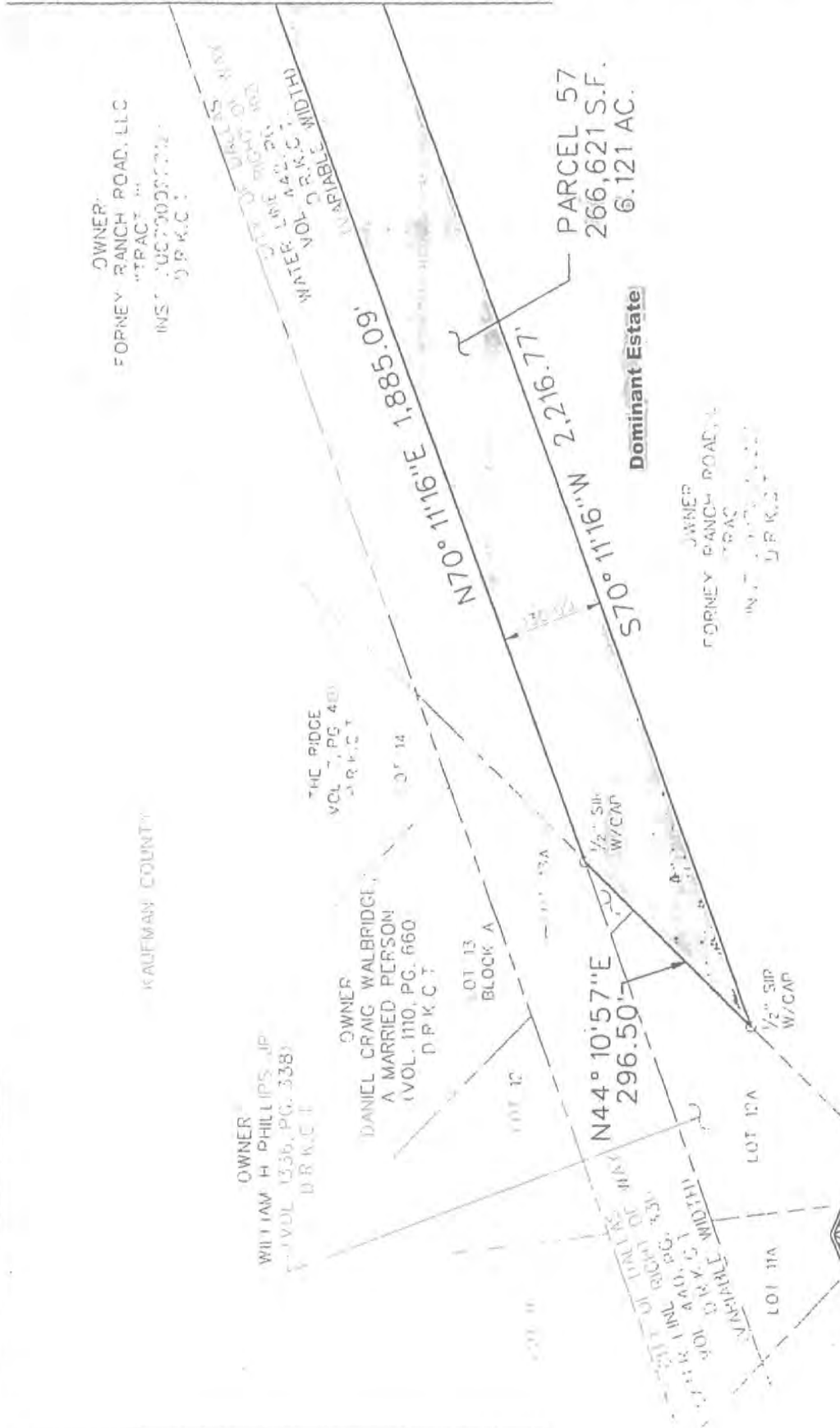
DALLAS TECH ENGINEERS, INC. 14000 DALLAS  
DALLAS, TEXAS 75244-2000



# ATTACHMENT 1a

EXHIBIT

MATCH LINE SEE SHEET 2 OF 3



NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT G.P. NUMBER 20066818, WITH AN EFFECTIVE DATE OF JANUARY 28, 2008.

- LEGEND:**
- S.F. SQUARE FEET
  - C.M. CONTROL MONUMENT
  - FOUND IRON ROD
  - FOUND IRON PIPE
  - 1/2" SIP W/CAP SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DT"
  - 1/2" SIP W/CAP SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DT"
  - FOUND P.K. NAIL
  - SET PA. NAIL



CITY OF DALLAS  
CITY ENGINEER  
CITY CLERK  
CITY ATTORNEY  
CITY COMMISSIONERS





## EXHIBIT "C"

### EASEMENT -- GRAZING AND AGRICULTURAL USE

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Exhibit "A" for agricultural and/or grazing purposes in connection with Grantor's use of Grantor's adjoining or abutting property and in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

In no event may the holder of the easement construct or install, or cause to be constructed or installed, in the easement any permanent improvements, roads, pavement, utilities, structures, buildings, cattle tanks and/or stock ponds. Any activity by the holder of the easement involving excavation, contouring, and/or grading beyond normal agricultural tillage and installation of fence posts is strictly prohibited. Any activity by the holder of the easement causing or likely to cause excessive erosion, as determined by City, is strictly prohibited. In no event and under no circumstances may the holder of the easement operate within the easement any vehicles, equipment or machinery exceeding 15,000 lbs in weight. The holder of the easement shall not grow any trees, shrubs, vines or other excessive undergrowth that would prevent or unreasonably impair aerial inspection of the property by City.

The holder of this easement may fence the boundaries of the easement (but no cross fencing) to control livestock and wildlife; provided, however, adequate gates, cattle guards and other means of access are provided and maintained by the holder of the easement to facilitate City's full and unlimited access to, from and across the easement at all times for any and all purposes.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey to others easements that do not unreasonably impair or obstruct this easement. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the property described in Exhibit "A" and covered by this easement, without any liability for damages to planted, growing or mature crops and/or to the turf that may be growing thereon. City and City's successors and assigns will repair any boundary fences it may cut or damage by its activities and will endeavor to exercise due care to avoid damage to or the escape of livestock that may be pastured in the easement.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the easement and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

This easement shall terminate if and when the holder of the easement no longer owns or uses adjoining or abutting property for agricultural and/or grazing purposes.

FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF  
RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
KAUFMAN COUNTY, TEXAS

Parcel: 57

BEING a 6.121 acre tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being a portion of a 134.936 acre tract of land described as "Tract II" in Special Warranty Deed with Vendor's Lien to Forney Ranch Road, LLC, dated September 13, 2007, as recorded in Instrument 200700022212 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a concrete monument with brass disk stamped "City of Dallas" found at the northernmost corner of said Tract II, being in the south line of a City of Dallas Water Line Right-of-Way (variable width at this point), as recorded in Volume 442, Page 193, D.R.K.C.T., said point being in the southwest line of a 92 acre tract of land described in Special Warranty Deed to Alfred S. Holcomb, Jr., dated April 4, 1983, as recorded in Volume 733, Page 101, D.R.K.C.T.;

THENCE South 46 degrees 26 minutes 53 seconds East, with the east line of said Tract II, a distance of 145.43 feet to a 1/2-inch set iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing the east line of said Tract II and, 130 feet parallel to the south line of said City of Dallas Water Line Right-of-Way, a distance of 2,216.77 feet a 1/2-inch iron rod with cap set in the common line of the northwest line of said Tract II and the southeast line of The Ridge Addition, an addition to Kaufman County, Texas, as recorded in Volume 7, Page 40, in the Plat Records of Kaufman County, Texas;

THENCE North 44 degrees 10 minutes 57 seconds East, with said common line, a distance of 296.50 feet to a 1/2-inch iron rod with cap set at a north corner of said Tract II, being in the south line of said City of Dallas Water Line Right-of-Way;

THENCE North 70 degrees 11 minutes 16 seconds East, with a north line of said Tract II and south line of said City of Dallas Water Line Right-of-Way, a distance of 1,885.09 feet to the POINT OF BEGINNING and containing 266,621 square feet or 6.121 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By: [Signature] Date: 10/23/13

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504



FIELD NOTES APPROVED:  
[Signature] 10/25/13



MATCH LINE SEE SHEET 2 OF 3

OWNER:  
FORNEY RANCH ROAD, LLC  
"TRACT II"  
INST 20070002220  
D.R.K.C.T.

KAUFMAN COUNTY

OWNER:  
WILLIAM H PHILLIPS, JR  
(VOL. 1336, PG. 338)  
D.R.K.C.T.

OWNER:  
DANIEL CRAIG WALBRIDGE,  
A MARRIED PERSON  
(VOL. 1110, PG. 660)  
D.R.K.C.T.

THE RIDGE  
(VOL. 7, PG. 40)  
D.R.K.C.T.

LOT 12

LOT 13  
BLOCK A

LOT 14

N44° 10'57"E  
296.50'

LOT 12A

LOT 11A

1/2" SIR  
W/CAP

OWNER:  
FORNEY RANCH ROAD, LLC  
"TRACT II"  
INST 20070002220  
D.R.K.C.T.

PARCEL 57  
266,621 S.F.  
6.121 AC.

139.40

N70° 11'16"E 1,885.00'

S70° 11'16" W 2,216.77'

CITY OF DALLAS - WAY  
RIGHT-OF-WAY PG. 193  
WATER R.VOL. 442, C.T.  
D.R.K.C.T.  
VARIABLE WIDTH

NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT C.F. NUMBER 2005681B, WITH AN EFFECTIVE DATE OF JANUARY 28, 2008

LEGEND:  
S.F. SQUARE FEET  
C.M. CONTROL MONUMENT  
O FIP FOUND IRON PIPE  
O 1/2" SIR 1/2" SET IRON ROD WITH A  
W/CAP RED PLASTIC CAP STAMPED  
"DAL-TECH" OR "DIE"  
O SY SET "Y" CUT IN CONCRETE  
O FPK FOUND PK., NAIL  
O SPK SET PK., NAIL



ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.00014077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS (DSTRIP) WAS USED FOR THIS PROJECT.

EXHIBIT

FROM: CITY OF DALLAS  
TO: CITY OF DALLAS  
JOHN LUPAZ, SURVEY ASSISTANT NO. 196  
SURVEYOR LICENSE NO. 26142  
FOR THE  
CITY OF DALLAS  
BY

MATCH LINE SEE SHEET 3 OF 3



NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT C.F. NUMBER 20086818, WITH AN EFFECTIVE DATE OF JANUARY 28, 2008

- LEGEND:
- S.F.
  - C.M.
  - FIR
  - FIP
  - 1/2" SIR
  - W/CAP
  - SX
  - FPK
  - SPK

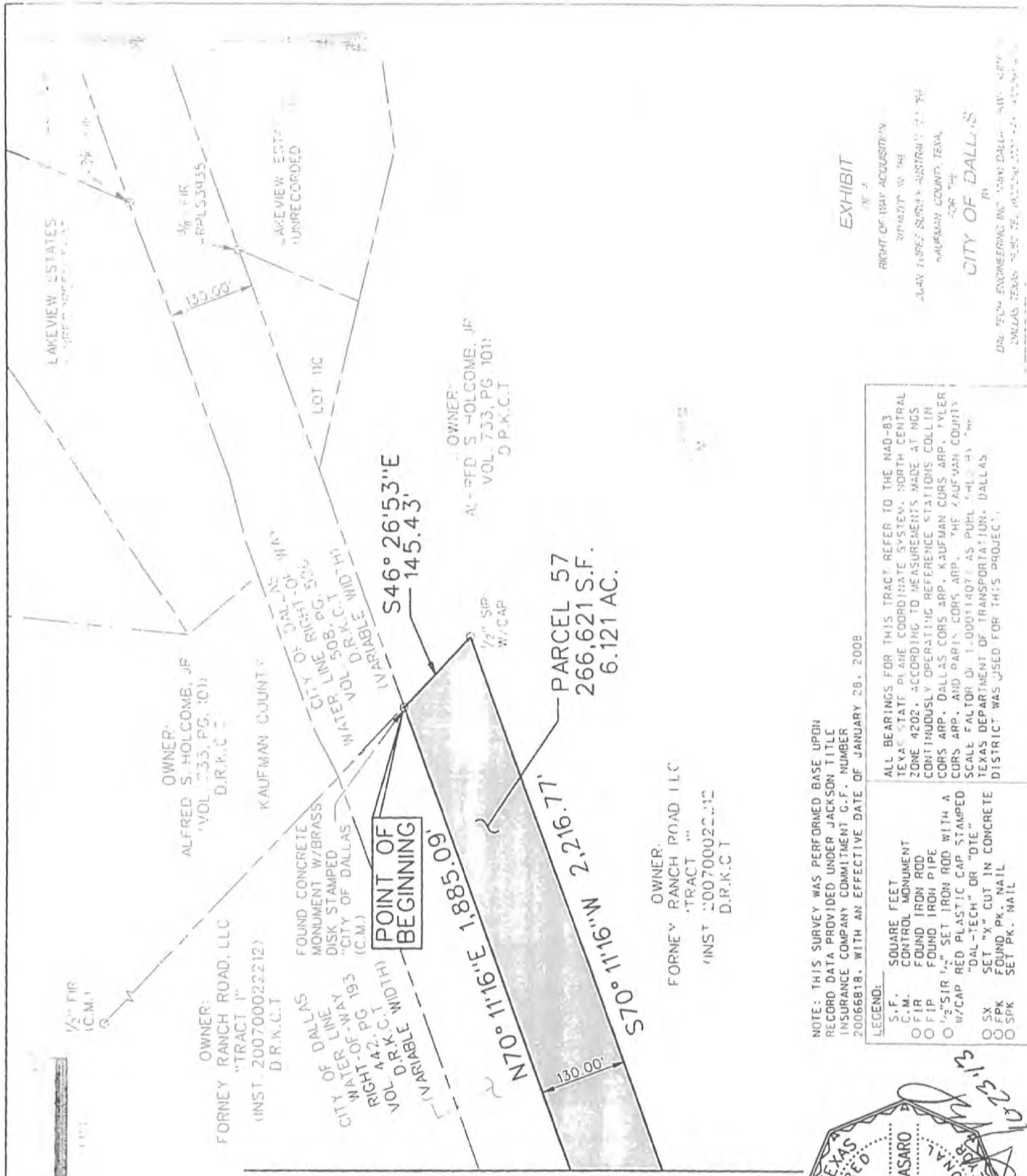
- SQUARE FEET
- CONTROL MONUMENT
- FOUND IRON ROD
- FOUND IRON PIPE
- 1/2" SIR SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
- SET "X" CUT IN CONCRETE FOUND PK. NAIL
- SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN COUNTY, TEXAS, DALLAS COUNTY, KAUFMAN COUNTY, TYLER COUNTY, AND PARIS COUNTY, TEXAS. THE KAUFMAN COUNTY SCALE FACTOR OF 1.00011077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT

RIGHT-OF-WAY ACQUISITION  
 3/14/07 TO 3/14/08  
 3/14/07 SURVEY - AUSTIN 101  
 KAUFMAN COUNTY, TEXAS  
 FOR THE  
 CITY OF DALLAS

DAL TECH ENGINEERING INC. 1401 DALLAS HWY. SUITE 100  
 DALLAS, TEXAS 75244 TEL: 972.242.2222 FAX: 972.242.2223



POINT OF BEGINNING

OWNER: ALFRED S. HOLCOMBE, JR.  
 VOL. 733, PG. 101  
 D.R.K.C.T.

OWNER: FORNEY RANCH ROAD LLC  
 TRACT ...  
 INST. 200700022212  
 D.R.K.C.T.

OWNER: ALFRED S. HOLCOMBE, JR.  
 VOL. 733, PG. 101  
 D.R.K.C.T.

OWNER: FORNEY RANCH ROAD, LLC  
 TRACT 1  
 INST. 200700022212  
 D.R.K.C.T.

CITY OF DALLAS  
 WATER-OF-WAY 193  
 RIGHT-OF-WAY  
 VOL. 442, PG. 1  
 D.R.K.C.T.

FOUND CONCRETE MONUMENT W/BRASS DISK STAMPED "CITY OF DALLAS (C.M.)"

KAUFMAN COUNTY  
 WATER LINE  
 VOL. 508, PG. 1  
 D.R.K.C.T.

IN VARIABLE WIDTH

S46° 26' 53" E  
 145.43'

1/2" SIR W/CAP

PARCEL 57  
 266,621 S.F.  
 6.121 AC.

N70° 11' 16" E 1,885.60'  
 2,216.77'

130.00'

133.00'

1/2" FIR RPLS 34155

LAKEVIEW ESTS. UNRECORDED

LAKEVIEW ESTATES

1/2" FIR (C.M.)

**AGENDA ITEM # 10**

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Department of Sustainable Development and Construction  
Water Utilities Department

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** N/A

---

**SUBJECT**

Authorize acquisition from Mildred A. Case, of approximately 20,604 square feet of land improved with an unoccupied manufactured dwelling located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$41,373 (\$38,373, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This item authorizes the acquisition from Mildred A. Case, of approximately 20,604 square feet of land improved with an unoccupied manufactured dwelling located in Hunt County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. There are no relocation benefits associated.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

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

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

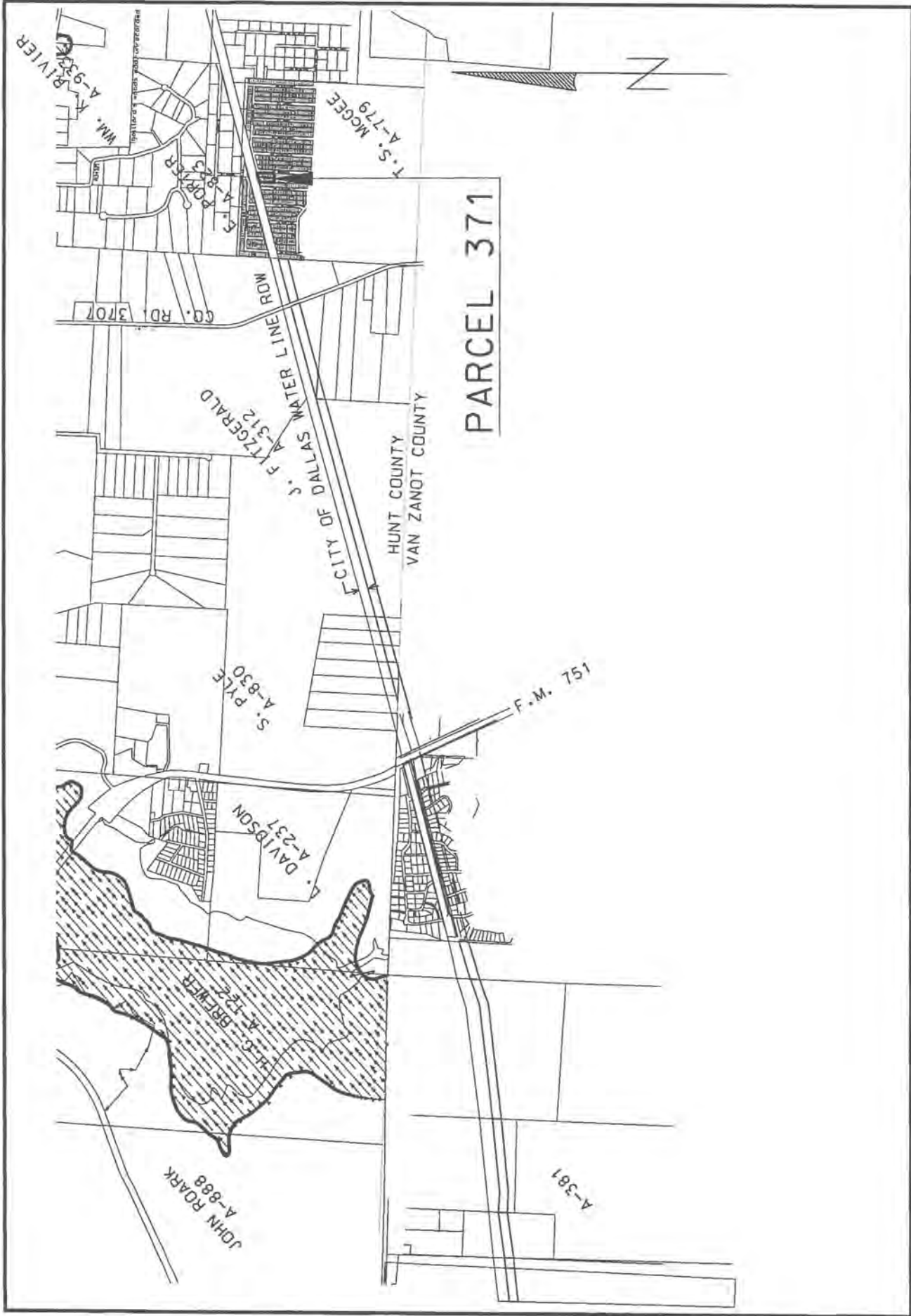
Water Utilities Capital Improvement Funds - \$41,373 (\$38,373, plus closing costs and title expenses not to exceed \$3,000)

**OWNER**

Mildred A. Case

**MAP**

Attached



VICINITY MAP  
APPROXIMATE SCALE 1" = 2000'



August 8, 2018

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 20,604 square feet of land located in Hunt County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee Simple Title, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Mildred A. Case, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$38,373

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000

"AUTHORIZED AMOUNT": Not to exceed \$41,373

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

August 8, 2018

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.


**SECTION 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW20, Activity RWPT, Program 704041, Object 4230, Encumbrance/Contract No. CX-DWU-2018-00005999. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**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.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney



FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION  
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
HUNT COUNTY, TEXAS  
Parcel: 371

BEING a 20,604 square foot (0.4730 acre) tract of land in the T. McGee Survey, Abstract No. 779, being all of Lots 2-7 and 35-41, Block X of the Waco Bay Estates Subdivision, Phase III, as recorded in Volume 400, Page 631-633 of the Plat Records of Hunt County, Texas, said Lots 2-5 and 35-38 being described in Warranty Deed with Vendor's Lien Bennie Ray Case and Mildred A. Case, dated June 20, 1980, as recorded in Volume 854, Page 573 of the Deed Records of Hunt County, Texas, (D.R.H.C.T.) and said Lots 6-7 and 39-41 being described in Deed to Bennie Ray Case, Sr. and Mildred Case, dated November 11, 1982, as recorded in Volume 906, Page 611, D.R.H.C.T..

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By:  Date: 4-28-15

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504



FIELD NOTES APPROVED:  
 6/1/15  




# EXHIBIT B

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS   §  
                                  §       KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HUNT       §

That Mildred A. Case, a single woman, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Hunt, State of Texas, for and in consideration of the sum of THIRTY EIGHT THOUSAND THREE HUNDRED SEVENTY THREE DOLLARS AND 00/100 DOLLARS (\$38,373.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mildred A. Case

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF HUNT       '

This instrument was acknowledged before me on \_\_\_\_\_  
by Mildred A. Case

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Christian Roman

Warranty Deed Log No. 44018



FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION  
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
HUNT COUNTY, TEXAS  
Parcel: 371

BEING a 20,604 square foot (0.4730 acre) tract of land in the T. McGee Survey, Abstract No. 779, being all of Lots 2-7 and 35-41, Block X of the Waco Bay Estates Subdivision, Phase III, as recorded in Volume 400, Page 631-633 of the Plat Records of Hunt County, Texas, said Lots 2-5 and 35-38 being described in Warranty Deed with Vendor's Lien Bennie Ray Case and Mildred A. Case, dated June 20, 1980, as recorded in Volume 854, Page 573 of the Deed Records of Hunt County, Texas, (D.R.H.C.T.) and said Lots 6-7 and 39-41 being described in Deed to Bennie Ray Case, Sr. and Mildred Case, dated November 11, 1982, as recorded in Volume 906, Page 611, D.R.H.C.T..

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

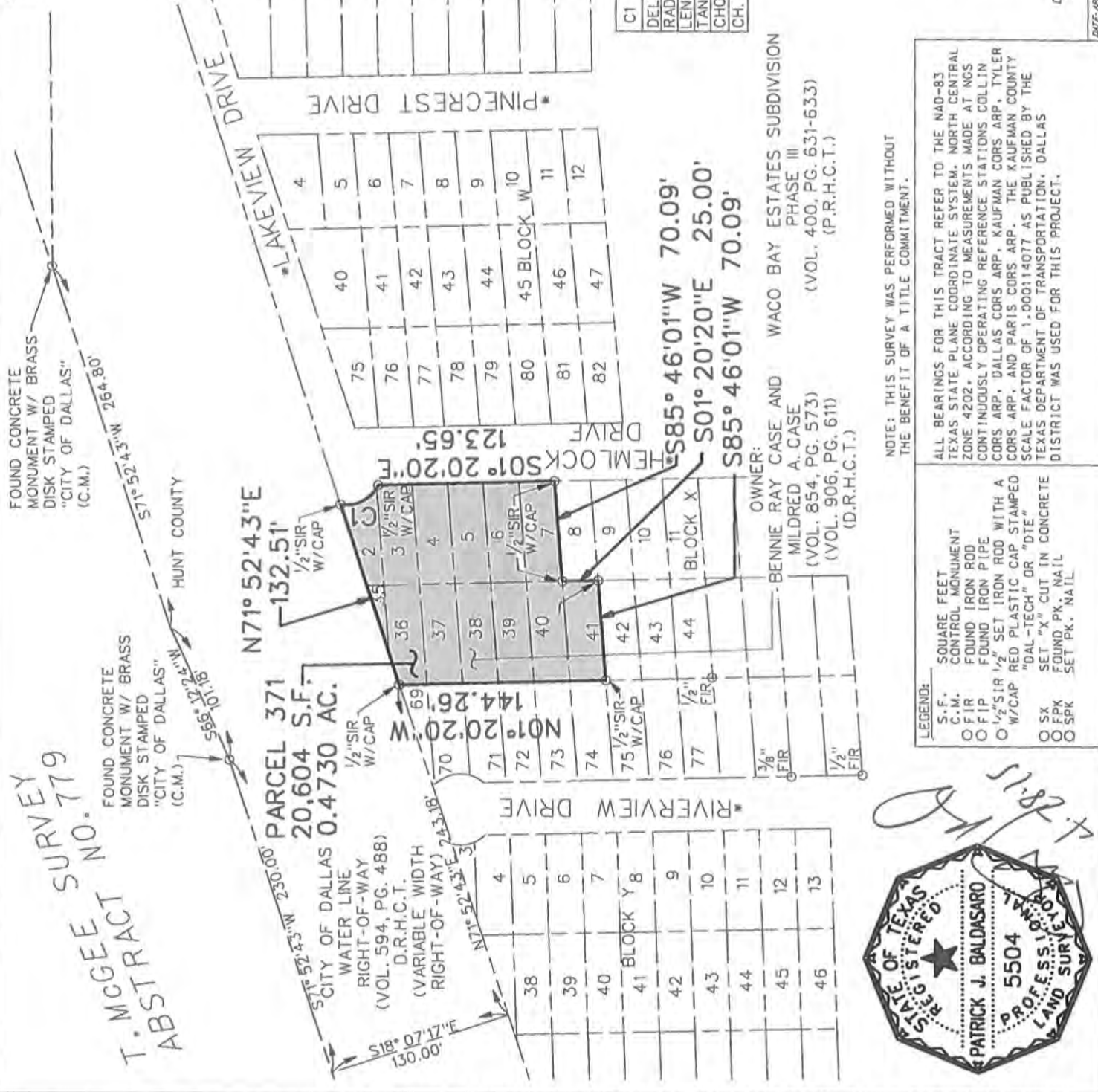
By:  Date: 4-28-15

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504



FIELD NOTES APPROVED:  
6/1/15





T. MCGEE SURVEY  
ABSTRACT NO. 779

PARCEL 371  
20,604 S.F.  
0.4730 AC.

CITY OF DALLAS  
WATER LINE  
RIGHT-OF-WAY  
(VOL. 594, PG. 488)  
D.R.H.C.T.  
(VARIABLE WIDTH  
RIGHT-OF-WAY) 243.18'

RIVERVIEW DRIVE

HEMLOCK DRIVE

LAKEVIEW DRIVE

PINECREST DRIVE

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)

HUNT COUNTY

OWNER:  
BENNIE RAY CASE AND  
MILDRED A. CASE  
(VOL. 854, PG. 573)  
(VOL. 906, PG. 611)  
(D.R.H.C.T.)

WACO BAY ESTATES SUBDIVISION  
PHASE III  
(VOL. 400, PG. 631-633)  
(P.R.H.C.T.)

C1	DELTA	73°17'06" (LT)
	RADIUS	25.00'
	LENGTH	31.98'
	TANGENT	18.60'
	CHORD	29.84'
	CH. BEARING	S27°27'06"E

\* OWNED AND MAINTAINED BY  
TEXAS RESORT PROPERTIES, INC.

- LEGEND:
- S.F. SQUARE FEET
  - C.M. CONTROL MONUMENT
  - O F IR FOUND IRON ROD
  - O F IP FOUND IRON PIPE
  - O 1/2" S IR 1/2" SET IRON ROD WITH A W/CAP
  - O 1/2" S IR 1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
  - O S FX SET "X" CUT IN CONCRETE
  - O S PK FOUND PK, NAIL
  - O S PK SET PK, NAIL



NOTE: THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT  
OF A  
RIGHT-OF-WAY ACQUISITION  
SITUATED IN THE  
HUNT COUNTY, TEXAS

T. MCGEE SURVEY, ABSTRACT NO. 779

FOR THE  
CITY OF DALLAS

BY  
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110  
DALLAS, TEXAS 75287, TEL (972)250-2727, FAX (972)250-4774  
TBP.LS. FIRM. NO. 10123500

**AGENDA ITEM # 11**

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Department of Sustainable Development and Construction  
Water Utilities Department

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 54K

---

**SUBJECT**

Authorize acquisition from Rosa Elia DeLeon and Ebaristo DeLeon, of a wastewater easement containing approximately 3,618 square feet of land located near the intersection of Winnetka Avenue and Clarendon Drive for the Yarmouth Avenue Wastewater Mains Replacement Project - Not to exceed \$21,500 (\$19,500, plus closing costs and title expenses not to exceed \$2,000) - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

This item authorizes the acquisition from Rosa Elia DeLeon and Ebaristo DeLeon, of a wastewater easement containing approximately 3,618 square feet of land located near the intersection of Winnetka Avenue and Clarendon Drive for the Yarmouth Avenue Wastewater Mains Replacement Project. This property will be used for improvements and relocation of a wastewater line. The consideration is based on an independent appraisal. No relocation benefits are associated.

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

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$21,500 (\$19,500, plus closing costs and title expenses not to exceed \$2,000)

**OWNERS**

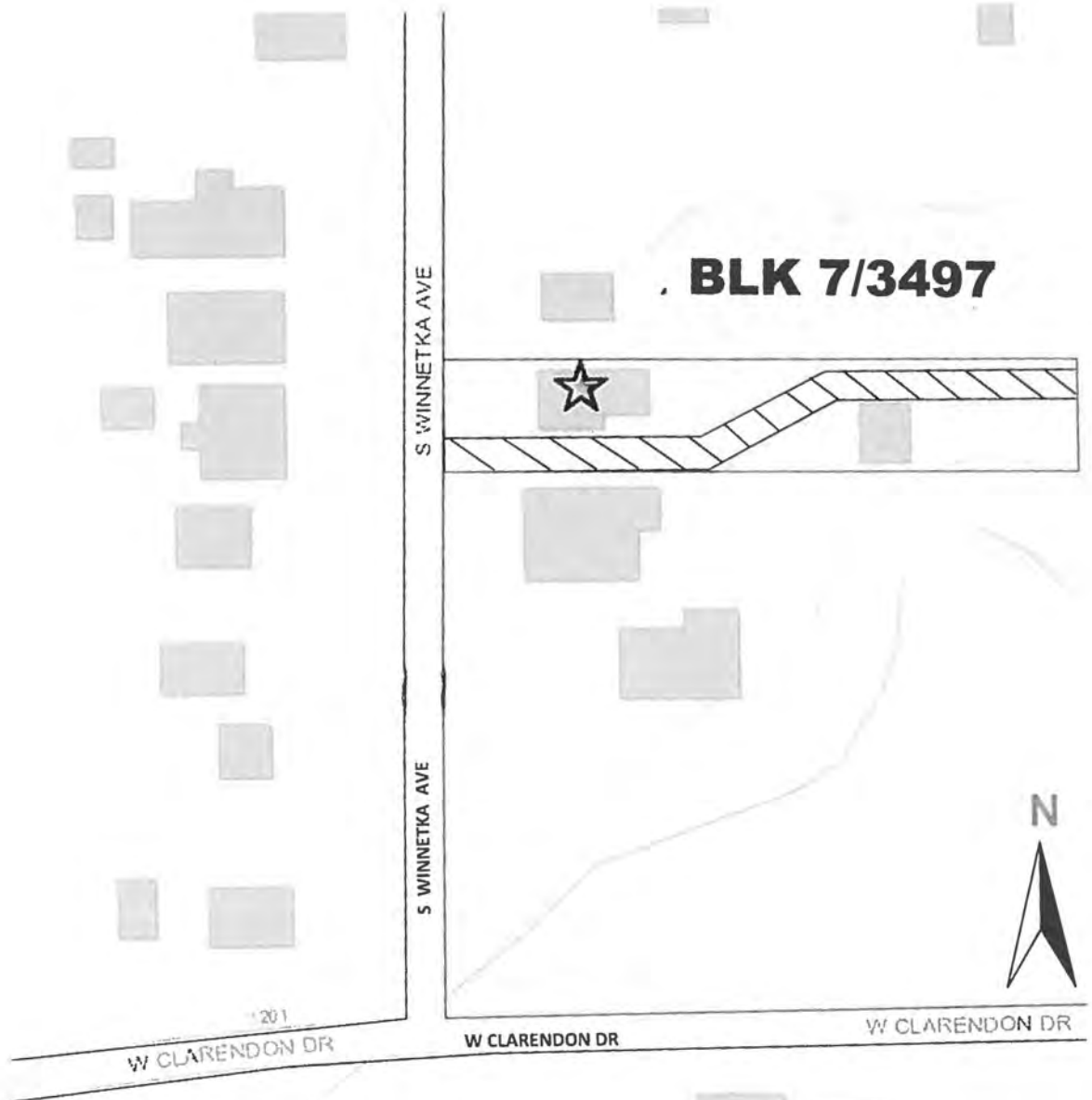
Rosa Elia DeLeon

Ebaristo DeLeon

**MAP**

Attached





**SUBJECT:** 

August 8, 2018

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 3,618 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Yarmouth Avenue Wastewater Mains Replacement Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of wastewater together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Easement subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Rosa Elia DeLeon and Ebaristo DeLeon, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$19,500

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000

"AUTHORIZED AMOUNT": Not to exceed \$21,500

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

August 8, 2018

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Capital Construction Fund, Fund 0103, Department DWU, Unit CS40, Activity MPSA, Program 704018, Object 4250, Encumbrance/Contract No. CX-DWU-2018-00005769. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**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.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

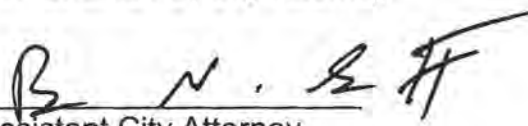
BY:   
Assistant City Attorney

EXHIBIT "A"

WINNETKA AVENUE  
WASTE WATER EASEMENT  
Parcel 1  
June 19, 2009  
Revised: January 26, 2017  
Page 1 of 5

FIELD NOTE DESCRIPTION  
PARCEL 1, WASTE WATER EASEMENT

**BEING** a 3,618 square foot tract of land situated in the John B. Robinson Survey, Abstract Number 1215, in the City of Dallas, Dallas County, Texas, being part of the south 50 feet of Lot 11, Block 7/3497, MELROSE ADDITION, SECOND SECTION, an addition to the City of Dallas, as recorded in Volume 1, Page 529 of the Map Records of Dallas County, Texas (M.R.D.C.T.), being part of that certain tract of land described in deed to Rosa Elia Villarreal, as recorded in Volume 95199, Page 2743, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

**COMMENCING** at a one-half inch steel rebar found (controlling monument) in the easterly right-of-way line of Winnetka Avenue (60 foot width right-of-way), the northwest corner of the south 50 feet of Lot 11, Block 7/3497 of said Melrose Addition, the northwest corner of said Rose Elia Villarreal tract and the southwest corner of that certain tract of land described in deed to Juan Manuel Villarreal and wife Rosa Elia Villarreal, as recorded in Volume 80065, Page 0678, D.R.D.C.T.;

**THENCE** South 04 degrees 26 minutes 52 seconds West, along the easterly right-of-way line of said Winnetka Avenue, a distance of 38.50 feet to a one-half inch steel rebar with yellow plastic cap marked "AZB" set for the **POINT OF BEGINNING**;

**THENCE**, departing the easterly right of way line of said Winnetka Avenue, over and across said Rose Elia Villarreal tract, the following three (3) courses and distances:

1. South 86 degrees 08 minutes 33 seconds East, a distance of 94.04 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;
2. North 67 degrees 25 minutes 10 seconds East, a distance of 64.01 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;
3. North 04 degrees 27 minutes 33 seconds East, a distance of 10.00 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner on the common line of said Rosa Elia Villarreal tract and said Juan Manuel Villarreal and wife tract;
4. **THENCE**, South 86 degrees 08 minutes 33 seconds East, along said common line, a distance of 15.00 feet to a one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;

FIELD NOTES APPROVED:  
1/26/17  
MJE



EXHIBIT "A"

WINNETKA AVENUE  
WASTE WATER EASEMENT  
Parcel 1  
June 19, 2009  
Revised: January 26, 2017  
Page 2 of 5

FIELD NOTE DESCRIPTION  
PARCEL 1, WASTE WATER EASEMENT

5. **THENCE**, South 04 degrees 27 minutes 33 seconds West, departing said common line, over and across said Rose Elia Villarreal tract, a distance of 4.25 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;
6. **THENCE**, South 85 degrees 32 minutes 28 seconds East, continuing over and across said Rose Elia Villarreal tract, a distance of 83.93 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner on the common east line of said Rosa Elia Villarreal tract and the west line of that certain tract of land described in deed to Ark of Safety Holiness Church, as recorded in Volume 2005013, Page 3918, D.R.D.C.T.;
7. **THENCE**, South 04 degrees 26 minutes 52 seconds West, along said common line, a distance of 15.00 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;
8. **THENCE**, North 85 degrees 32 minutes 28 seconds West, departing said common line, over and across said Rose Elia Villarreal tract, a distance of 83.75 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;
9. **THENCE**, South 67 degrees 25 minutes 10 seconds West, continuing over and across said Rose Elia Villarreal tract, a distance of 69.06 feet to X cut set for corner on the common south line of said Rosa Elia Villarreal tract and the north line of that certain tract of land described in deed to Juan M. Vaquero and spouse Ruth Flores Vaquero, as recorded in Volume 94033, Page 2320, D.R.D.C.T.;
10. **THENCE**, North 86 degrees 08 minutes 33 seconds West, along said common line a distance of 104.72 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner in said easterly right of way line of said Winnetka Avenue, for the southwest corner of said Rosa Elia Villarreal tract and the northwest corner of said Juan M. Vaquero and spouse Ruth Flores Vaquero tract, from which a one-half inch steel rebar found (controlling monument) bears South 04 degrees 26 minutes 52 seconds West, a distance of 59.72 feet the southwest corner of said Juan M. Vaquero and spouse tract and the northwest corner of that certain tract of land described in deed to Jose Adonay & Rosa Zelaya, as recorded in Volume 88111, Page 0562, D.R.D.C.T.;

EXHIBIT "A"

WINNETKA AVENUE  
WASTE WATER EASEMENT  
Parcel 1  
June 19, 2009  
Revised: January 26, 2017  
Page 3 of 5

FIELD NOTE DESCRIPTION  
PARCEL 1, WASTE WATER EASEMENT

11. **THENCE**, North 04 degrees 26 minutes 52 seconds East, along said easterly right-of-way line of Winnetka Avenue, a distance of 11.50 feet to the **POINT OF BEGINNING** and containing a computed area of 3,618 square feet or 0.0831 acres of land, more or less.

Basis of Bearing is (assumed) based on the east monumented line of Winnetka Avenue, as shown on the Melrose Addition, Second Section, Volume 1, Page 529, M.R.D.C.T.

This description accompanies a parcel map of even date herewith

FIELD NOTES DESCRIPTION PREPARED FROM FIELDWORK PERFORMED IN January 2017.

  
\_\_\_\_\_  
E. David Utzman  
Registered Professional Land Surveyor  
Texas No. 4607



01/26/2017  
Date

Arredondo, Zepeda & Brunz, LLC  
11355 McCree Road  
Dallas, Texas 75238  
(214)341-9900  
TBPLS Registration No. 10088700

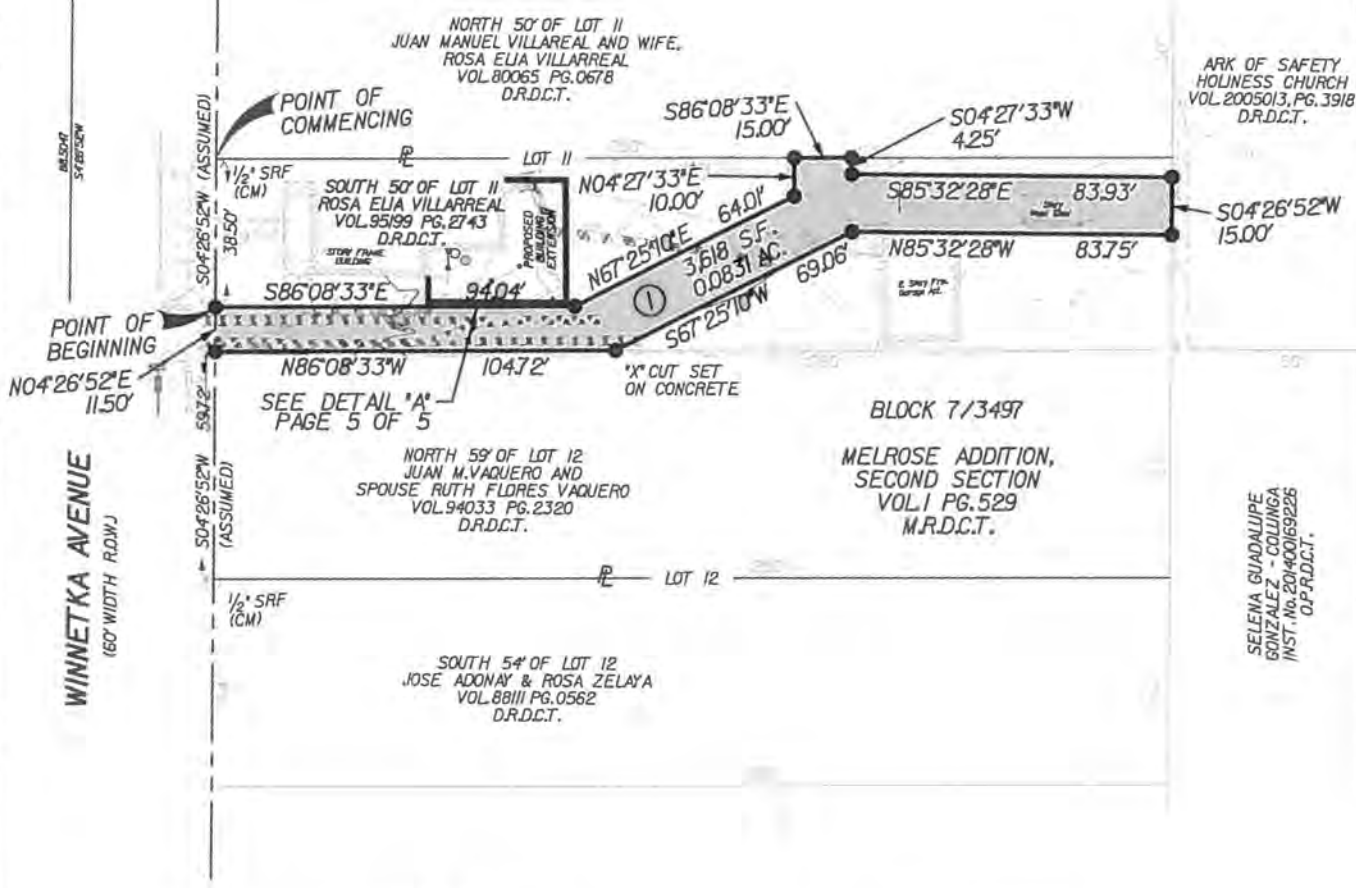


# EXHIBIT "A"

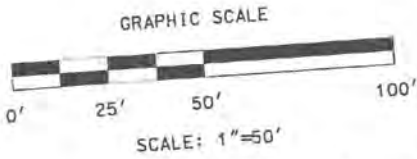
## JOHN B. ROBINSON SURVEY ABSTRACT NO. 1215



15' ALLEY



- NOTES:**
1. BASIS OF BEARING IS (ASSUMED) BASED ON THE MONUMENTED EAST LINE OF WINNETKA AVENUE, AS SHOWN ON THE MELROSE ADDITION, SECOND SECTION, VOL. 1, PG. 529, M.R.D.C.T.
  2. CONTROL MONUMENTS USED FOR BOUNDARY SOLUTIONS ARE NOTED AS (CM) FOR CONTROLLING MONUMENT.
  3. A FIELD NOTE DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.



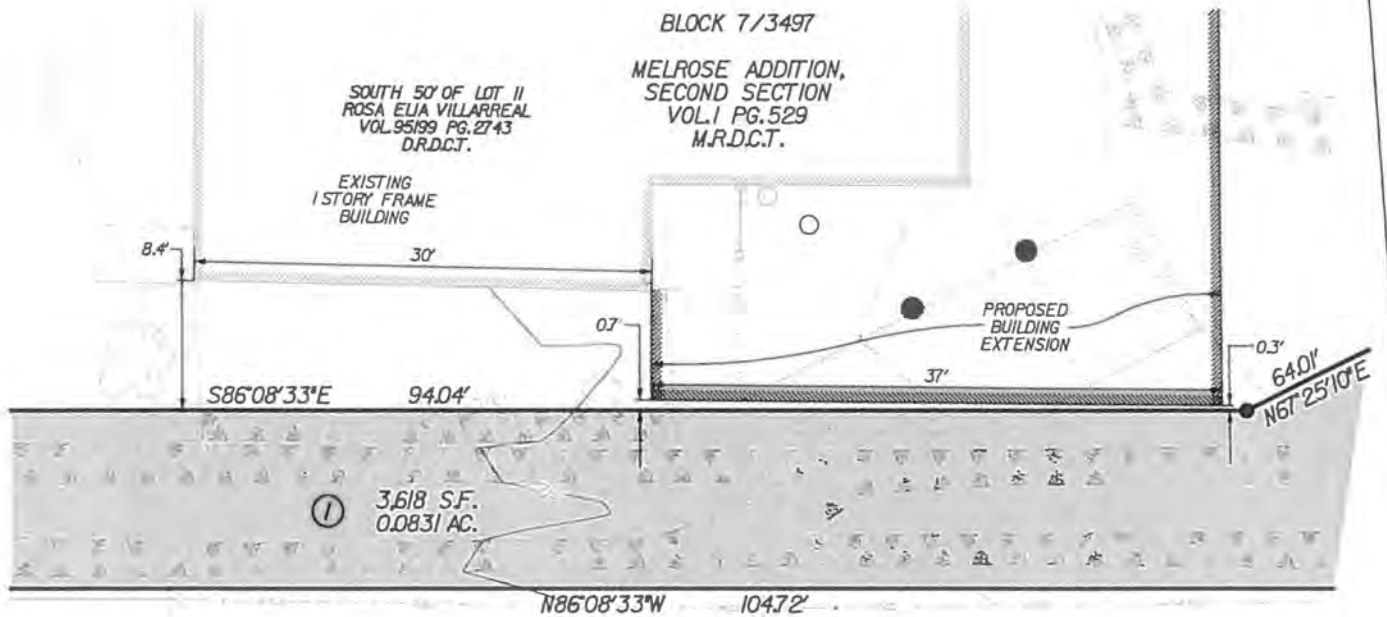
**LEGEND**

PROPOSED PARCEL LINE	---
EXISTING ROW LINE	---
PROPERTY LINE	---
DENIAL OF ACCESS LINE	---
SURVEY LINE	---
FENCE LINE	---
CITY LIMITS	---
EASEMENTS	---
RAILROAD	---
STRUCTURE	---
1/2" SRS W/YELLOW CAP STAMPED "AZ&B" OR OTHER WISE NOTED	---
SRF = STEEL REBAR FOUND	---
SPF = STEEL PIPE FOUND	---
CM= CONTROLLING MONUMENT	---

A PLAT OF SURVEY OF  
PARCEL 1  
A 3,618 S.F. (0.0831 AC)  
TRACT OF LAND IN THE  
JOHN B. ROBINSON SURVEY,  
ABSTRACT NUMBER 1215  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS  
JUNE 19, 2009  
REVISED: JANUARY 26, 2017  
PAGE 4 OF 5



EXHIBIT "A"  
 JOHN B. ROBINSON SURVEY  
 ABSTRACT NO. 1215



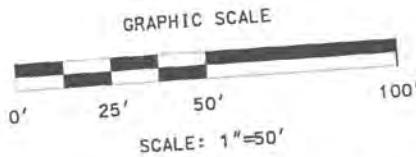
DETAIL 'A'

NOTES:

1. BASIS OF BEARING IS (ASSUMED) BASED ON THE MONUMENTED EAST LINE OF WINNETKA AVENUE, AS SHOWN ON THE MELROSE ADDITION, SECOND SECTION, VOL. 1, PG. 529, M.R.D.C.T.
2. CONTROL MONUMENTS USED FOR BOUNDARY SOLUTIONS ARE NOTED AS (CM) FOR CONTROLLING MONUMENT.
3. A FIELD NOTE DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.

LEGEND

- PROPOSED PARCEL LINE
- EXISTING ROW LINE
- PROPERTY LINE
- DENIAL OF ACCESS LINE
- SURVEY LINE
- FENCE LINE
- CITY LIMITS
- EASEMENTS
- RAILROAD
- STRUCTURE
- 1/2" SRS w/YELLOW CAP STAMPED "AZ&B" OR OTHER WISE NOTED
- SRF = STEEL REBAR FOUND
- SPF = STEEL PIPE FOUND
- CM= CONTROLLING MONUMENT



A PLAT OF SURVEY OF  
 PARCEL 1  
 A 3,618 S.F. (0.0831 AC.)  
 TRACT OF LAND IN THE  
 JOHN B. ROBINSON SURVEY,  
 ABSTRACT NUMBER 1215  
 CITY OF DALLAS  
 DALLAS COUNTY, TEXAS  
 JUNE 19, 2009  
 REVISED: JANUARY 26, 2017  
 PAGE 5 OF 5



E. David Utzman  
 Registered Public Land Surveyor  
 Texas No. 4607

01/26/2017  
 DATE





All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said easement unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rosa Elia DeLeon

\_\_\_\_\_  
Ebaristo DeLeon

\* \* \* \* \*

STATE OF TEXAS        '  
COUNTY OF DALLAS    '

This instrument was acknowledged before me on \_\_\_\_\_

by Rosa Elia DeLeon.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

STATE OF TEXAS        '  
COUNTY OF DALLAS    '

This instrument was acknowledged before me on \_\_\_\_\_

by Ebaristo Deleon.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Christian Roman

Wastewater Easement Log No. 35047

EXHIBIT "A"

WINNETKA AVENUE  
WASTE WATER EASEMENT  
Parcel 1  
June 19, 2009  
Revised: January 26, 2017  
Page 1 of 5

FIELD NOTE DESCRIPTION  
PARCEL 1, WASTE WATER EASEMENT

**BEING** a 3,618 square foot tract of land situated in the John B. Robinson Survey, Abstract Number 1215, in the City of Dallas, Dallas County, Texas, being part of the south 50 feet of Lot 11, Block 7/3497, MELROSE ADDITION, SECOND SECTION, an addition to the City of Dallas, as recorded in Volume 1, Page 529 of the Map Records of Dallas County, Texas (M.R.D.C.T.), being part of that certain tract of land described in deed to Rosa Elia Villarreal, as recorded in Volume 95199, Page 2743, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

**COMMENCING** at a one-half inch steel rebar found (controlling monument) in the easterly right-of-way line of Winnetka Avenue (60 foot width right-of-way), the northwest corner of the south 50 feet of Lot 11, Block 7/3497 of said Melrose Addition, the northwest corner of said Rose Elia Villarreal tract and the southwest corner of that certain tract of land described in deed to Juan Manuel Villarreal and wife Rosa Elia Villarreal, as recorded in Volume 80065, Page 0678, D.R.D.C.T.;

**THENCE** South 04 degrees 26 minutes 52 seconds West, along the easterly right-of-way line of said Winnetka Avenue, a distance of 38.50 feet to a one-half inch steel rebar with yellow plastic cap marked "AZB" set for the **POINT OF BEGINNING**;

**THENCE**, departing the easterly right of way line of said Winnetka Avenue, over and across said Rose Elia Villarreal tract, the following three (3) courses and distances:

1. South 86 degrees 08 minutes 33 seconds East, a distance of 94.04 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;
2. North 67 degrees 25 minutes 10 seconds East, a distance of 64.01 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;
3. North 04 degrees 27 minutes 33 seconds East, a distance of 10.00 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner on the common line of said Rosa Elia Villarreal tract and said Juan Manuel Villarreal and wife tract;
4. **THENCE**, South 86 degrees 08 minutes 33 seconds East, along said common line, a distance of 15.00 feet to a one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;

*2/19/17*  
*DB*  


EXHIBIT 'A'

WINNETKA AVENUE  
WASTE WATER EASEMENT  
Parcel 1  
June 19, 2009  
Revised: January 26, 2017  
Page 2 of 5

FIELD NOTE DESCRIPTION  
PARCEL 1, WASTE WATER EASEMENT

5. **THENCE**, South 04 degrees 27 minutes 33 seconds West, departing said common line, over and across said Rose Elia Villarreal tract, a distance of 4.25 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;
6. **THENCE**, South 85 degrees 32 minutes 28 seconds East, continuing over and across said Rose Elia Villarreal tract, a distance of 83.93 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner on the common east line of said Rosa Elia Villarreal tract and the west line of that certain tract of land described in deed to Ark of Safety Holiness Church, as recorded in Volume 2005013, Page 3918, D.R.D.C.T.;
7. **THENCE**, South 04 degrees 26 minutes 52 seconds West, along said common line, a distance of 15.00 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;
8. **THENCE**, North 85 degrees 32 minutes 28 seconds West, departing said common line, over and across said Rose Elia Villarreal tract, a distance of 83.75 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner;
9. **THENCE**, South 67 degrees 25 minutes 10 seconds West, continuing over and across said Rose Elia Villarreal tract, a distance of 69.06 feet to X cut set for corner on the common south line of said Rosa Elia Villarreal tract and the north line of that certain tract of land described in deed to Juan M. Vaquero and spouse Ruth Flores Vaquero, as recorded in Volume 94033, Page 2320, D.R.D.C.T.;
10. **THENCE**, North 86 degrees 08 minutes 33 seconds West, along said common line a distance of 104.72 feet to one-half inch steel rebar with yellow plastic cap marked "AZB" set for corner in said easterly right of way line of said Winnetka Avenue, for the southwest corner of said Rosa Elia Villarreal tract and the northwest corner of said Juan M. Vaquero and spouse Ruth Flores Vaquero tract, from which a one-half inch steel rebar found (controlling monument) bears South 04 degrees 26 minutes 52 seconds West, a distance of 59.72 feet the southwest corner of said Juan M. Vaquero and spouse tract and the northwest corner of that certain tract of land described in deed to Jose Adonay & Rosa Zelaya, as recorded in Volume 88111, Page 0562, D.R.D.C.T.;



EXHIBIT "A"

WINNETKA AVENUE  
WASTE WATER EASEMENT  
Parcel 1  
June 19, 2009  
Revised: January 26, 2017  
Page 3 of 5


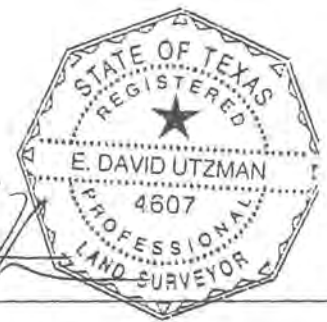
FIELD NOTE DESCRIPTION  
PARCEL 1, WASTE WATER EASEMENT

11. **THENCE**, North 04 degrees 26 minutes 52 seconds East, along said easterly right-of-way line of Winnetka Avenue, a distance of 11.50 feet to the **POINT OF BEGINNING** and containing a computed area of 3,618 square feet or 0.0831 acres of land, more or less.

Basis of Bearing is (assumed) based on the east monumented line of Winnetka Avenue, as shown on the Melrose Addition, Second Section, Volume 1, Page 529, M.R.D.C.T.

This description accompanies a parcel map of even date herewith

FIELD NOTES DESCRIPTION PREPARED FROM FIELDWORK PERFORMED IN January 2017.

E. David Utzman  
Registered Professional Land Surveyor  
Texas No. 4607

01/26/2017  
Date

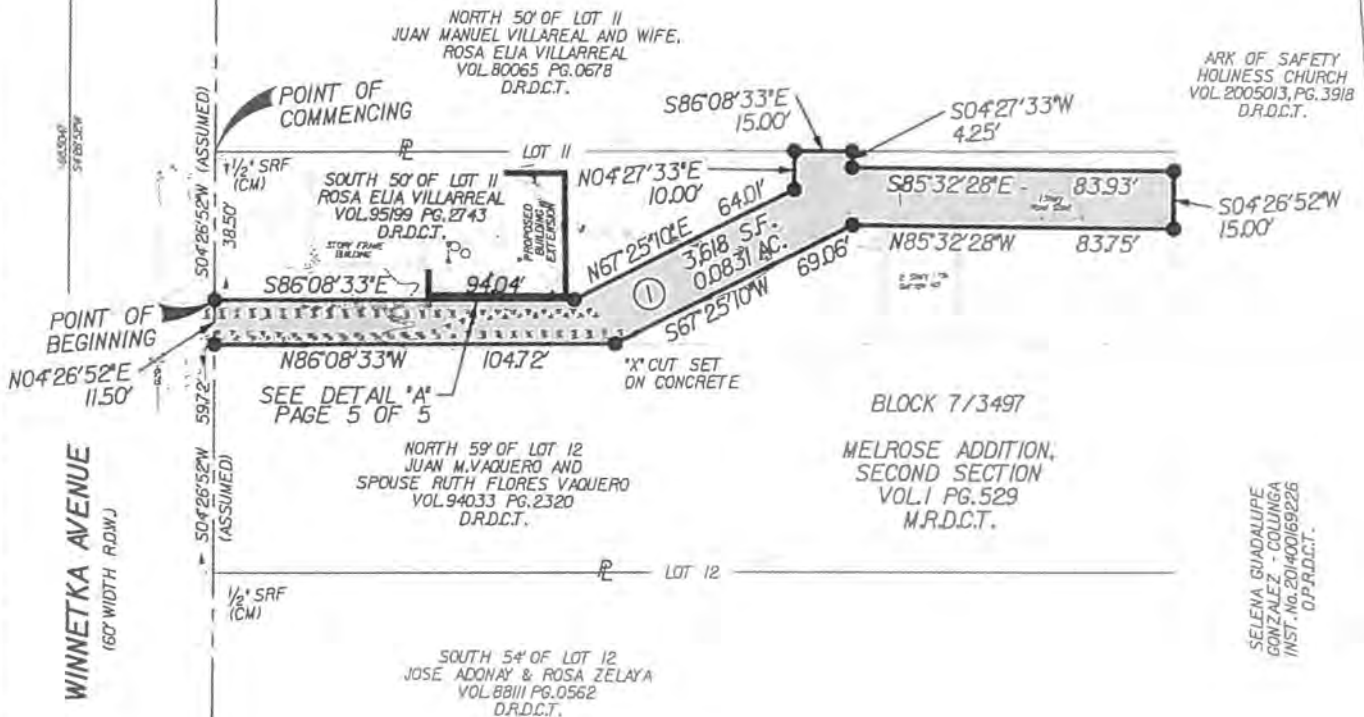
Arredondo, Zepeda & Brunz, LLC  
11355 McCree Road  
Dallas, Texas 75238  
(214)341-9900  
TBPLS Registration No. 10088700

# EXHIBIT "A"

## JOHN B. ROBINSON SURVEY ABSTRACT NO. 1215

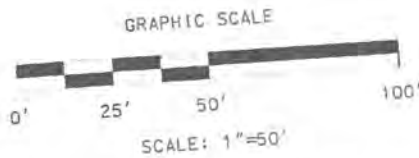


15' ALLEY



**NOTES:**

1. BASIS OF BEARING IS (ASSUMED) BASED ON THE MONUMENTED EAST LINE OF WINNETKA AVENUE, AS SHOWN ON THE MELROSE ADDITION, SECOND SECTION, VOL. 1, PG. 529, M.R.D.C.T.
2. CONTROL MONUMENTS USED FOR BOUNDARY SOLUTIONS ARE NOTED AS (CM) FOR CONTROLLING MONUMENT.
3. A FIELD NOTE DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.



**LEGEND**

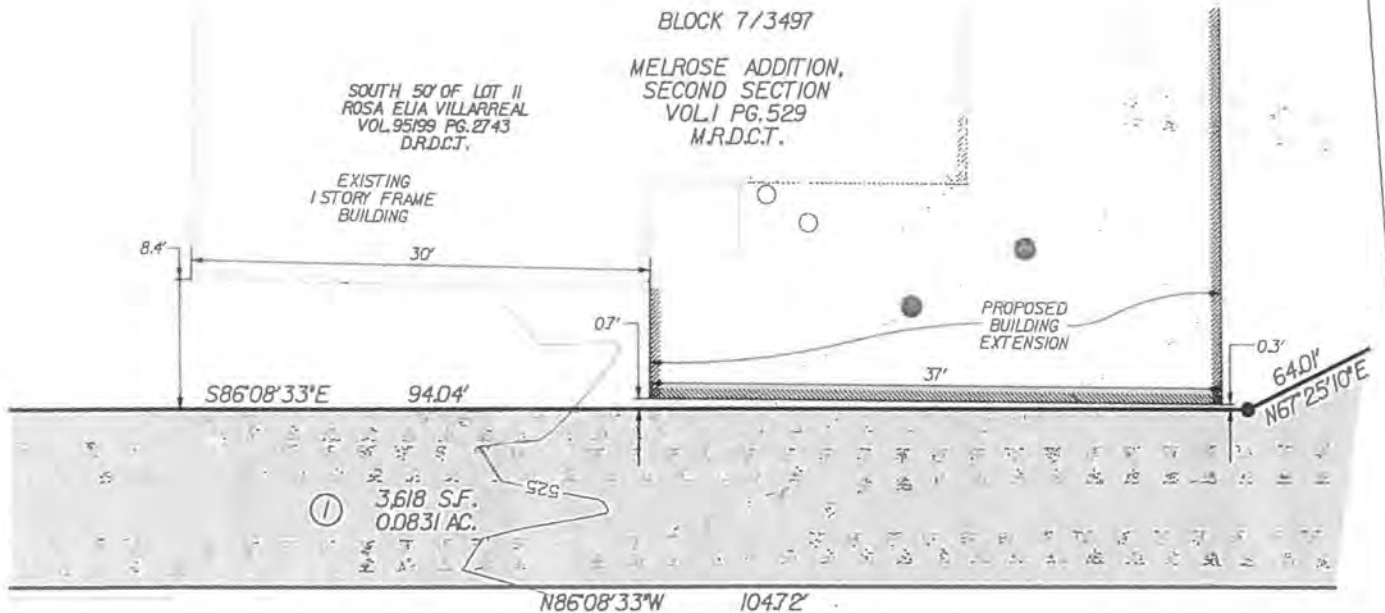
PROPOSED PARCEL LINE	—————
EXISTING ROW LINE	—————
PROPERTY LINE	—————
DENIAL OF ACCESS LINE	—————
SURVEY LINE	—————
FENCE LINE	—————
CITY LIMITS	—————
EASEMENTS	—————
RAILROAD	—————
STRUCTURE	●
1/2" SRS w/YELLOW CAP STAMPED "AZ&B" OR OTHER WISE NOTED	—————
SRF = STEEL REBAR FOUND	—————
SPF = STEEL PIPE FOUND	—————
CM = CONTROLLING MONUMENT	—————

A PLAT OF SURVEY OF  
PARCEL 1  
A 3,618 S.F. (0.0831 AC.)  
TRACT OF LAND IN THE  
JOHN B. ROBINSON SURVEY,  
ABSTRACT NUMBER 1215  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS  
JUNE 19, 2009  
REVISED: JANUARY 26, 2017  
PAGE 4 OF 5



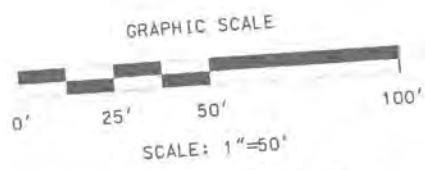
01/26/17

EXHIBIT "A"  
 JOHN B. ROBINSON SURVEY  
 ABSTRACT NO. 1215



DETAIL "A"

- NOTES:
1. BASIS OF BEARING IS (ASSUMED) BASED ON THE MONUMENTED EAST LINE OF WINNETKA AVENUE, AS SHOWN ON THE MELROSE ADDITION, SECOND SECTION, VOL. 1, PG. 529, M.R.D.C.T.
  2. CONTROL MONUMENTS USED FOR BOUNDARY SOLUTIONS ARE NOTED AS (CM) FOR CONTROLLING MONUMENT.
  3. A FIELD NOTE DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.



LEGEND

PROPOSED PARCEL LINE	—————
EXISTING ROW LINE	—————
PROPERTY LINE	—————
DENIAL OF ACCESS LINE	—————
SURVEY LINE	—————
FENCE LINE	—————
CITY LIMITS	—————
EASEMENTS	—————
RAILROAD	—————
STRUCTURE	●
1/2" SRS w/YELLOW CAP STAMPED "AZ&B" OR OTHER WISE NOTED	●
SRF = STEEL REBAR FOUND	●
SPF = STEEL PIPE FOUND	●
CM = CONTROLLING MONUMENT	●

A PLAT OF SURVEY OF  
 PARCEL 1  
 A 3,618 S.F. (0.0831 AC.)  
 TRACT OF LAND IN THE  
 JOHN B. ROBINSON SURVEY,  
 ABSTRACT NUMBER 1215  
 CITY OF DALLAS  
 DALLAS COUNTY, TEXAS  
 JUNE 19, 2009  
 REVISED: JANUARY 26, 2017  
 PAGE 5 OF 5

E. David Utzman  
 Registered Professional Land Surveyor  
 Texas No. 4607  
 01/26/2017  
 DATE



**AGENDA ITEM # 12**

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 45 Q,R

---

**SUBJECT**

A resolution authorizing the conveyance of an easement and right-of-way for two tracts of land containing a total of approximately 1,917 square feet to Oncor Electric Delivery Company, LLC for the construction, maintenance and use of power lines and electrical facilities across City-owned land located near the intersection of Taylor Street and South Pearl Expressway - Financing: No cost consideration to the City

**BACKGROUND**

This item authorizes the conveyance of an easement and right-of-way for two tracts of land containing a total of approximately 1,917 square feet to Oncor Electric Delivery Company, LLC for the construction, maintenance and use of power lines and electrical facilities across City-owned land located near the intersection of Taylor Street and South Pearl Expressway. This easement will allow for the existing overhead powerlines to be relocated underground. The facilities will provide electrical power to Dallas Farmers Market, Shed 1.

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

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

No cost consideration to the City.

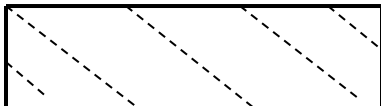
**MAP**

Attached



Approximately 1,917 Square Feet located at 1014 South Pearl Expressway

Near the intersection of Taylor Street and South Pearl Expressway



August 8, 2018

**WHEREAS**, the City of Dallas owns a tract of land which is used for Dallas Farmers Market; and

**WHEREAS**, Oncor Electric Delivery Company, LLC has requested an easement and right-of-way on said land for the construction, maintenance and use of electrical facilities for two tracts containing approximately 1,917 square feet of land located near the intersection of Taylor Street and South Pearl Expressway, Dallas County, Texas; and being more fully described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the City of Dallas needs and desires said electrical services to provide electrical power to Dallas Farmers Market, Shed 1.

**Now, Therefore,**


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

**SECTION 1.** That the City Manager or designee is hereby authorized to execute an easement to be attested by the City Secretary, approved as to form by the City Attorney.

**SECTION 2.** That this contract is designated as Contract No. DEV-2018-00006338.

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

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney

# EXHIBIT A-TRACT 1

## ONCOR EASEMENT

Part of Lot 18, Block 14/145  
Revised Map of Railroad Addition  
John Grigsby Survey, Addition No. 495  
City of Dallas, Dallas County, Texas

### PROPERTY DESCRIPTION

**BEING** a 0.009 acre (400 square foot) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas Dallas County, Texas and being part of Lot 18, Block 14/145 Revised Map of Railroad Addition, an addition to the City of Dallas recorded in Volume 4, Page 350 Map Records, Dallas County, Texas, said property also being described in deed to City of Dallas, Volume 2340, Page 351 Deed Records, Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at an "X" set for corner in the southeast line of Taylor Street (a variable width right-of-way), said point being North 54°00'00" East and a distance of 79.40 feet from an "x" cut in concrete found at the intersection of the southeast line of said Taylor Street and the northeast line of Pearl Expressway (a variable width right-of-way);

**THENCE** North 54°00'00" East along a southeasterly line of said Taylor Street, for a distance of 20.00 feet to an "X" set for corner;

**THENCE** South 36°00'00" East for a distance of 20.00 feet to a corner;

**THENCE** South 54°00'00" West for a distance of 20.00 feet to a corner;

**THENCE** North 36°00'00" West for a distance of 20.00 feet to the POINT OF BEGINNING and containing 0.009 acres or 400 square feet of land, more or less.



FIELD NOTES APPROVED:

*JRC 11/22/17*

Basis of Bearings is the northeast line (North 36°00'00" West) of South Pearl Street, as shown on plat of the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 4, Page 350, Map Records, Dallas County, Texas.

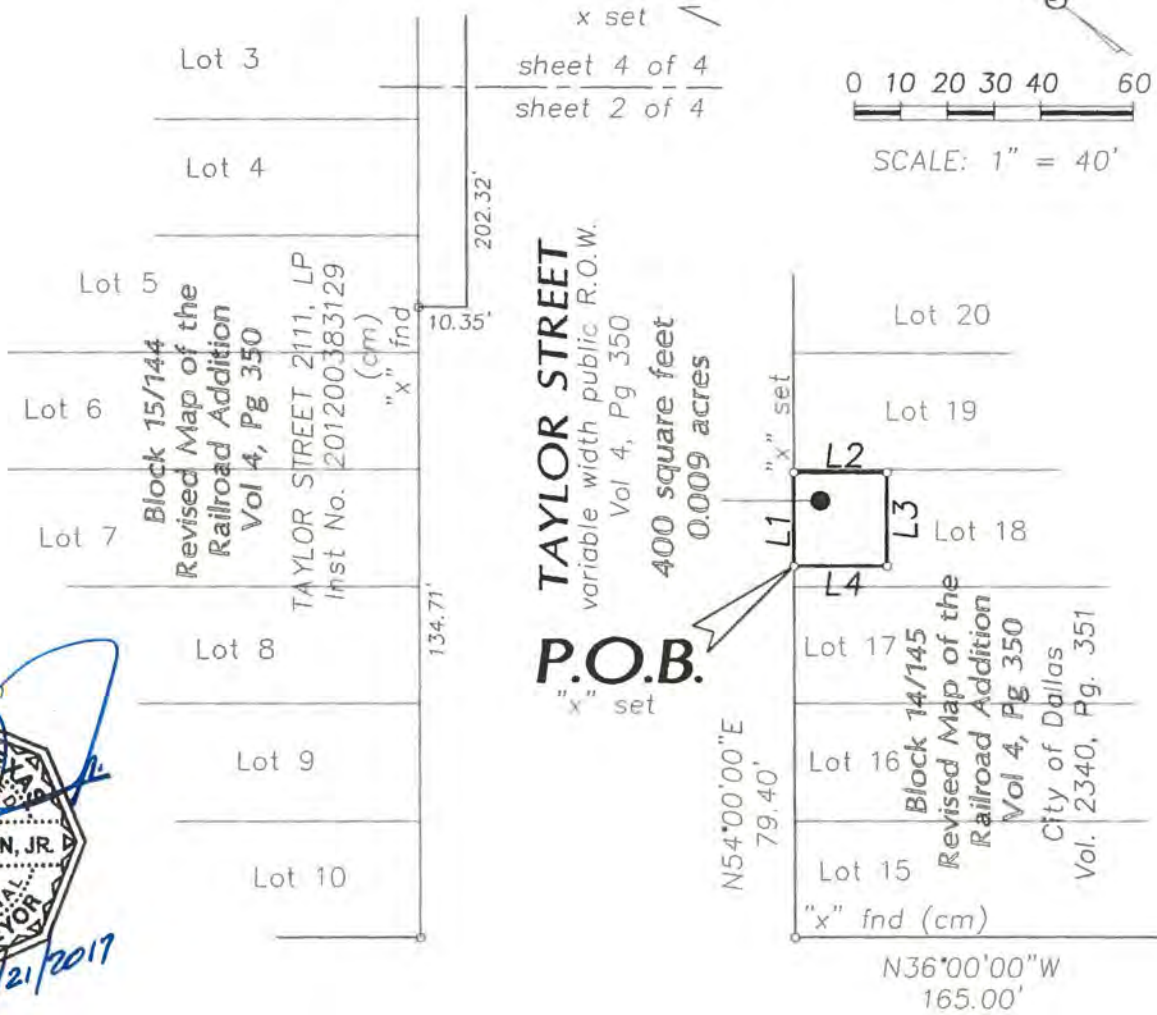
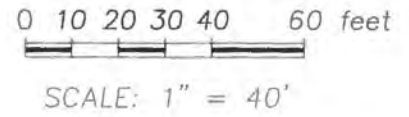




# EXHIBIT A-TRACT 1

## ONCOR EASEMENT

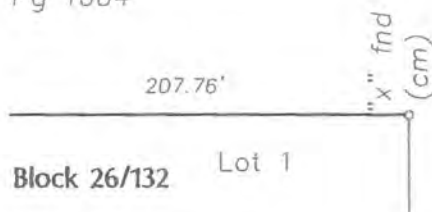
Part of Lot 18, Block 14/145  
 Revised Map of Railroad Addition  
 John Grigsby Survey, Addition No. 495  
 City of Dallas, Dallas County, Texas



## SOUTH PEARL STREET

80' public R.O.W.

Closed & Vacated by Ordinance #23182  
 Vol 97127, Pg 1664



## PEARL EXPRESSWAY

variable width public R.O.W.  
 Volume 67, Page 218

### NOTES:

"x" fnd = "x" cut in concrete found for corner  
 cm = controlling monument

### BASIS OF BEARINGS:

Basis of Bearings is the northeast line (North 36°00'00" West) of South Pearl Street, as shown on plat of the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 4, Page 350, Map Records, Dallas County, Texas.

## BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L1	N 54°00'00" E	20.00'
L2	S 36°00'00" E	20.00'
L3	S 54°00'00" W	20.00'
L4	N 36°00'00" W	20.00'



# EXHIBIT A-TRACT 2

## ONCOR EASEMENT

Part of Lots 22-26, Block 14/145  
Revised Map of Railroad Addition  
John Grigsby Survey, Addition No. 495  
City of Dallas, Dallas County, Texas

### PROPERTY DESCRIPTION

**BEING** a 0.035 acre (1,517 square foot) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas Dallas County, Texas and being part of Lots 22-26, Block 14/145 Revised Map of Railroad Addition, an addition to the City of Dallas recorded in Volume 4, Page 350 Map Records, Dallas County, Texas, said property also being described in deed to City of Dallas, Volume 2340, Page 351 Deed Records, Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at an "X" set for corner in the southeast line of Taylor Street (a variable width right-of-way), said point being North 54°00'00" East and a distance of 188.39 feet from an "x" cut in concrete found at the intersection of the southeast line of said Taylor Street and the northeast line of Pearl Expressway (a variable width right-of-way);

**THENCE** North 54°00'00" East along a southeasterly line of said Taylor Street, for a distance of 44.50 feet to an "X" set for corner;

**THENCE** South 36°00'00" East for a distance of 6.70 feet to a corner;

**THENCE** North 54°00'00" East for a distance of 67.11 feet to a corner;

**THENCE** South 36°00'00" East for a distance of 10.00 feet to a corner;

**THENCE** South 54°00'00" West for a distance of 67.11 feet to a corner;

**THENCE** South 36°00'00" East for a distance of 2.30 feet to a corner;

**THENCE** South 54°00'00" West for a distance of 44.50 feet to a corner;

**THENCE** North 36°00'00" West for a distance of 19.00 feet to the POINT OF BEGINNING and containing 0.035 acres or 1,517 square feet of land, more or less.



FIELD NOTES APPROVED:

*JRC* 11/22/17



Basis of Bearings is the northeast line (North 36°00'00" West) of South Pearl Street, as shown on plat of the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 4, Page 350, Map Records, Dallas County, Texas.



# EXHIBIT A-TRACT 2

## ONCOR EASEMENT

Part of Lots 22-26, Block 14/145  
 Revised Map of Railroad Addition  
 John Grigsby Survey, Addition No. 495  
 City of Dallas, Dallas County, Texas



0 10 20 30 40 60 feet

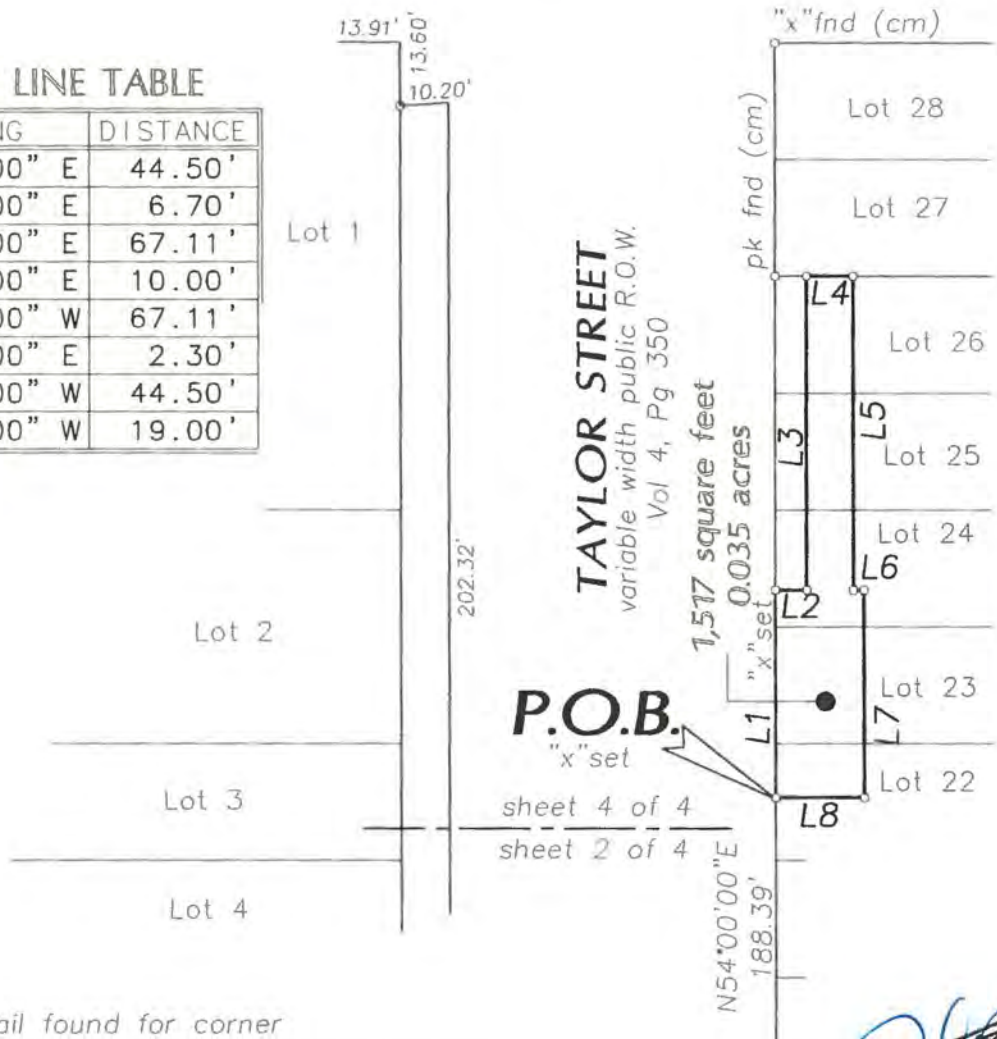
## CESAR CHAVEZ BOULEVARD (F.K.A. PRESTON ST/SOUTH CENTRAL EXPRESSWAY)

variable width public R.O.W.  
 Railroad Reservation page 53  
 Vol P, Pg 343

SCALE: 1" = 40'

### BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L1	N 54°00'00" E	44.50'
L2	S 36°00'00" E	6.70'
L3	N 54°00'00" E	67.11'
L4	S 36°00'00" E	10.00'
L5	S 54°00'00" W	67.11'
L6	S 36°00'00" E	2.30'
L7	S 54°00'00" W	44.50'
L8	N 36°00'00" W	19.00'



Block 14/145  
 Revised Map of the  
 Railroad Addition  
 Vol 4, Pg 350  
 City of Dallas  
 Vol. 2340, Pg. 351

### NOTES:

pk fnd = pk nail found for corner  
 "x" fnd = "x" cut in concrete found for corner  
 cm = controlling monument

### BASIS OF BEARINGS:

Basis of Bearings is the northeast line (North 36°00'00" West) of South Pearl Street, as shown on plat of the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 4, Page 350, Map Records, Dallas County, Texas.







**AGENDA ITEM # 13**

**STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

August 8, 2018

**COUNCIL DISTRICT(S):**

9

**DEPARTMENT:**

Department of Sustainable Development and Construction  
Water Utilities Department

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

40B-V

---

**SUBJECT**

A resolution authorizing the conveyance of a wastewater easement containing approximately 8,467 square feet of land to the City of Heath for the construction, maintenance and use of wastewater facilities across City-owned land located near the intersection of Hubbard and Scenic Drives - Revenue: \$10,962

**BACKGROUND**

This item authorizes the conveyance of a wastewater easement containing approximately 8,467 square feet of land to the City of Heath for the construction, maintenance and use of wastewater facilities across City-owned land located near the intersection of Hubbard and Scenic Drives. This property will be used for the City of Heath's Antigua Bay Project. The consideration is based on an independent appraisal.

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

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

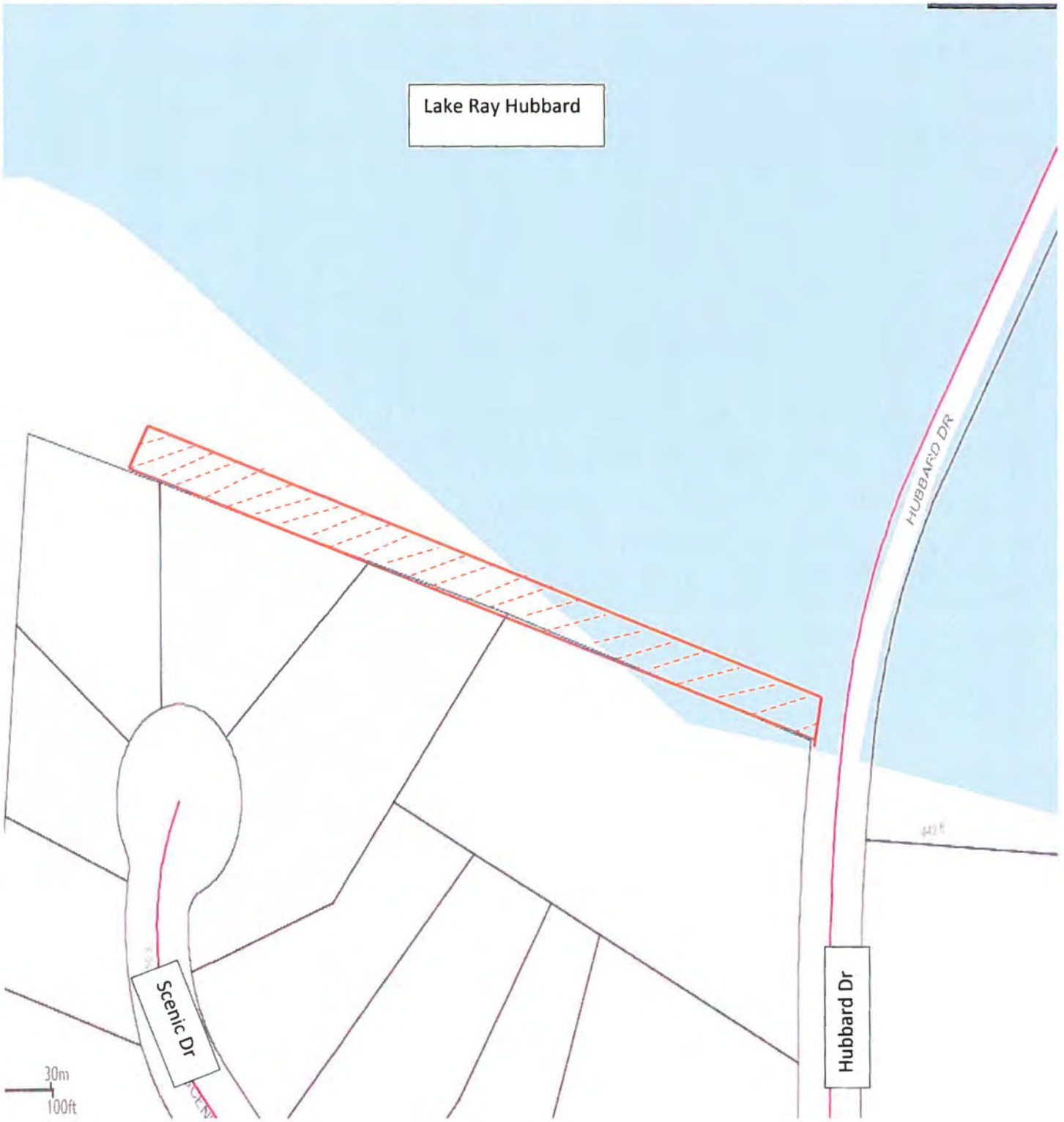
Revenue: \$10,962

**OWNER**

City of Heath

**MAP**

Attached



**WASTEWATER EASEMENT**

Approx. 8,467 Sq Ft near the intersection of Hubbard and Scenic Drives



August 8, 2018

**WHEREAS**, the City of Dallas owns a tract of land which is used for Lake Ray Hubbard; and

**WHEREAS**, the City of Heath has requested a wastewater easement on said land for the construction, maintenance and use of wastewater facilities containing approximately 8,467 square feet across City-owned land located near the intersection of Hubbard and Scenic Drives, City of Heath, Rockwall County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of hereof for all purposes; and

**WHEREAS**, the Interlocal Agreement and Lease between the City of Dallas and the City of Heath dated December 3, 2004, contemplates the granting of easement rights.

**Now, Therefore,**

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

**SECTION 1.** That upon receipt of **TEN THOUSAND NINE HUNDRED SIXTY TWO DOLLARS AND NO/100 (\$10,962.00)** from the City of Heath, the City Manager or designee is hereby authorized to execute a Wastewater Easement, to be attested by the City Secretary, approved as to form by the City Attorney.

**SECTION 2.** That proceeds shall be deposited into the Water and Sewer Revenue Fund, Fund 0100, Department DWU, Unit 7005, Revenue Code 8428 and Department of Sustainable Development and Construction Services-Real Estate Division shall be reimbursed for the costs of obtaining a legal description, appraisal and other administrative costs incurred. The reimbursement processed shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011.

**SECTION 3.** That this contract is designated as Contract No. DEV-2018-00006887.

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

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney



20' CITY OF HEATH  
SANITARY SEWER EASEMENT

## EXHIBIT "A"

8,467 SQUARE FEET, OR 0.194 OF AN ACRE OF LAND

BEING a tract of land situated in Rockwall County, Texas in the J. CANTER SURVEY ABSTRACT NO. 53, being a portion of two tracts of land to the City of Dallas, same being the Lake Ray Hubbard take line, Map Number 812D-1, Sheet 106, recorded in Volume 78, Page 406, and Volume 74, Page 204, Deed Records Rockwall County, Texas and being more particularly described by metes and bounds as follows;

COMMENCING at a 1 inch iron pipe found for the west corner of a tract of land to Rodney Robertson recorded in Volume 691, Page 32 Deed Records Rockwall County, Texas lying on the southeast line of a tract of land to Vernon Barber and Melissa Barber husband and wife recorded in Instrument Number 2016000008989 Official Public Records Rockwall County, Texas, said tract being described as all of Lot 44 and a portion of Lot 43 of the Antigua Bay Addition, an addition to the City of Heath as recorded in Cabinet A, Page 41 Plat Records Rockwall County, Texas, said point also being the north corner of Lot 45-R of Lots 45-47 Antigua Bay Resubdivision, an addition to the City of Heath as recorded in Cabinet D, Page 77 Plat Records Rockwall County, Texas;

THENCE South 68 degrees 57 minutes 58 seconds East along the south line of said Robertson tract, a distance of 360.40 feet to a 1/2 inch iron rod found for the southeast corner of same and lying on the westerly line of Hubbard Drive, (a variable width right-of-way);

THENCE North 02 degrees 24 minutes 21 seconds East along the westerly line of said Hubbard Drive and the east line of said Robertson tract, a distance of 170.80 feet to a 1/2 inch iron rod found for the northeast corner of said Robertson tract lying on the City of Dallas Take line of Lake Ray Hubbard at and at the POINT OF BEGINNING of the herein described tract;

THENCE North 78 degrees 47 minutes 59 seconds West along said Take line and the north line of said Robertson tract, a distance of 26.18 feet to Concrete Take Line Monument Number "G4-1E" found for a corner of same;

THENCE North 76 degrees 09 minutes 50 seconds West departing north line of said Robertson tract and through the interior of said Take line, a distance of 111.50 feet to Concrete Take Line Monument Number "G4-1A" found for corner lying on said Take line and at a northerly corner of said Robertson tract;

THENCE North 78 degrees 01 minutes 45 seconds West continuing along said Take line, a distance of 287.36 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for corner;

THENCE departing said Take line and through the interior of same the following courses and distances;

North 11 degrees 58 minutes 15 seconds East, a distance of 20.00 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for corner;

South 78 degrees 01 minutes 45 seconds East, a distance of 287.69 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for corner;

South 76 degrees 09 minutes 50 seconds East, a distance of 111.37 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for corner;

South 78 degrees 47 minutes 59 seconds East, a distance of 22.63 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for corner;

South 02 degrees 24 minutes 21 seconds West, a distance of 20.24 feet to the POINT OF BEGINNING containing 8,467 square Feet, or 0.194 acres of land.



FIELD NOTES APPROVED:

*BJM 1/31/18*

NOTES:

THE BASIS OF BEARING FOR THIS SURVEY IS THE TEXAS COORDINATE SYSTEM OF 1983 NORTH CENTRAL ZONE (4202).

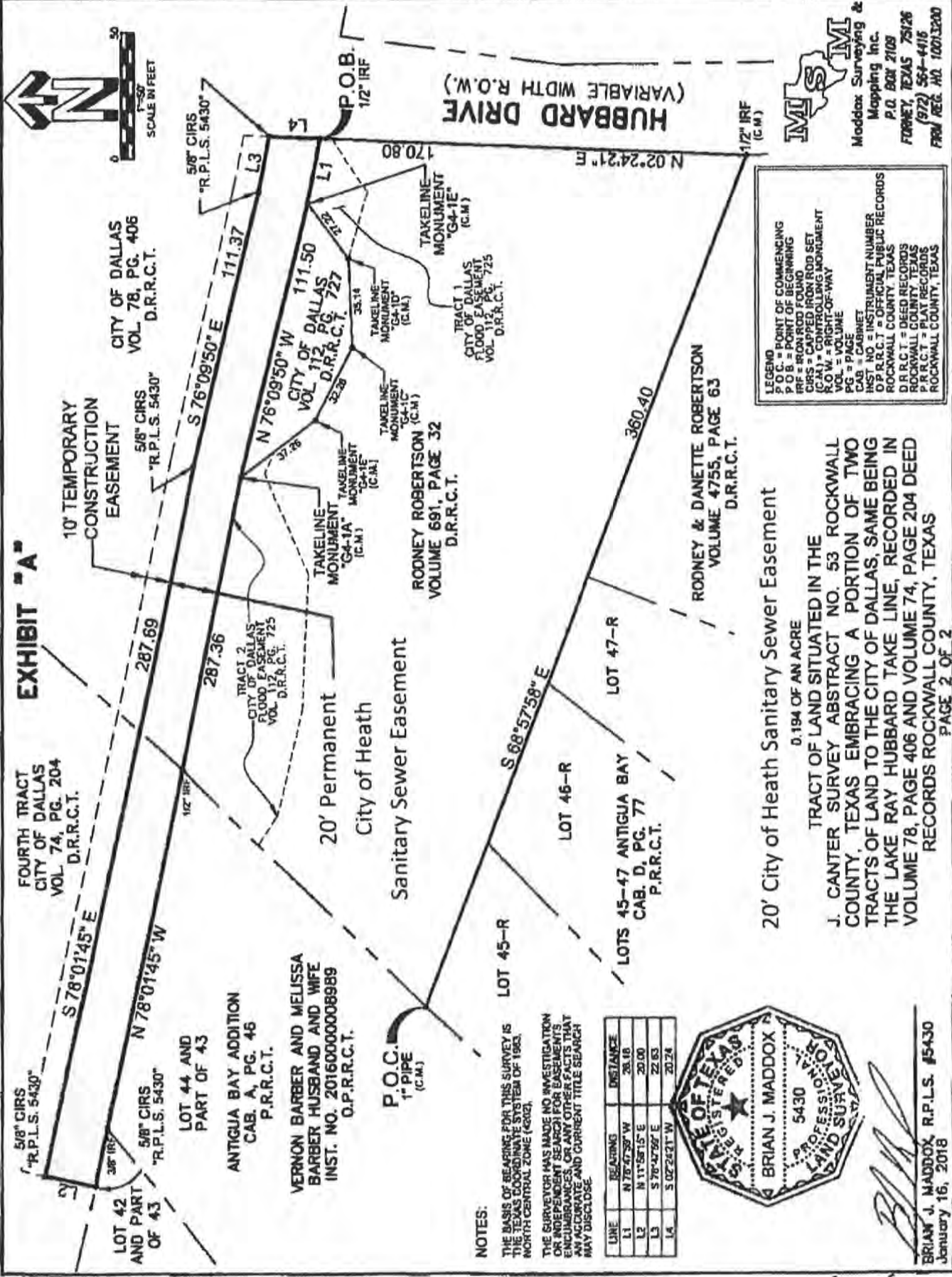
THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, ENCUMBRANCES, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE



*BJM*

BRIAN J. MADDOX, R.P.L.S. #5430  
January 16, 2018

**MI**  
Maddox Surveying &  
Mapping Inc.  
P.O. BOX 2109  
FORNEY, TEXAS 75126  
(972) 584-4416  
FIRM REG. NO. 10013200



**EXHIBIT "A"**



**LEGEND**  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 IRF = IRON ROD FOUND  
 CIRS = CAPPED IRON ROD SET  
 (C.A.) = CONTROLLING MONUMENT  
 R.O.W. = RIGHT-OF-WAY  
 VOL = VOLUME  
 PG = PAGE  
 CAB = CABINET  
 D.P.R.C.T. = DEED RECORDS  
 I.P.R.C. = INSTRUMENT NUMBER  
 ROCKWALL COUNTY, TEXAS  
 D.B.R.C.T. = DEED RECORDS  
 ROCKWALL COUNTY, TEXAS  
 P.R.C.T. = PLAT RECORDS  
 ROCKWALL COUNTY, TEXAS

**M/S**  
 Maddox Surveying & Mapping Inc.  
 P.O. BOX 2108  
 FORTNEY, TEXAS 75126  
 (972) 564-4415  
 FIRM REG. NO. 10013200

**NOTES:**  
 THE BASIS OF BEARING FOR THIS SURVEY IS THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (GCS).

THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OR ENCUMBRANCES, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

LINE	BEARING	DISTANCE
L1	N 76° 07' 50" W	28.18
L2	N 11° 58' 15" E	20.00
L3	S 76° 47' 59" E	22.83
L4	S 02° 24' 21" W	20.24



*Brian J. Maddox*  
 BRIAN J. MADDOX, R.P.L.S. #5430  
 January 16, 2018

TRACT OF LAND SITUATED IN THE COUNTY, TEXAS EMBRACING A PORTION OF TWO TRACTS OF LAND TO THE CITY OF DALLAS, SAME BEING THE LAKE RAY HUBBARD TAKE LINE, RECORDED IN VOLUME 78, PAGE 406 AND VOLUME 74, PAGE 204 DEED RECORDS ROCKWALL COUNTY, TEXAS  
 PAGE 2 OF 2



**AGENDA ITEM # 14**

**STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

August 8, 2018

**COUNCIL DISTRICT(S):**

6

**DEPARTMENT:**

Department of Sustainable Development and Construction  
Police Department

**CMO:**

Majed Al-Ghafry, 670-3302  
Jon Fortune, 670-1204

**MAPSCO:**

33Q

---

**SUBJECT**

Authorize a five-year, two-month lease agreement with Ricchi Towers, LLC for approximately 1,950 square feet of office space located at 8585 North Stemmons Freeway, Suite S-525 to be used for City personnel purposes for the period September 1, 2018 through October 31, 2023 - Not to exceed \$136,500 - Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

This item authorizes a five-year, two-month lease agreement with Ricchi Towers, LLC for approximately 1,950 square feet of office space located at 8585 North Stemmons Freeway, Suite S-525. This lease will provide office space to be used for City personnel purposes.

The five-year, two-month term will begin on September 1, 2018 through October 31, 2023.

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

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

General Funds - \$136,500 (subject to annual appropriations)

**OWNER**

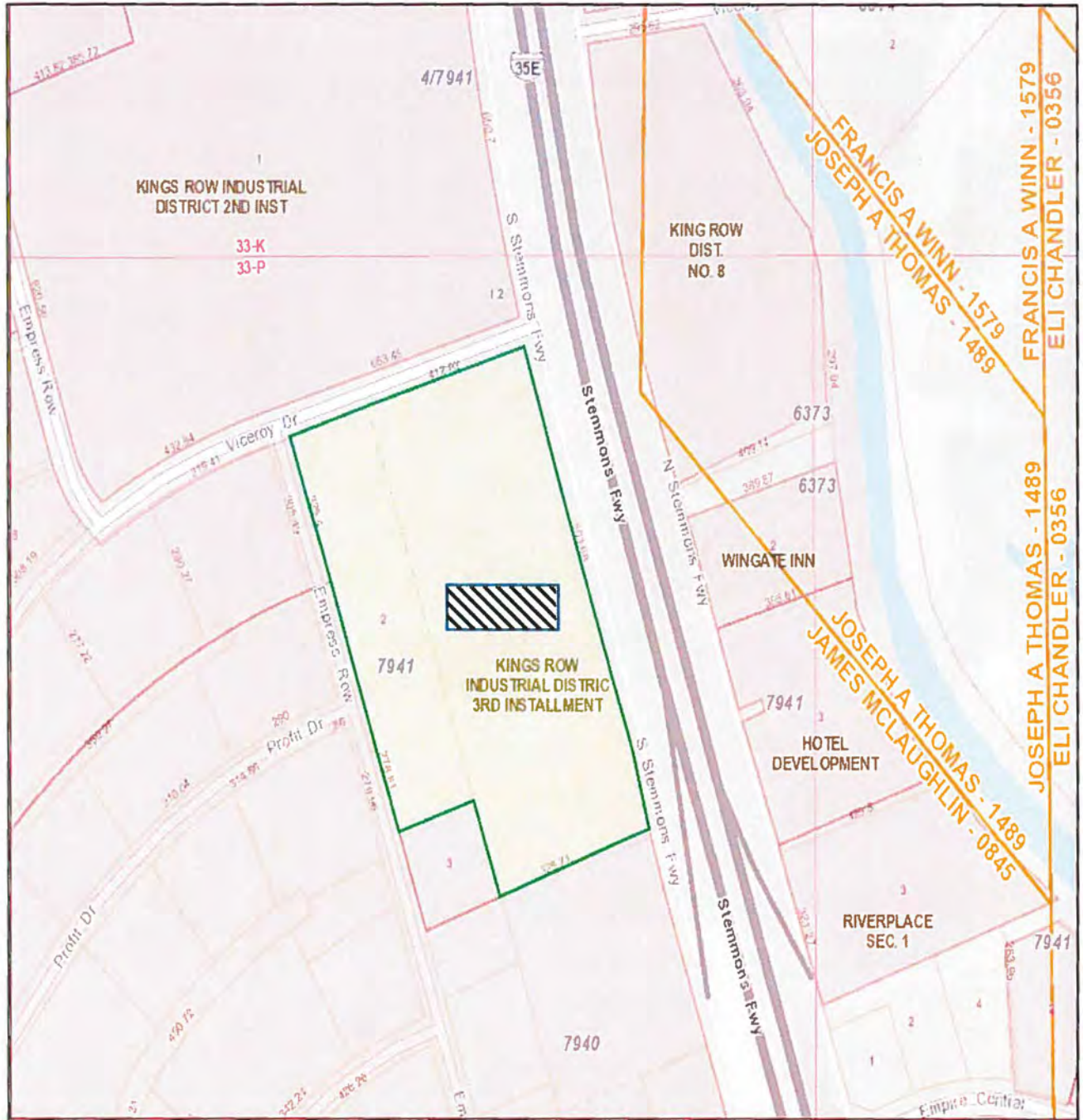
**Ricchi Towers, LLC**

Ruben Salinas, General Manager

**MAP**

Attached





**Lease Area** 8585 North Stemmons Frwy,  
Ste S-525



August 8, 2018

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

**SECTION 1.** That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a lease agreement (the "Lease") between Ricchi Towers, LLC, a Texas limited liability company, or its successor and assigns, as landlord, hereinafter referred to as "Landlord", and the City of Dallas, as tenant, hereinafter referred to as "City" for approximately 1,950 square feet of office space located at 8585 Stemmons Freeway, Suite S-525, Dallas, Dallas, County, Texas ("Premises") to be used for City personnel purposes.

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

(a) The lease is for a five-year, two-month term beginning September 1, 2018 and ending October 31, 2023 with one (1), five (5) year renewal option upon mutual agreement of parties.

(b) Monthly rental payments during the term shall be as follows (subject to annual appropriations):

September 1, 2018 - September 30, 2018	\$0.00 per month
October 1, 2018 - September 30, 2019	\$2,112.50 per month
October 1, 2019 - October 31, 2019	\$0.00 per month
November 1, 2019 - October 31, 2020	\$2,193.75 per month
November 1, 2020 - October 31, 2021	\$2,275.00 per month
November 1, 2021 - October 31, 2022	\$2,356.25 per month
November 1, 2022 - October 31, 2023	\$2,437.50 per month

The rental payments shall begin upon the latter of (i) September 1, 2018, or (ii) the date certain leasehold improvements as specified in the lease are completed by Landlord and accepted by the City ("Rental Commencement Date"). If the Rental Commencement Date is other than the first of the month rent for the resulting partial month shall be prorated by days.

(c) The Landlord agrees to provide the City with a Certificate of Occupancy.

(d) The Landlord shall pay all real estate taxes on the Premises during the lease term.

August 8, 2018

**SECTION 2.** (continued)

- (e) The City shall be responsible for the installation, maintenance and expense of its own telephone and communication services to the Premises.
- (f) The Landlord shall pay all charges for electric, water, gas and janitorial services to the Premises during the lease term.
- (g) The Landlord shall provide the City with an asbestos survey at Landlord's expense.
- (h) The Landlord shall pay all charges for sanitation services to the Premises and repair and maintenance of common areas.
- (i) The Landlord shall maintain the roof, foundation, exterior walls, exterior lighting, termites and pest extermination, parking areas and all public and common areas constituting a part of and/or serving the Premises during the lease term.
- (j) The Landlord shall maintain all equipment and systems, including, but not limited to, all electrical, mechanical and plumbing systems, including heating and air conditioning equipment, front and rear doors, light fixtures, plumbing and floor drains, exhaust fans, windows, interior walls, ceiling and floors in or constituting part of and/or serving the Premises.
- (k) The Landlord shall provide certain improvements and repairs (leasehold improvements) to the leased Premises as specified in the lease agreement.
- (l) The Landlord shall provide on-site security.
- (m) The Landlord shall provide City a minimum of six undesignated parking spaces in the general parking area and a minimum of two undesignated parking spaces in the covered parking area.
- (n) The Landlord shall provide adequate dumpster facilities for City's trash.
- (o) The City reserves the right to terminate the lease on the last day of any current fiscal year due to non-appropriation of funds.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to draw warrants payable to Ricchi Towers, LLC, or its successors and assigns on the first day of each month in advance during the lease term beginning September 1, 2018 in the amount specified below:

August 8, 2018

**SECTION 3.** (continued)

September 1, 2018 - September 30, 2018	\$0.00 per month (subject to annual appropriations)
October 1, 2018 - September 30, 2019	\$2,112.50 per month (subject to annual appropriations)
October 1, 2019 - October 31, 2019	\$0.00 per month (subject to annual appropriations)
November 1, 2019 - October 31, 2020	\$2,193.75 per month (subject to annual appropriations)
November 1, 2020 - October 31, 2021	\$2,275.00 per month (subject to annual appropriations)
November 1, 2021 - October 31, 2022	\$2,356.25 per month (subject to annual appropriations)
November 1, 2022 - October 31, 2023	\$2,437.50 per month (subject to annual appropriations)

**SECTION 4.** That payments will be charged as follows:

September 1, 2018 - October 31, 2023: Fund 0001, Department DPD, Unit 2115, Object 3330, Encumbrance/Contract No. CX-DPD-2018-00006837, Commodity 97145, Vendor VC18871.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective telephone and communications companies upon receipt of a bill for such services or other applicable charges throughout the term.

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

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney

**AGENDA ITEM # 15**

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 45L

---

**SUBJECT**

An ordinance granting a revocable license to AT&T Services, Inc., for the use of a total of approximately 716 square feet of aerial space to install, maintain, and utilize aerial lights over portions of Jackson Street right-of-way near its intersection with Browder Street - Revenue: \$4,035 annually, plus the \$20 ordinance publication fee

**BACKGROUND**

This item grants a revocable license to AT&T Services, Inc., for the use of a total of approximately 716 square feet of aerial space to install, maintain, and utilize aerial lights over portions of Jackson Street right-of-way near its intersection with Browder Street. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

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

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

Revenue: \$4,035 annually, plus the \$20 ordinance publication fee

**OWNER**

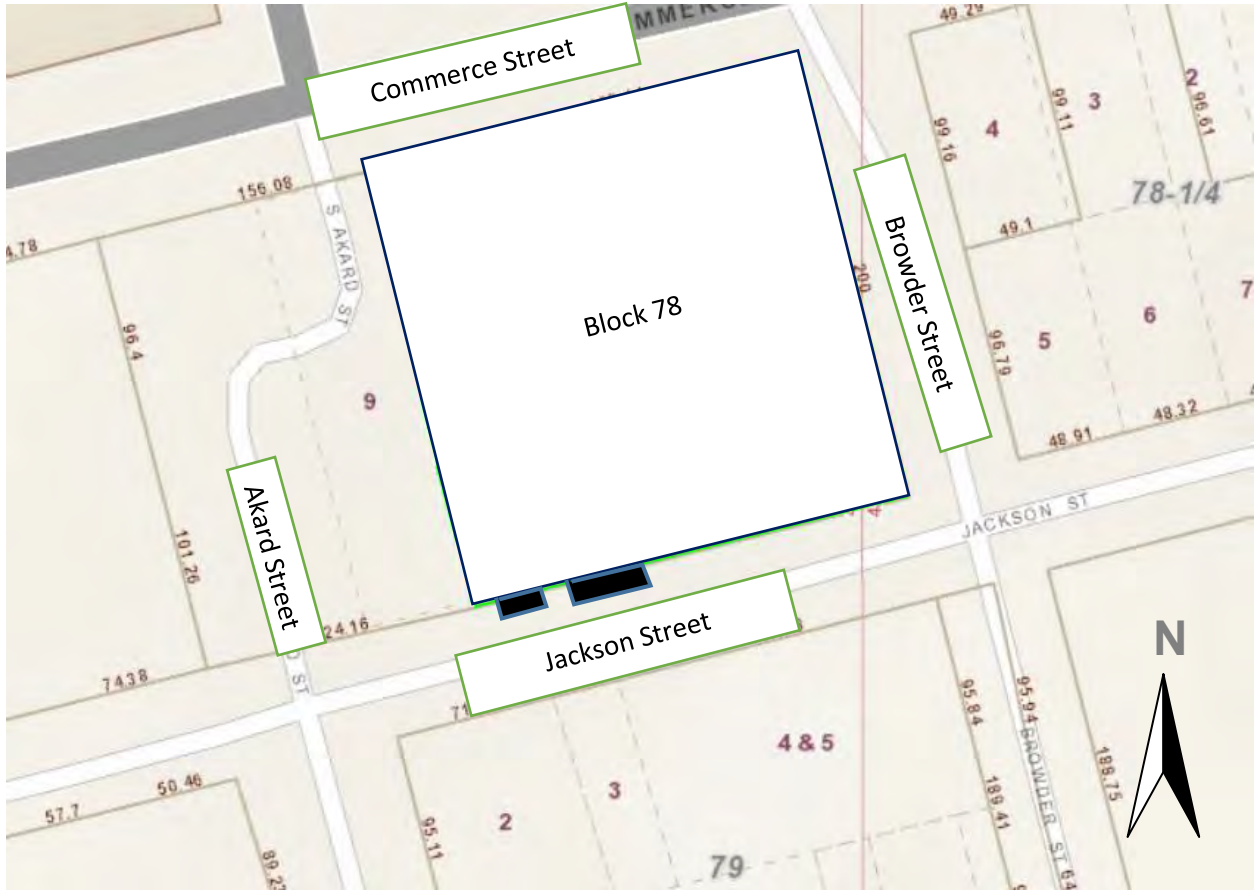
**AT&T Services, Inc.**


Judy D. Laube, Sr., Transaction Manager CRE

**MAP**

Attached





Licensed Areas 





**ORDINANCE NO. \_\_\_\_\_**

An ordinance granting a revocable license to AT&T Services, Inc. to occupy, maintain and utilize aerial space over portions of Jackson Street right-of-way located near the intersection of Jackson and Browder Streets in City Block 123/78 within the limits hereinafter more fully described, for the purpose of installing and maintaining aerial lights; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

**ooo0ooo**

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

**SECTION 1.** That a revocable license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to AT&T Services, Inc., a Delaware corporation, its successors and assigns, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the aerial space described in Exhibit A respectively, beginning at an elevation of 827.6 feet above mean sea level and extending to an elevation to 828.0 feet above mean sea level, hereinafter referred to as “licensed area” which is attached hereto and made a part hereof.

**SECTION 2.** That this license is granted for a term of ten (10) years, unless sooner terminated according to other terms and provisions herein contained.

**SECTION 3.** That **GRANTEE** shall pay to the City of Dallas the sum of **FOUR THOUSAND THIRTY FIVE AND NO/100 (\$4,035.00) DOLLARS** annually for the license herein granted, said sum to become due and payable on the 2<sup>nd</sup> day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum **FOUR THOUSAND THIRTY FIVE AND NO/100 (\$4,035.00) DOLLARS** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2018. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date,

**SECTION 3.** (continued)

the Director of the Department of Sustainable Development may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in the General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

**SECTION 4.** That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: install, maintain, and utilize aerial lights.

**SECTION 5.** That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

**SECTION 6.** That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right to terminate and cancel this license at will, by Resolution passed by said Governing Body. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said Resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of

**SECTION 6.** (continued)

**GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 7.** That the license is subject to the following conditions, terms and reservations:

(a) **GRANTEE** shall assure that no portion of the proposed improvements are less than 8 feet above the surface at any location.

(b) **GRANTEE** acknowledges that Spectrum (formerly Charter Communications) has active facilities within the right-of-way. **GRANTEE** must call 1-800-DIG-TESS to have facilities marked and located within the affected easements before any excavations are performed.

**SECTION 8.** That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

**SECTION 9.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 10.** That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written

**SECTION 10.** (continued)

acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

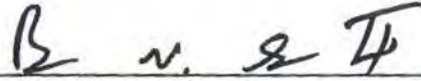
**SECTION 11.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the 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.

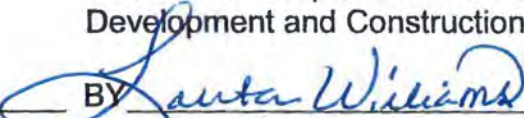
**SECTION 12.** That this ordinance is also designated for City purposes as Contract No. DEV-2018-00004173.

**SECTION 13.** 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:  
LARRY E. CASTO  
City Attorney

DAVID COSSUM  
Director of Department of Sustainable  
Development and Construction

BY   
Assistant City Attorney

BY   
Assistant Director

Passed \_\_\_\_\_.



**LICENSE AGREEMENT  
JACKSON STREET  
ADJACENT TO BLOCK 123/78  
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Being a 293 square foot (0.0067 acres) tract of land situated in the John Grigsby Survey, 23, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Jackson Street (50 foot right-of-way, created by City Ordinance Book 1-A, Page 133) between Field Street (variable width right-of-way, created by City Ordinance Book 1-A, Pages 131-146 and created by Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas) and Browder Street (variable width right-of-way, created by said Smith, Murphy & Martin's Addition), being adjacent to Block 123/78 of said Smith, Murphy & Martin's Addition, and being more particularly described as follows:

**COMMENCING** at a brass disk found at the intersection of easterly right-of-way line of said Field Street and the northerly right-of-way line of said Jackson Street, said disk being the southwesterly corner of a tract of land conveyed to Southwestern Bell Telephone Company by deed recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas;

**THENCE** North 76° 00' 00" East, along the northerly right-of-way line of said Jackson Street and the southerly line of said Southwestern Bell tract (Volume 79195, Page 63), passing at a distance of 131.90 feet the southerly common corner of said Southwest Bell tract (Volume 79195, Page 63) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, passing at a distance of 233.10 feet the southerly common corner between said Southwestern Bell tract (Volume 79195, Page 51) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79209, Page 2929, Deed Records, Dallas County, Texas, passing at a distance of 308.10 feet the southerly common corner of said Southwestern Bell tract (Volume 79209, Page 2929) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 81058, Page 1352, Deed Records, Dallas County, Texas, passing at a distance of 349.90 feet the southerly common corner of said Southwestern Bell tract and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas, passing at a distance of 435.44 feet the southerly common corner of said Southwestern Bell tract (Volume 79173, Page 1932) and a tract of land described in a deed to IEP Dallas, LLC recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas, continuing along the northerly right-of-way line of said Jackson Street and the southerly line of said IEP Dallas tract, a total distance of 436.90 feet to a chiseled "X" in concrete set at the **POINT OF BEGINNING**;

**THENCE** North 76° 00' 00" East, continuing along the northerly right-of-way line of said Jackson Street and the southerly line of said IEP Dallas tract, a distance of 45.00 feet to a 60D nail set, from which a found chiseled "X" in concrete at the intersection of the northerly right-of-way line of said Jackson Street and the westerly right-of-way line of said Browder Street bears North 76° 00' 00" East, a distance of 153.00 feet;

**THENCE** over and across said Jackson Street, the following courses and distances;

South 14° 00' 00" East, a distance of 6.50 feet to a chiseled "X" in concrete set;

South 76° 00' 00" West, a distance of 45.00 feet to a chiseled "X" in concrete set;

<p>(For SPRG use only) Reviewed By: <u>A. Rodriguez</u> Date: <u>9/26/17</u> SPRG NO.: 4288</p>
-------------------------------------------------------------------------------------------------------------

LICENSE AGREEMENT  
JACKSON STREET  
ADJACENT TO BLOCK 123/78  
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

North 14° 00' 00" West, a distance of 6.50 feet to the **POINT OF BEGINNING** and containing 293 square feet or 0.0067 acres, more or less.

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.



Brian R. Wade  
07/24/2017

R.P.L.S. No. 6098

(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 9/26/17  
SPRG NO.: 4288



0 20 40 80

(FEET)

1 inch = 40 ft.

# EXHIBIT A-TRACT 1

BLOCK 116/71  
SMITH, MURPHY &  
MARTIN'S ADDITION  
VOL. H, PG. 83  
M.R.D.C.T.

FIELD STREET  
(65' RIGHT-OF-WAY)  
VOL. H, PG. 83  
M.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 79195, PG. 51  
D.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 79195, PG. 51  
D.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 79209, PG. 2929  
D.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 81058, PG. 1352  
D.R.D.C.T.

131.90' 101.20' 75.00' 71.80'  
N76°00'00"E 436.90'

POINT OF  
COMMENCING  
BDF (CM)

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
(SUBSURFACE RIGHTS)  
VOL. 81058, PG. 1352  
O.P.R.D.C.T.

JACKSON STREET  
(50' RIGHT-OF-WAY)  
CITY OF DALLAS ORD. BOOK 1-A  
PAGE 133

JOHN GRIGSBY SURVEY, 23  
ABSTRACT NO. 495

N76°00'00"E 302.82'  
142.50'

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 77243, PG. 2661  
D.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 77074, PG. 2808  
D.R.D.C.T.

AKARD STREET  
(VARIABLE WIDTH  
RIGHT-OF-WAY)  
CITY ORD. BOOK 1-A  
PAGE 138

TO CITY OF DALLAS  
(STREET DEDICATION)  
VOL. 1648, PG. 511  
D.R.D.C.T.

MATCH LINE - SHEET 3

## LEGEND

- ..... LICENSE AGREEMENT
- ..... PROPERTY LINE
- PKF ..... PK NAIL FOUND
- BDF ..... BRASS DISK FOUND
- CMS / CMF ..... CHISELED "X" SET / FOUND
- 60DNS ..... 60D NAIL SET
- (CM) ..... CONTROLLING MONUMENT
- M.R. .... MAP RECORDS
- D.R. .... DEED RECORDS
- O.P.R. .... OFFICIAL PUBLIC RECORDS
- D.C.T. .... DALLAS COUNTY, TEXAS
- INST. NO. .... INSTRUMENT NUMBER
- VOL. .... VOLUME
- PG. .... PAGE
- ORD. .... ORDINANCE



BLOCK 117/72  
SMITH, MURPHY &  
MARTIN'S ADDITION  
VOL. H, PG. 83  
M.R.D.C.T.



Brian R. Wade R.P.L.S. NO. 6098  
07/24/2017

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.  
5445 LA SIERRA, STE 300, LB 17  
DALLAS, TX. 75231-4138  
214-739-8100  
rlg@rlginc.com  
TEXAS PE REG #F-493  
TBPLS REG #100341-00

## LICENSE AGREEMENT JACKSON STREET ADJACENT TO BLOCK 123/78 JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)

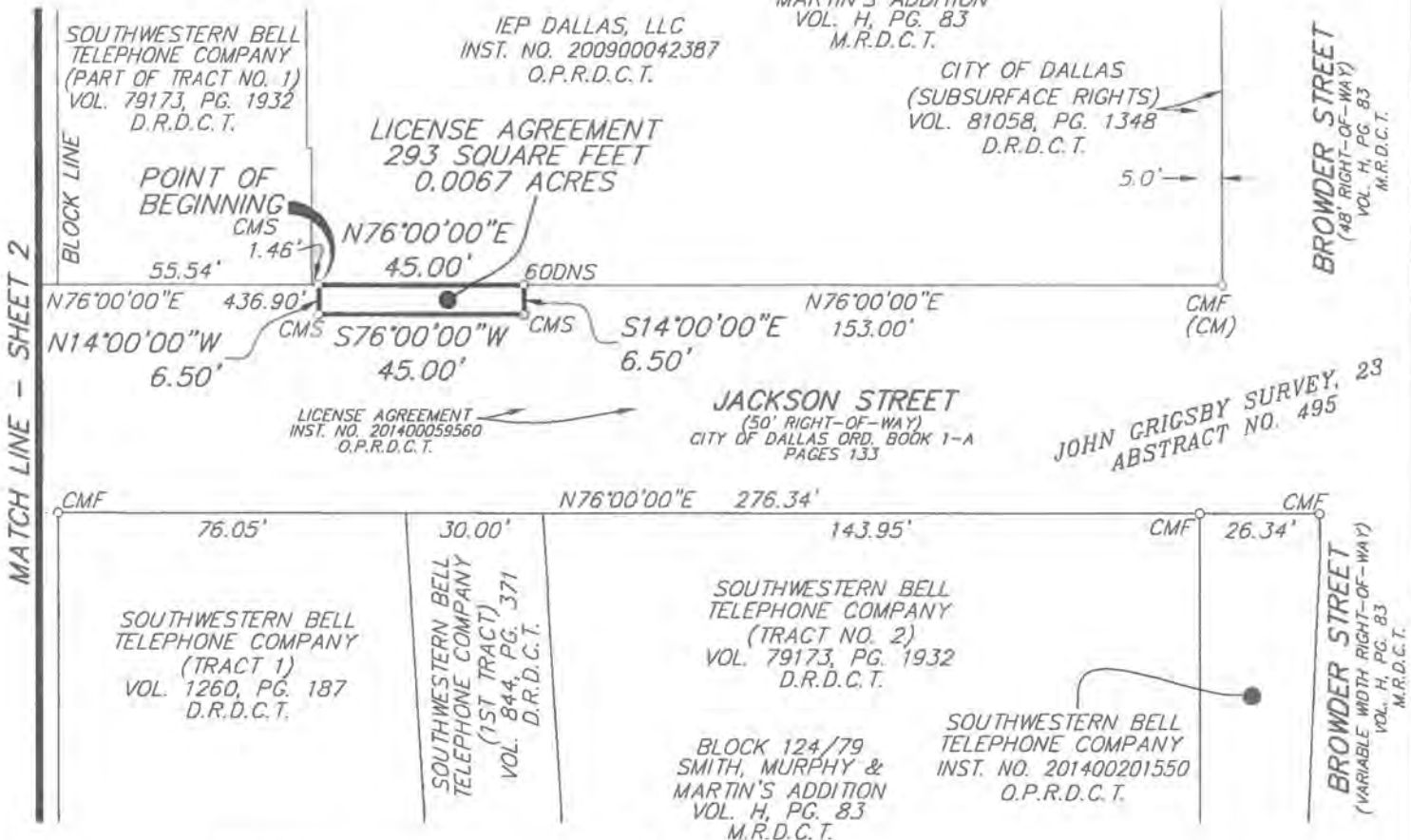
Reviewed By: A. Rodriguez  
Date: 9/26/17  
SPRG NO.: 4288

SCALE	1" = 40'	DATE	09/13/2017	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA8	DWG NO.	266,34X



(FEET)

1 inch = 40 ft.



Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

**RAYMOND L. GOODSON JR., INC.**  
5445 LA SIERRA, STE 300, LB 17  
DALLAS, TX. 75231-4138  
214-739-8100  
rlg@rlginc.com  
TEXAS PE REG #F-493  
TBPLS REG #100341-00

**LICENSE AGREEMENT**  
**JACKSON STREET**  
**ADJACENT TO BLOCK 123/78**  
**JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 9/24/17  
SPRG NO.: 4288

SCALE	1" = 40'	DATE	09/13/2017	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA8	DWG NO.	266,34X



**LICENSE AGREEMENT  
JACKSON STREET  
ADJACENT TO BLOCK 123/78  
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A-TRACT 2**

Being a 423 square foot (0.0097 acres) tract of land situated in the John Grigsby Survey, 23, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Jackson Street (50 foot right-of-way, created by City Ordinance Book 1-A, Page 133) between Field Street (variable width right-of-way, created by City Ordinance Book 1-A, Pages 131-146 and created by Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas) and Browder Street (variable width right-of-way, created by said Smith, Murphy & Martin's Addition), being adjacent to Block 123/78 of said Smith, Murphy & Martin's Addition, and being more particularly described as follows:

**COMMENCING** at a brass disk found at the intersection of easterly right-of-way line of said Field Street and the northerly right-of-way line of said Jackson Street, said disk being the southwesterly corner of a tract of land conveyed to Southwestern Bell Telephone Company by deed recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas;

**THENCE** North 76° 00' 00" East, along the northerly right-of-way line of said Jackson Street and the southerly line of said Southwestern Bell tract (Volume 79195, Page 63), passing at a distance of 131.90 feet the southerly common corner of said Southwest Bell tract (Volume 79195, Page 63) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, passing at a distance of 233.10 feet the southerly common corner between said Southwestern Bell tract (Volume 79195, Page 51) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79209, Page 2929, Deed Records, Dallas County, Texas, passing at a distance of 308.10 feet the southerly common corner of said Southwestern Bell tract (Volume 79209, Page 2929) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 81058, Page 1352, Deed Records, Dallas County, Texas, passing at a distance of 349.90 feet the southerly common corner of said Southwestern Bell tract and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas, passing at a distance of 435.44 feet the southerly common corner of said Southwestern Bell tract (Volume 79173, Page 1932) and a tract of land described in a deed to IEP Dallas, LLC recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas, continuing along the northerly right-of-way line of said Jackson Street and the southerly line of said IEP Dallas tract, a total distance of 491.90 feet to a MAG nail set at the **POINT OF BEGINNING**;

**THENCE** North 76° 00' 00" East, continuing along the northerly right-of-way line of said Jackson Street and the southerly line of said IEP Dallas tract, a distance of 65.00 feet to a 60D nail set, from which a found chiseled "X" in concrete at the intersection of the northerly right-of-way line of said Jackson Street and the westerly right-of-way line of said Browder Street bears North 76° 00' 00" East, a distance of 78.00 feet;

**THENCE** over and across said Jackson Street, the following courses and distances;

South 14° 00' 00" East, a distance of 6.50 feet to a chiseled "X" in concrete set;

(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 9/24/17  
SPRG NO.: 4289

**SHEET 1 OF 4  
266,33X**

LICENSE AGREEMENT  
JACKSON STREET  
ADJACENT TO BLOCK 123/78  
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 76° 00' 00" West, a distance of 65.00 feet to a chiseled "X" in concrete set;

North 14° 00' 00" West, a distance of 6.50 feet to the **POINT OF BEGINNING** and containing 423 square feet or 0.0097 acres, more or less.

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No. 6098  
07/24/2017

(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 9/26/17  
SPRG NO.: 4289



0 20 40 80

(FEET)

1 inch = 40 ft.

EXHIBIT A-TRACT 2

BLOCK 116/71  
SMITH, MURPHY &  
MARTIN'S ADDITION  
VOL. H, PG. 83  
M.R.D.C.T.

FIELD STREET  
(65' RIGHT-OF-WAY)  
VOL. H, PG. 83,  
M.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 79195, PG. 51  
D.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 79195, PG. 51  
D.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 79209, PG. 2929  
D.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 81058, PG. 1352  
D.R.D.C.T.

131.90'

101.20'

75.00'

71.80'

N76°00'00"E 491.90'

POINT OF  
COMMENCING  
BDF (CM)

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
(SUBSURFACE RIGHTS)  
VOL. 81058, PG. 1355  
O.P.R.D.C.T.

JACKSON STREET  
(50' RIGHT-OF-WAY)  
CITY OF DALLAS ORD. BOOK 1-A  
PAGE 133

JOHN GRIGSBY SURVEY, 23  
ABSTRACT NO. 495

N76°00'00"E 302.82'  
142.50'

50.00'

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 77243, PG. 2661  
D.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 77074, PG. 2808  
D.R.D.C.T.

AKARD STREET  
(VARIABLE WIDTH  
RIGHT-OF-WAY)  
CITY ORD. BOOK 1-A  
PAGE 138

TO CITY OF DALLAS  
(STREET DEDICATION)  
VOL. 1646, PG. 511  
D.R.D.C.T.

MATCH LINE - SHEET 3

LEGEND

- ..... LICENSE AGREEMENT
- ..... PROPERTY LINE
- PKF ..... PK NAIL FOUND
- BDF ..... BRASS DISK FOUND
- CMS / CMF ..... CHISELED "X" SET / FOUND
- 60DNS ..... 60D NAIL SET
- MNS ..... MAG NAIL SET
- (CM) ..... CONTROLLING MONUMENT
- M.R. .... MAP RECORDS
- D.R. .... DEED RECORDS
- O.P.R. .... OFFICIAL PUBLIC RECORDS
- D.C.T. .... DALLAS COUNTY, TEXAS
- INST. NO. .... INSTRUMENT NUMBER
- VOL. .... VOLUME
- PG. .... PAGE
- ORD. .... ORDINANCE



BLOCK 117/72  
SMITH, MURPHY &  
MARTIN'S ADDITION  
VOL. H, PG. 83  
M.R.D.C.T.



Brian R. Wade R.P.L.S. NO. 6098  
7/24/2017

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.  
5445 LA SIERRA, STE 300, LB 17  
DALLAS, TX. 75231-4138  
214-739-8100  
rlg@rlginc.com  
TEXAS PE REG #F-493  
TBPLS REG #100341-00

LICENSE AGREEMENT  
JACKSON STREET  
ADJACENT TO BLOCK 123/78  
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 9/26/17  
SPRG NO.: 4289

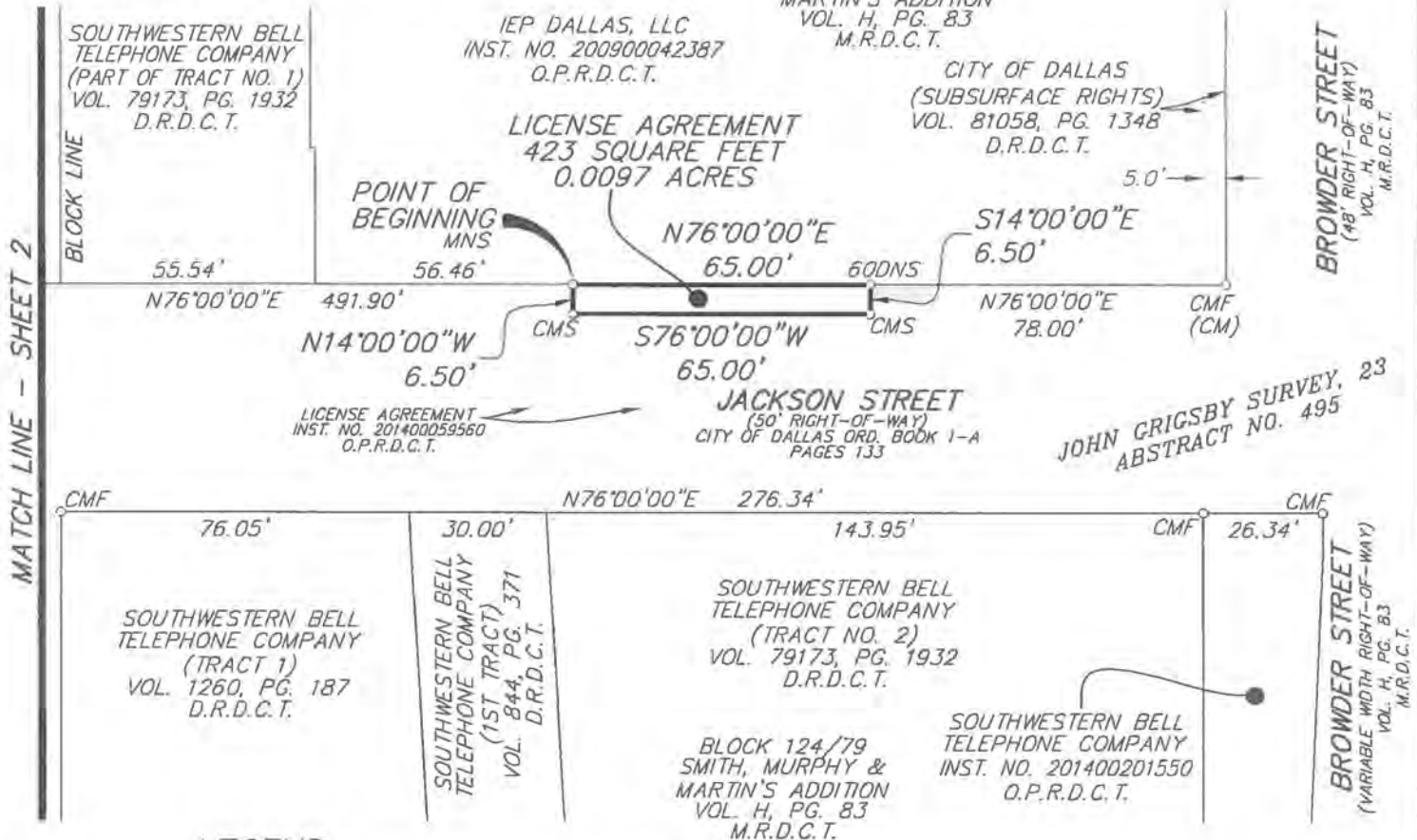
SCALE	1" = 40'	DATE	09/13/2017	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA7	DWG NO.	266,33X

0 20 40 80

(FEET)

1 inch = 40 ft.

**EXHIBIT A-TRACT 2**



**LEGEND**

- ..... LICENSE AGREEMENT
- ..... PROPERTY LINE
- PKF ..... PK NAIL FOUND
- BDF ..... BRASS DISK FOUND
- CMS / CMF ..... CHISELED "X" SET / FOUND
- 60DNS ..... 60D NAIL SET
- MNS ..... MAG NAIL SET
- (CM) ..... CONTROLLING MONUMENT
- M.R. .... MAP RECORDS
- D.R. .... DEED RECORDS
- O.P.R. .... OFFICIAL PUBLIC RECORDS
- D.C.T. .... DALLAS COUNTY, TEXAS
- INST. NO. .... INSTRUMENT NUMBER
- VOL. .... VOLUME
- PG. .... PAGE
- ORD. .... ORDINANCE



Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

**RAYMOND L. GOODSON JR., INC.**  
 5445 LA SIERRA, STE 300, LB 17  
 DALLAS, TX. 75231-4138  
 214-739-8100  
 rlg@rlginc.com  
 TEXAS PE REG #F-493  
 TBPLS REG #100341-00

**LICENSE AGREEMENT  
 JACKSON STREET  
 ADJACENT TO BLOCK 123/78  
 JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS**

(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 9/26/17  
 SPRG NO.: 4289

SCALE	1" = 40'	DATE	09/13/2017	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA7	DWG NO.	266,33X



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
  2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h)** This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.



**AGENDA ITEM # 16**

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 45L

---

**SUBJECT**

An ordinance granting a revocable license to Main Street Grocery, LLC dba Royal Blue Grocery, for the use of a total of approximately 449 square feet of land to install, maintain and utilize two canopies with premise signs and two planters on and over portions of Main and Ervay Streets rights-of-way near their intersection – Revenue: \$2,000 annually and \$200 one-time fee, plus the \$20 ordinance publication fee

**BACKGROUND**

This item grants a revocable license to Main Street Grocery, LLC dba Royal Blue Grocery, for the use of a total of approximately 449 square feet of land to install, maintain and utilize two canopies with premise signs and two planters on and over portions of Main and Ervay Streets rights-of-way near their intersection. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

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

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

Revenue: \$2,000 annually and \$200 one-time fee, plus the \$20 ordinance publication fee

**OWNER**

**Main Street Grocery, LLC dba Royal Blue Grocery**

Zachary Porter, Managing Member

**MAP**

Attached



**LICENSE AREAS**



**ORDINANCE NO. \_\_\_\_\_**

An ordinance granting a revocable license to Main Street Grocery, LLC dba Royal Blue Grocery to occupy, maintain and utilize portions of Main and Ervay Streets rights-of-way located near their intersection, adjacent to City Block 135/96 within the limits hereinafter more fully described, for the purpose of installing, maintaining, and utilizing one canopy with premise sign over and above a portion of Ervay Street and one canopy with premise sign over and above a portion of Main Street, and utilizing and maintaining two (2) planters on Main and Ervay Streets; providing for the terms and conditions of this license; providing for the annual and one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

**ooo0ooo**

**WHEREAS**, Main Street Grocery, LLC dba Royal Blue Grocery is the owner of that certain structure located at the intersection of Main Street and Ervay Street, said structure being more commonly known as the Mercantile Bank Building, and

**WHEREAS**, said structure lies within the Mercantile Historic District, and it is the desire of the City Council of the City of Dallas to promote the restoration and rehabilitation of buildings therein; and

**WHEREAS**, it is the opinion of the City Council of the City of Dallas that said structure is a "historically significant structure" for the limited purpose mentioned in Chapter 43, Article VI, Section 43-115 (a) (2) of the City Code of the City of Dallas; and

**WHEREAS**, said Main Street Grocery, LLC dba Royal Blue Grocery has requested that they be granted a license for the purpose of allowing the use and maintenance of two (2) canopies with premise signs which are integral part of said historic structure and maintain two (2) planters.

**Now, Therefore,**

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

**SECTION 1.** That a revocable license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to Main Street Grocery, LLC dba Royal Blue Grocery, a Texas limited liability company, its successors and assigns, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as “license areas” which is attached hereto and made a part hereof.

**SECTION 2.** That this license is granted for a term of ten (10) years, unless sooner terminated according to other terms and provisions herein contained.

**SECTION 3.** That **GRANTEE** shall pay to the City of Dallas the sum of **TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00)** annually for the license herein granted for two (2) canopies with premise signs on Main and Ervay Streets, said sum to become due and payable on the 2<sup>nd</sup> day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2018. In addition, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code, **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **TWO HUNDRED AND NO/100 DOLLARS (\$200.00)** for the license herein granted for two (2) planters on Main and Ervay Streets, said sum to be paid prior to the final passage of this ordinance and shall cover the total consideration for said purpose during the license term. Such annual and one-time fee consideration, collectively, shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in the General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE’s** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check.

**SECTION 3.** (continued)

Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

**SECTION 4.** That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: installing, maintaining, and utilizing one canopy with premise sign over and above a portion of Ervay Street and one canopy with premise sign over and above a portion of Main Street, and utilizing and maintaining two (2) planters on Main and Ervay Streets.

**SECTION 5.** That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

**SECTION 6.** That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right to terminate and cancel this license, at will, by Resolution passed by said Governing Body. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said Resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). 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 7.** That the license is subject to the following conditions, terms and reservations:

- (a) **GRANTEE** shall adhere to and comply with the City of Dallas Complete Streets Manual, adopted by City Council January 2016, to provide the minimum sidewalk clear zone is six feet with a preferred eight to fifteen clear zone.
- (b) **GRANTEE** shall adhere to and comply with the Americans with Disability Act (ADA) and Texas Department of Licensing and Regulation (TDLR) clearance requirements.
- (c) **GRANTEE** shall ensure that the right-of-way is maintained in order to facilitate City of Dallas-Fire and Rescue emergency response and water supply during and after completion of the project.

**SECTION 8.** That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

**SECTION 9.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 10.** That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed areas and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City

**SECTION 10.** (continued)

Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

**SECTION 11.** 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 fees pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the 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 12.** That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005280.

**SECTION 13.** 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:

LARRY E. CASTO, City Attorney

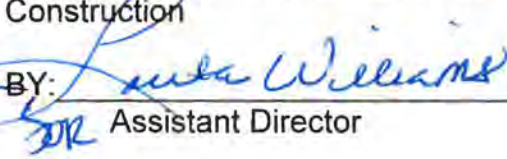
DAVID COSSUM, Director

Department of Sustainable Development and Construction

BY:

  
Assistant City Attorney

BY:

  
Assistant Director

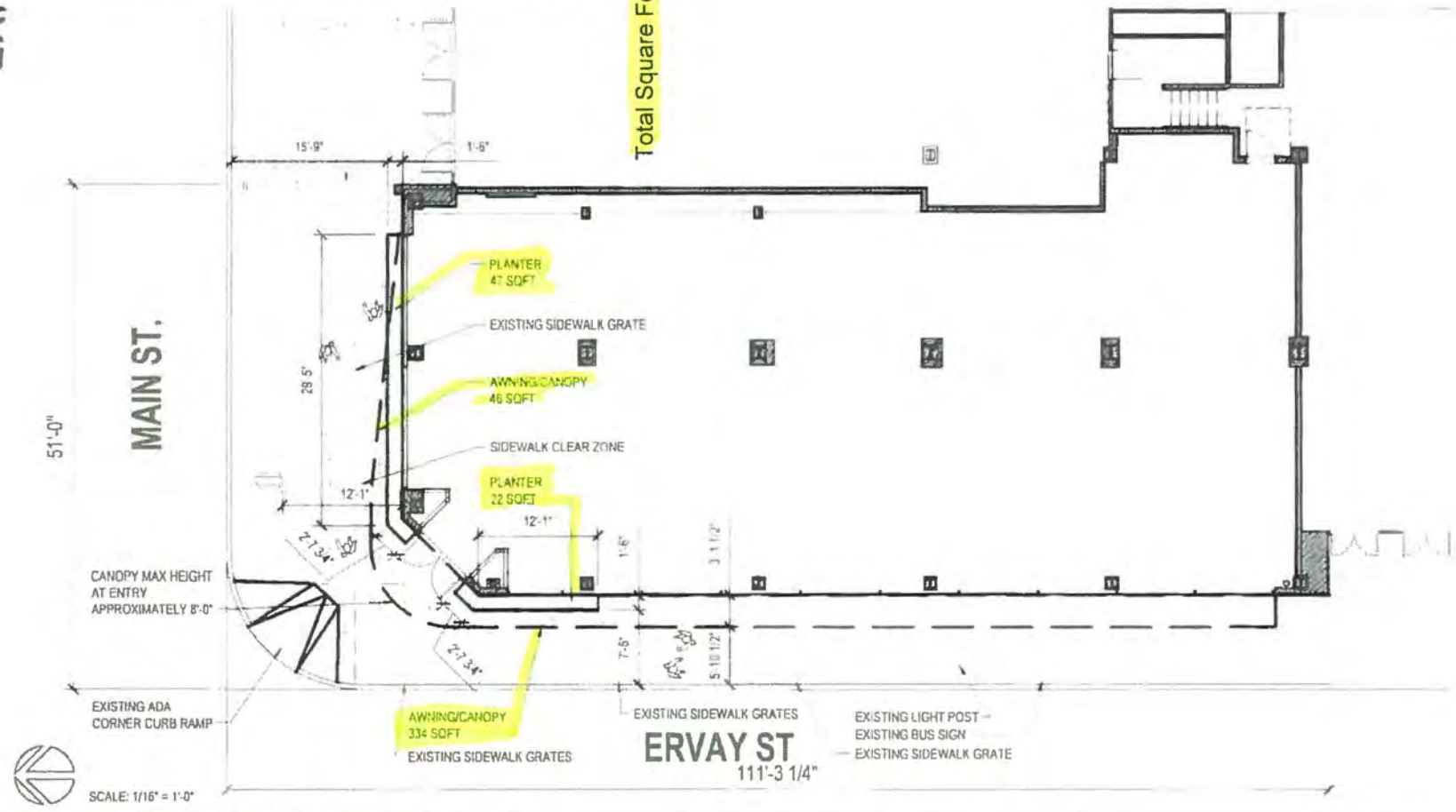
Passed \_\_\_\_\_

# EXHIBIT A

LEGEND			
	PLANTER		EXISTING BRICK PAVING
	CANOPY		EXISTING CONCRETE PAVING
	TABLES AND CHAIRS		H.C. CURB RAMP
	TRAFFIC LIGHT POST		SHADE UMBRELLA
	PARKING METER		EXISTING STREET LIGHT

NOTES:  
 • CANOPY MIN. HEIGHT ON MAIN STREET APPROX. 5'-6"  
 • CANOPY PROJECTS 4' INTO PUBLIC RIGHT OF WAY AT FURTHEST POINT FROM ENTRY  
 • CANOPY MAX HEIGHT ON ERVAY STREET APPROX. 10' - 8"

Total Square Feet 449



ROYAL BLUE GROCERY - MERCANTILE BUILDING - 1800 MAIN ST.  
 RIGHT OF WAY LICENSE - SITE PLAN  
 5.03.18

DROESE RANEY  
 ARCHITECTURE

**LICENSE AGREEMENT**

Part of Main Street and Ervay Street  
Being Adjacent to City Block 135/96,  
Smith Murphy and Martin's Addition  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

**DESCRIPTION** of a 1,612 square foot (0.037 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and in the right-of-way of Main Street (a 79.5-foot wide right-of-way dedicated by City of Dallas Ordinance Book 1-A, Page 131), in the right-of-way of Ervay Street (a 50-foot wide right-of-way formerly known as Chestnut Street, dedicated by said City of Dallas Ordinance Book 1-A, Page 138); said tract being adjacent to Block 135/96, Official Block Number of the City of Dallas, Texas, adjacent to Block 135, Smith Murphy and Martin's Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 143, Page 403 of the Deed Records of Dallas County, Texas and adjacent to that certain tract of land described in General Warranty Deed to FC MERC COMPLEX, L.P. recorded in Instrument No. 200503552633 of the Official Public Records of Dallas County, Texas; said 1,612 square foot (0.037 acre) tract being more particularly described as follows (bearing system for this survey is based on a bearing of North 76 degrees, 00 minutes, 00 seconds East for the northwest right-of-way line of said Main Street according to the said Special Warranty Deed to 1717 Tower Owner, LP recorded in Instrument No. 201300170278 of said Official Public Records):

**COMMENCING**, at a "+" cut in concrete (Controlling Monument) found at the intersection of the northwest right-of-way line of said Main Street and the southwest right-of-way line of said Ervay Street (a 55-foot wide right-of-way at this point); said point being in the southeast line of City Block No. 128/76 1/2, of said Official City Block Numbers and the southeast line of Block 128, of said Smith Murphy and Martin's Addition; said point also being the southernmost corner of that certain tract of land described in Deed to the City of Dallas, Texas recorded in Volume 294, Page 424 of said Deed Records;

**THENCE**, North 76 degrees, 00 minutes, 00 seconds East, along the southeast line of said City of Dallas tract (Volume 294, Page 424) and the said northwest line of Main Street, at a distance of 5.00 feet passing the easternmost corner of said City of Dallas tract (Volume 294, Page 424), the easternmost corner of said Block 128 and the easternmost corner of said City Block 128/76 1/2, then continuing along the projected northwest line of said Main Street, in all a total distance of 55.00 feet to a "+" cut in concrete (Controlling Monument) found at the intersection of the said northwest line of Main Street and the northeast right-of-way line of said Ervay Street; said point being the southernmost corner of City Block 139/95, of said Official City Block Numbers and the southernmost corner of Block 139, of said Smith Murphy and Martin's Addition;

**THENCE**, South 14 degrees, 00 minutes, 00 seconds East, departing the said northeast line of Ervay Street and the said northwest line of Main Street, and into and across the said right-of-way of Main Street along the projected northeast line of said Ervay Street, a distance of 79.50 feet to a MAG nail with washer stamped "PACHECO KOCH" set for corner at the **POINT OF BEGINNING**; said point being at the intersection of the said northeast right-of-way line of Ervay Street and the southeast right-of-way line of said Main Street; said point also being the westernmost corner of said City Block 135/96, Official City Block Numbers and the westernmost corner of said Block 135, Smith Murphy and Martin's Addition;

**THENCE**, South 14 degrees, 00 minutes, 00 seconds East, departing the said southeast line of Main Street and along the said northeast line of Ervay Street, the southwest line of said City Block 135/96 and the southwest line of said Block 135, a distance of 112.00 feet to a point for corner;

**THENCE**, departing the said northeast line of Ervay Street, the said southwest line of City Block 135/96 and the said southwest line of Block 135, and into and through the said rights-of-way of Ervay Street and Main Street, the following seven (7) calls:

(For SPRG use only)	
Reviewed By:	<u>A. Rodriguez</u>
Date:	<u>4/3/18</u>
SPRG NO:	<u>4494</u>



**LICENSE AGREEMENT**

Part of Main Street and Ervay Street  
Being Adjacent to City Block 135/96,  
Smith Murphy and Martin's Addition  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

South 76 degrees, 00 minutes, 00 seconds West, a distance of 6.45 feet to a point for corner;

North 14 degrees, 00 minutes, 00 seconds West, a distance of 112.15 feet to a point for corner at the beginning of a tangent curve to the right;

In a northerly direction, along said curve to the right, having a central angle of 39 degrees, 22 minutes, 55 seconds, a radius of 15.85 feet, a chord bearing and distance of North 05 degrees, 41 minutes, 28 seconds East, 10.68 feet, an arc distance of 10.89 feet to a point for corner at the end of said curve;

North 32 degrees, 32 minutes, 22 seconds East, a distance of 3.64 feet to a point for corner at the beginning of a non-tangent curve to the right;

In a northeasterly direction, along said curve to the right, having a central angle of 28 degrees, 22 minutes, 49 seconds, a radius of 29.65 feet, a chord bearing and distance of North 60 degrees, 18 minutes, 27 seconds East, 14.54 feet, an arc distance of 14.69 feet to a point for corner at the end of said curve;

North 76 degrees, 00 minutes, 00 seconds East, a distance of 37.21 feet to a point for corner;

South 14 degrees, 00 minutes, 00 seconds East, a distance of 16.65 feet to a point for corner in the said southeast line of Main Street, the northwest line of said City Block 135/96 and the northwest line of said Block 135;

**THENCE**, South 76 degrees, 00 minutes, 00 seconds West, along the said southeast line of Main Street, the said northwest line of City Block 135/96 and the said northwest line of Block 135; a distance of 51.00 feet to the **POINT OF BEGINNING**;

**CONTAINING**, 1,612 square feet or 0.037 acres of land, more or less.

*(A survey plat of even survey date herewith accompanies this description.)*

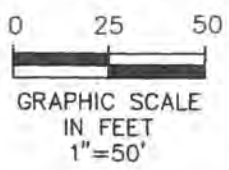
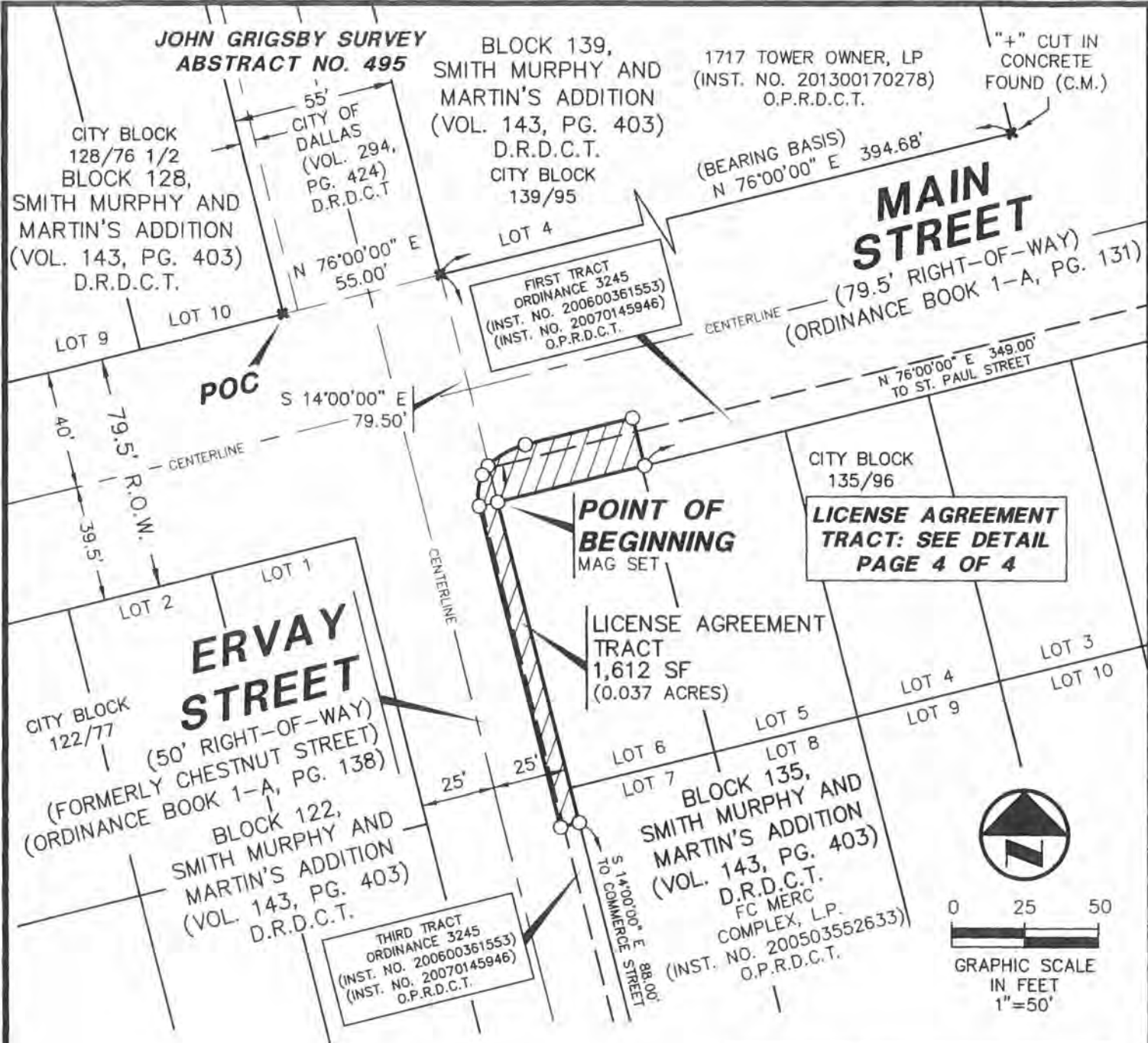
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the License Agreement tract described.

 03/27/2018  
Date

Michael C. Clover  
Registered Professional Land Surveyor No. 5225  
Pacheco Koch Consulting Engineers, Inc.  
7557 Rambler Road, Suite 1400, Dallas TX 75231  
(972) 235-3031  
TX Reg. Surveying Firm LS-10008000  
4072-18.073LA.docx  
4072-18.073LA.dwg mcc



(For SPRG use only)	
Reviewed By:	<u>A. Rodriguez</u>
Date:	<u>4/3/18</u>
SPRG NO:	<u>4494</u>



SEE PAGE 4 OF 4  
FOR NOTES AND  
SURVEYOR'S CERTIFICATION

(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/3/18  
SPRG NO: 4494

LEGEND	
—	PROPERTY LINE
—	LICENSE AGREEMENT LINE
○	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	CONTROLLING MONUMENT
POC	POINT OF COMMENCING
MAG	MAG NAIL W/WASHER STAMPED "PACHECO KOCH"
—	R.O.W. — RIGHT-OF-WAY
—	ORD. NO. — ORDINANCE NUMBER
—	O.P.R.D.C.T. — OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
—	D.R.D.C.T. — DEED RECORDS OF DALLAS COUNTY, TEXAS
—	INST. NO. — INSTRUMENT NUMBER
—	VOL. — VOLUME
—	PG. — PAGE



7557 RAMBLER ROAD, SUITE 1400  
DALLAS, TX 75231 972.235.3031  
TX REG. ENGINEERING FIRM F-469  
TX REG. SURVEYING FIRM LS-10008000

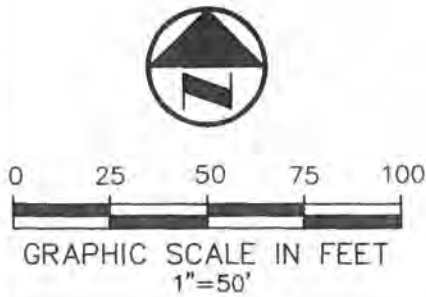
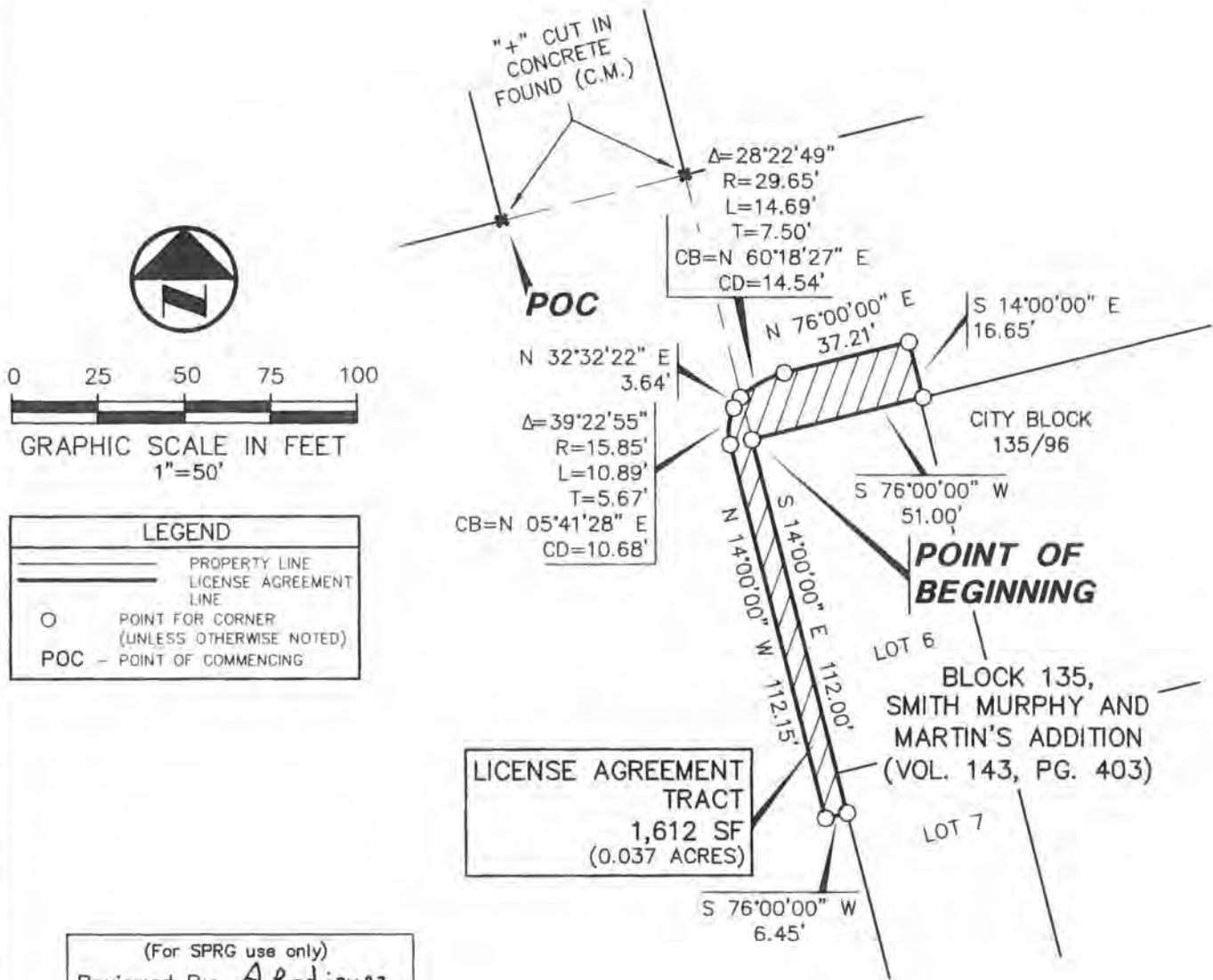
DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
MCC	MCC	1"=50'	MARCH 2018	4072-18.073

**LICENSE AGREEMENT**

PART OF MAIN STREET AND ERVAY STREET  
BEING ADJACENT TO BLOCK 135/96  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
PAGE 3 OF 4

M:\DWG-40\4072-18.073\DWG\SURVEY C3D 2015\4072-18.073LA.DWG  
MCCLOVER 3/29/2018 3:22 PM

# LICENSE AGREEMENT TRACT DETAIL



LEGEND	
	PROPERTY LINE
	LICENSE AGREEMENT LINE
	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
	POINT OF COMMENCING

(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/3/18  
 SPRG NO: 4494

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the License Agreement tract described.

Michael C. Clover, Date 03/29/2018  
 Registered Professional Land Surveyor No. 5225



**NOTES:**

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of North 76 degrees, 00 minutes, 00 seconds East for the northwest right-of-way line of Main Street according to the Special Warranty Deed to 1717 Tower Owner, LP recorded in Instrument No. 201300170278 of the Official Public Records of Dallas County, Texas.

## LICENSE AGREEMENT

PART OF MAIN STREET AND ERVAY STREET  
 BEING ADJACENT TO BLOCK 135/96  
 JOHN GRIGSBY SURVEY, ABSTRACT NO. 495,  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS  
 PAGE 4 OF 4

**Pacheco Koch** 7557 RAMBLER ROAD, SUITE 1400  
 DALLAS, TX 75231 972.235.3031  
 TX REG. ENGINEERING FIRM F-469  
 TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
MCC	MCC	1"=50'	MARCH 2018	4072-18.073

M:\DWG-40\4072-18.073\DWG\SURVEY\_C3D 2015\4072-18.073LA.DWG  
 MCLOVER 3/29/2018 3:03 PM



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
  2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h)** This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.



**AGENDA ITEM # 17**

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 54P

---

**SUBJECT**

An ordinance abandoning an alley to Legge Properties Limited, the abutting owner, containing approximately 3,038 square feet of land, located near the intersection of Brunner and Clinton Avenues; and authorizing the quitclaim - Revenue: \$9,448, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of an alley to Legge Properties Limited, the abutting owner. The area will be included with the property of the abutting owner for a single-family development. The abandonment fee is based on Dallas Central Appraisal District values.

Notices were sent to 55 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

Revenue: \$9,448, plus the \$20 ordinance publication fee

**OWNER**

**Legge Properties Limited**

L&L LEGGE LLC

LEONARD M LEGG Jr., Director

**MAP**

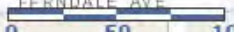
Attached



BRUNNER AVE

Block 4280

S  
C  
L  
I  
N  
T  
O  
N







**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of an alley located adjacent to City Block 19/4280 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Legge Properties Limited; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Legge Properties Limited, a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said alley is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

**Now, Therefore,**

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

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

**SECTION 2.** That for and in monetary consideration of the sum of **NINE THOUSAND FOUR HUNDRED FORTY-EIGHT AND NO/100 DOLLARS (\$9,448.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, the reverter, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. Provided however, that if **GRANTEE**, its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 10 of this ordinance by the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

“(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator’s action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005”;

or (ii) the date that is the sixth anniversary of the passage of this ordinance; THEN this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **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**.

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

**SECTION 4.** That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

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

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

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

**SECTION 8.** That as a condition of this abandonment and as 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

**SECTION 8.** (continued)

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 as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- (a) maintain the operation of the existing water and wastewater mains through Exhibit B until the replacement water and wastewater mains associated with project 411Q-1330L Sheet 29 are built and in operation, at **GRANTEE's** expense.
- (b) acknowledge Atmos has active facilities in the area. If conflicts exist, **GRANTEE** shall be responsible for cost to relocate those facilities, otherwise Exhibit B would apply.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the

**SECTION 10.** (continued)

adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

**SECTION 11.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 12.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of 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: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of 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 13.** That this ordinance is also designated for City purposes as Contract No. DEV-2018-00006194.

**SECTION 14.** 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:  
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director  
Department of Sustainable Development and  
Construction

BY:   
Assistant City Attorney

BY:   
Assistant Director  
*SOR*

Passed \_\_\_\_\_.



**Alley Abandonment**

Part of A Variable Width Alley, in the City of Dallas Block 19/4280 of Elmwood Addition  
to the City of Dallas

All in the W.M. Lenard Survey, Abstract No. 775  
City of Dallas, Dallas County, Texas

Being a 3,038 square foot or 0.070 acre tract of land being in the W.M. Lenard Survey, Abstract No. 775, City of Dallas, Dallas County, Texas, being part of an Alley in City Block 19/4280 (Variable Width Right-of-Way), created and dedicated by Elmwood, an Addition to the City of Dallas, according to the plat thereof Recorded in Volume 3, Page 230, of the Map Records of Dallas County, Texas, also being part of a tract of land quitclaimed to LEGGE Properties Limited by Quit Claim deed as recorded in Instrument No. 201400263449 of the Official Public Records of Dallas County, Texas, said 3,038 square foot tract being adjacent to Lots 6,7, and 8, of said Block 19/4280 conveyed to LEGGE Properties Limited by GENERAL WARRANTY DEED Recorded in Instrument Number 201300154676 of the Official Public Records of Dallas County, Texas;

**COMMENCING** at a found 1/2" iron rod at the northeast corner of Lot 5, of said Block 19/4280, being the Northwest corner of Lot 4 of said Block 19/4280, and being in the south line of Brunner Avenue (50' Right-of-Way);

THENCE along the south Right-of-way line of said Brunner Avenue, beginning of a non-tangent curve to the left having a central angle of 26 degrees 21 minutes 22 seconds, a radius of 250.00 feet;

THENCE along said curve to the left, in a southwesterly direction, a chord bearing and distance of South 72 degrees 33 minutes 57 seconds West, 113.99 feet, and an arc distance of 115.00 feet, to the **POINT OF BEGINNING**, being the northwest corner of Lot 6, of said Block 19/4280, being the north corner of an Alley, from which a found "x" cut bears, North 10°32'36" West, a distance of 0.41 feet;

THENCE South 35 Degrees 11 Minutes 46 Seconds East, departing the said south line of Brunner Avenue and along the common line of said Lot 6, Block 19/4280 and said Alley, a distance of 75.34 feet, to a 1/2" iron rod with yellow cap stamped RPLS #3664 set, being a common interior point;

THENCE South 07 Degrees 46 Minutes 16 Seconds East, along said common line of said Lot 6, Block 19/4280 and said Alley, a distance of 47.62 feet, to a 1/2" iron rod with yellow cap stamped RPLS #3664 set, being in the west line of said Lot 6, Block 19/4280;

THENCE South 89 Degrees 10 Minutes 54 Seconds West, departing the west line of Lot 6 and the common east line of said alley, a distance of 26.91 feet, to 1/2" iron rod with yellow cap stamped RPLS #3664 set, being the beginning of a non-tangent curve to the right having a central angle of 41 degrees 41 minutes 12 seconds, a radius of 40.38 feet;

THENCE along said curve to the right, in a northwesterly direction, a chord bearing and distance of North 69 degrees 58 minutes 29 seconds West, 28.74 feet, and an arc distance of 29.38 feet, to a 1/2" iron rod with yellow cap stamped RPLS #3664 set and the beginning of a curve to the right having a central angle of 13 degrees 23 minutes 13 seconds, a radius of 175.00 feet, and being in the southeast line of Lot 8, Block 19/4280;

(FOR SPRG USE ONLY)	
Reviewed by:	JD
Date:	9/6/2016
SPRG No.	3625



Alley Abandonment

Part of A Variable Width Alley, in the City of Dallas Block 19/4280 of Elmwood Addition to the City of Dallas

All in the W.M. Lenard Survey, Abstract No. 775  
City of Dallas, Dallas County, Texas

THENCE along said curve to the right, in a northeasterly direction, with the southeast line of said Lot 8 and the southeast line of Lot 7, Block 19/4280, a chord bearing and distance of North 48 degrees 18 minutes 21 seconds East, 40.80 feet, and an arc distance of 40.89 feet, to a point, being the southeast corner of Lot 7, of said Block 19/4280, being a interior corner of said Alley, from which a found 1/2" iron rod with yellow cap stamped "Precise", bears North 20 Degrees 04 Minutes 58 Seconds West, a distance of 0.33 feet, and from which a found 1/2" iron rod with yellow cap stamped "Precise", bears North 39 Degrees 29 Minutes 22 Seconds West, a distance of 0.37 feet;

THENCE North 35 Degrees 11 Minutes 46 Seconds West, departing the said common corner and along the common northeast line of said Lot 7, Block 19/4280, and the southeast line of said Alley, a distance of 75.00 feet, to a point, being in the south Right-of-way Line of said Brunner Avenue, being the northeast corner of said Lot 7, Block 19/4280 and the most northerly northwest corner of said Alley, from which a found "x" cut bears North 21 Degrees 30 Minutes 47 Seconds West, a distance of 0.44 feet, at the beginning of a non-tangent curve to the right having a central angle of 04 degrees 35 minutes 19 seconds, a radius of 250.00 feet;

THENCE along said curve to the right, in a northeasterly direction, with said curve to the right, a chord bearing and distance of North 57 degrees 05 minutes 37 seconds East, 20.02 feet, and an arc distance of 20.02 feet, to the **POINT OF BEGINNING** and containing 3,038 square feet or 0.070 acres of land, more or less.

**BASIS OF BEARING** The basis of bearing is the State Plane coordinate system, Texas North Central Zone 4202, North American Datum of 1983, (2011)

I, Louis M. Salcedo, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land, and the monuments shown thereon were found and/or placed under my personal supervision in accordance with the platting rules and regulations of the City Plan Commission of the City of Dallas, Texas.

Signed this 5  
day of Sept 2016 by:  
LMS  
Louis M. Salcedo R.P.L.S. 3664



(FOR SPRG USE ONLY)	
Reviewed by:	JD
Date:	9/6/2016
SPRG No.	3625



# EXHIBIT B

## ADDITIONAL ABANDONMENT PROVISIONS

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

**AGENDA ITEM # 18**

**STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

August 8, 2018

**COUNCIL DISTRICT(S):**

14

**DEPARTMENT:**

Department of Sustainable Development and Construction

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

36F

---

**SUBJECT**

An ordinance abandoning two portions of a drainage easement to JLB 4662 Amesbury Partners, L.P. and JLB Ash at the Branch Partners L.P., the abutting owners, containing a total of approximately 2,821 square feet of land, located near the intersection of Amesbury Drive and Sandhurst Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of two portions of a drainage easement to JLB 4662 Amesbury Partners, L.P. and JLB Ash at the Branch Partners L.P., the abutting owners. The area will be included with the property of the abutting owners for the construction of a multi-family development. 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 Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

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

**OWNERS**

**JLB 4662 Amesbury Partners, L.P.**

JLB 4662 Amesbury GP LLC

Bay Miltenberger, Manager

**JLB Ash at the Branch Partners L.P**

JLP Ash at the Branch Management LLC

Bay Miltenberger, Manager

**MAP**

Attached



Block 5403

Abandonment area:







**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of two portions of a drainage easement, located in City Block B/5403 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to JLB 4662 Amesbury Partners, L.P. and JLB Ash at the Branch Partners L.P.; 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 abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future date for the abandonment, relinquishment and quitclaim made herein; 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 JLB 4662 Amesbury Partners, L.P., a Texas limited partnership, and JLB Ash at the Branch Partners L.P., a Delaware limited partnership; hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are 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 tracts 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 DOLLARS (\$5,400.00)** 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 tracts or parcels of land hereinabove described in Exhibit A as follows: unto JLB 4662 Amesbury Partners, L.P. all of its right, title and interest in Tract I of Exhibit A; unto JLB Ash at the Branch Partners L.P. all of its right, title and interest in Tract II of 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 hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 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**, their 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**, their 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 areas described in Exhibit A by **GRANTEE**, their successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, their successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, their 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”

**SECTION 8.** (continued)

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 portions of a drainage 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 is also designated for City purposes as Contract Nos. DEV-2018-00006766 and DEV-2018-00006767.

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

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director  
Department of Sustainable Development and  
Construction

BY:  Assistant City Attorney  
BY:  Assistant Director

Passed \_\_\_\_\_.

DRAINAGE EASEMENT ABANDONMENT  
 ASH AT THE BRANCH  
 LOT 3, CITY BLOCK B/5403  
 WILLIAM P. CARDER SURVEY, ABSTRACT NO. 282  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**EXHIBIT A-TRACT 1**

BEING a 2,692 square feet or 0.062 acres tract of land situated in the William P. Carder Survey, Abstract No. 282, City of Dallas, Dallas County, Texas, being a portion of Lot 3, Block B/5403, Ash at the Branch, an addition recorded in Instrument Number 201800119662, Official Public Records, Dallas County, Texas (OPRDCT), as conveyed by special warranty deed to JLB 4662 Amesbury Partners, LP, recorded in Instrument Number 201200366881 OPRDCT, being a portion of a drainage easement created by the final plat of Amesbury Park, an addition recorded in Volume 832, Page 72, Deed Records, Dallas County, Texas (DRDCT), with the subject tract being more particularly described as follows:

COMMENCING at a 3-1/4" aluminum disc stamped "ASH AT THE BRANCH ADDITION SPIARSEN RPLS 5252" atop a 1/2" iron rod found on the west line of Amesbury Drive, a 50 foot right-of-way created by said plat of Amesbury Park, for the northwest corner of Lot 2, and being an easterly corner of Lot 3, Block B/5403, Ash at the Branch;

THENCE S 18°58'50" E, 59.63 feet along the west line of Lot 2 and the east line of Lot 3 to the POINT OF BEGINNING of the subject tract;

THENCE S 18°58'50" E, 9.34 feet continuing along the west line of Lot 2 and the east line of Lot 3 to a point for corner;

THENCE S 76°43'11" W, 12.25 feet departing said line, into Lot 3 to a point for corner;

THENCE S 61°31'29" W, 266.81 feet through Lot 3 to a point on the west line thereof and on the east line of a tract conveyed by warranty deed to Dallas Power and Light Company, recorded in Volume 1993, Page 586 DRDCT;

THENCE N 00°46'27" W, 49.67 feet along the west line of Lot 3 and the east line of said Dallas Power and Light tract to a point from which a 3-1/4" aluminum disc stamped "ASH AT THE BRANCH ADDITION SPIARSEN RPLS 5252" atop a 1/2" iron rod found for the northwest corner of Lot 3, and being the southwest corner of Lot 2, Block 1/5404, Caruth Manor No. 3, an addition recorded in Volume 591, Page 2134 DRDCT, bears N 00°46'27" W, 308.69 feet;

THENCE N 89°16'45" E, 9.45 feet departing said line, into Lot 3, to a point for corner;

THENCE S 58°28'31" E, 38.77 feet into Lot 3 to a point for corner;

THENCE N 61°31'29" E, 229.34 feet through Lot 3 to the POINT OF BEGINNING with the subject tract containing 2,692 square feet or 0.062 acres of land.

PAGE 1 OF 3

**SPIARS ENGINEERING**  
 788 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077  
 TBPE No. F-2121 • TBPLB No. F-10043100

Drawn:	Checked:	Date	Job No.
ED	DKB	6/6/18	14-170

(For SPRG use only)

Reviewed By: GS

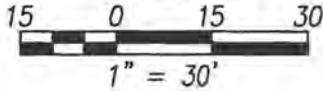
Date: 6-8-18

SPRG No: 4532

A plat of even date accompanies this legal description.

Basis of bearing: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 83, (CORS96)

DRAINAGE EASEMENT ABANDONMENT  
 ASH AT THE BRANCH  
 LOT 3, CITY BLOCK B/5403  
 WILLIAM P. CARDER SURVEY, ABSTRACT NO. 282  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



AMESBURY DRIVE  
 Vol. 832, Pg. 72 DRDCT  
 50' Right-of-way

JLB RIDGEMOOD ADDITION  
 Inst. No. 2011000005 OPRDCT

Lot 1, Block A15403

POINT OF COMMENCING

POINT OF BEGINNING

Lot 3, Block B/5403  
 ASH AT THE BRANCH  
 Inst. No. 201800119662 OPRDCT  
 Remainder of Tract II  
 JLB 4662 Amesbury Partners, LP  
 Inst. No. 201200366881 OPRDCT

Sidewalk & Public Utility Easement  
 Inst. No. 201800119662 OPRDCT

15' Dallas Power & Light Easement.  
 Vol. 68056, Pg. 683  
 DRDCT

S 76°43'11" W  
 12.25'

S 18°58'50" E  
 9.34'

Drainage Easement Abandonment  
 0.062 Ac.  
 (2,692 S.F.)

N 61°31'29" E ~ 229.34'  
 S 61°31'29" W ~ 266.81'

WILLIAM P. CARDER  
 SURVEY - ABSTRACT No. 282

Variable Width Sidewalk and Public Utility Easement  
 Inst. No. 201800119662 OPRDCT

Lot 2, Block B/5403  
 ASH AT THE BRANCH  
 Inst. No. 201800119662 OPRDCT  
 JLB Ash at the Branch Partners, LP  
 Inst. No. 2018001432005 OPRDCT

20' Wastewater Easement  
 Inst. No. 201800119662 OPRDCT

10' Private Drainage Easement  
 Inst. No. 201700128033 OPRDCT

5' Private Drainage Easement  
 Inst. No. 201700128033 OPRDCT

20' Fire Lane Easement  
 Vol. 68059, Pg. 23 DRDCT  
 abandoned by City of Dallas  
 Ordinance No. 28955  
 recorded in Inst. No. 201300218202 OPRDCT

PAGE 2 OF 3

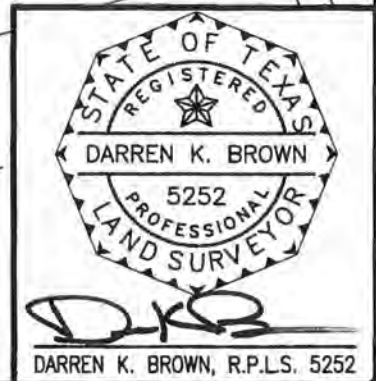
LEGEND	
OPRDCT	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
Inst. No.	Instrument Number
Vol.	Volume
Pg.	Page
S.F.	Square Feet
ADF	3-1/4" Aluminum disc stamped "ASH AT THE BRANCH ADDITION SPIARSEN RPLS 5252" atop a 1/2" iron rebar
(CM)	Controlling Monument
R.O.W.	Right of way
Ac	Acres

(For SPRG use only)

Reviewed By: G.S.

Date: 6-8-18

SPRG No: 4532



Drawn:	Checked:	Scale	Date	Job No.
ED	DKB	1" = 30'	6/6/18	14-170

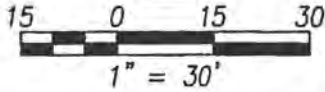
A legal description of even date accompanies this plat.

Basis of bearing: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 83, (CORS96)



**DRAINAGE EASEMENT ABANDONMENT  
ASH AT THE BRANCH  
LOT 3, CITY BLOCK B/5403  
WILLIAM P. CARDER SURVEY, ABSTRACT NO. 282  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A-TRACT 1**

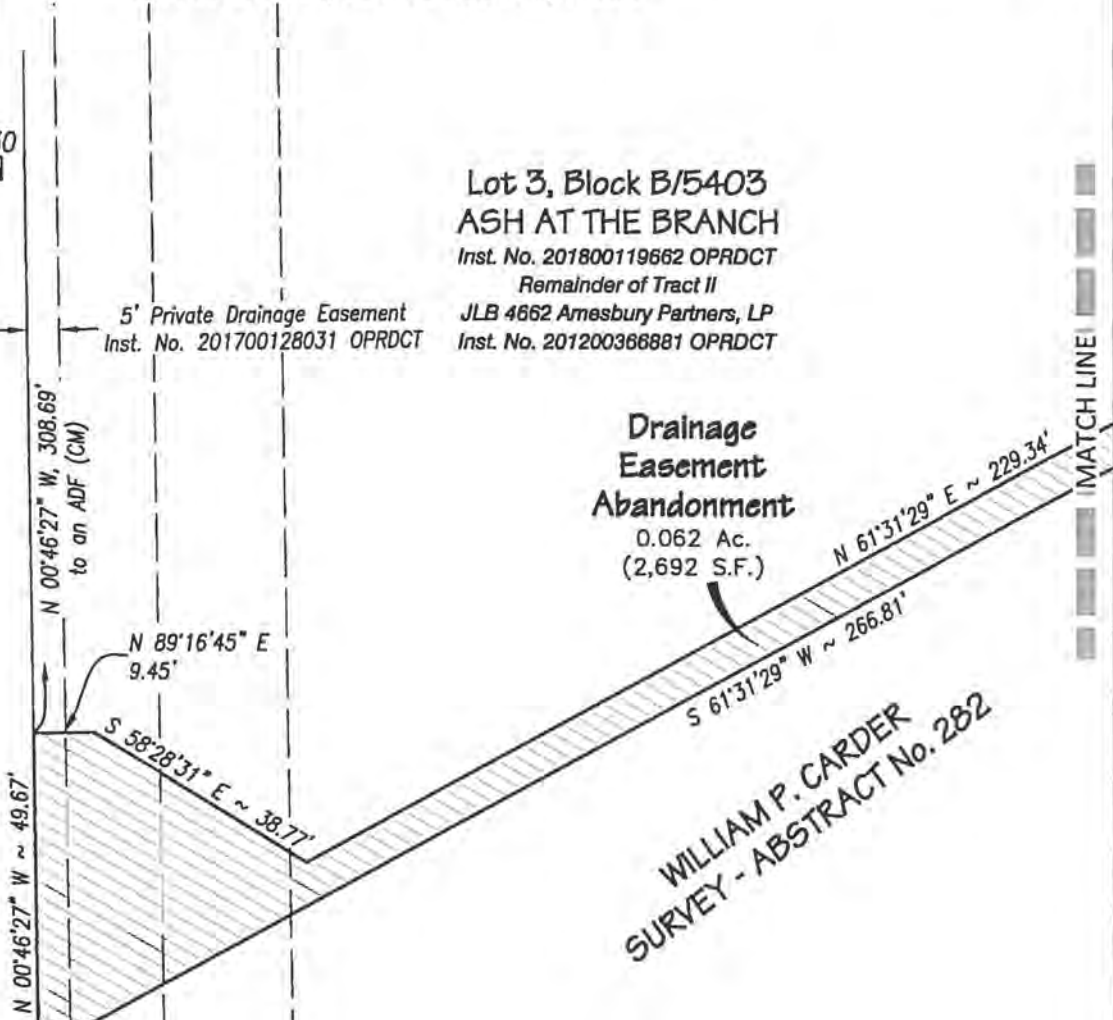


**Dallas Power & Light Co.**  
Vol. 1993, Pg. 586 DRDCT

**Lot 3, Block B/5403  
ASH AT THE BRANCH**  
Inst. No. 201800119662 OPRDCT  
Remainder of Tract II  
JLB 4662 Amesbury Partners, LP  
Inst. No. 201200366881 OPRDCT

5' Private Drainage Easement  
Inst. No. 201700128031 OPRDCT

**Drainage  
Easement  
Abandonment**  
0.062 Ac.  
(2,692 S.F.)



20' Fire Lane, Access, & Utility Easement  
Vol. 832, Pg. 72 DRDCT  
abandoned by City of Dallas Ordinance No. 28955  
recorded in Inst. No. 201300218202 OPRDCT

20' Fire Lane Easement  
Vol. 68059, Pg. 23 DRDCT  
abandoned by City of Dallas  
Ordinance No. 28955  
recorded in Inst. No. 201300218202  
OPRDCT

PAGE 3 OF 3

LEGEND	
OPRDCT	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
Inst. No.	Instrument Number
Vol.	Volume
Pg.	Page
S.F.	Square Feet
ADF	3-1/4" Aluminum disc stamped "ASH AT THE BRANCH ADDITION SPIARSENG RPLS 5252" atop a 1/2" iron rebar
(CM)	Controlling Monument
R.O.W.	Right of way
Ac	Acres

(For SPRG use only)

Reviewed By:   G.S.  

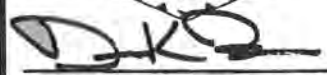
Date:   6-8-18  

SPRG No:   4532  

A legal description of even date accompanies this plat.

Basis of bearing: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 83, (CORS96)

STATE OF TEXAS  
REGISTERED  
★  
DARREN K. BROWN  
5252  
PROFESSIONAL  
LAND SURVEYOR



DARREN K. BROWN, R.P.L.S. 5252

**SPIARS ENGINEERING**  
788 Guster Road, Suite 100 • Plano, TX 75078 • (972) 422-0077  
T D P E No. - F-2121 • T D P L B No. - F-10043199

Drawn:	Checked:	Scale	Date	Job No.
ED	DKB	1" = 30'	6/8/18	14-170

DRAINAGE EASEMENT ABANDONMENT  
 ASH AT THE BRANCH  
 LOT 2, CITY BLOCK B/5403  
 WILLIAM P. CARDER SURVEY, ABSTRACT NO. 282  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**EXHIBIT A-TRACT 2**

BEING a 129 square feet or 0.003 acres tract of land situated in the William P. Carder Survey, Abstract No. 282, City of Dallas, Dallas County, Texas, being a portion of Lot 2, Block B/5403, Ash at the Branch, an addition recorded in Instrument Number 201800119662, Official Public Records, Dallas County, Texas (OPRDCT), as conveyed by special warranty deed to JLB Ash at the Branch Partners, LP, recorded in Instrument Number 201600143205 OPRDCT, being a portion of a drainage easement created by the final plat of Amesbury Park, an addition recorded in Volume 832, Page 72, Deed Records, Dallas County, Texas (DRDCT), with the subject tract being more particularly described as follows:

COMMENCING at a 3-1/4" aluminum disc stamped "ASH AT THE BRANCH ADDITION SPIARSENG RPLS 5252" atop a 1/2" iron rod found on the west line of Amesbury Drive, a 50 foot right-of-way created by said plat of Amesbury Park, for the northwest corner of Lot 2, and being an easterly corner of Lot 3, Block B/5403, Ash at the Branch;

THENCE S 18°58'50" E, 59.63 feet along the west line of Lot 2 and the east line of Lot 3 to the POINT OF BEGINNING of the subject tract;

THENCE N 61°31'29" E, 9.74 feet through Lot 2 to the northeast line thereof, and being on the southwest line of Amesbury Drive, a point for corner;

THENCE along the northeast line of Lot 2 and the southwest line of Amesbury Drive, around a non-tangent curve to the left having a central angle of 04°13'07", a radius of 180.00 feet, a chord of S 39°53'41" E - 13.25 feet, an arc length of 13.25 feet to a point for corner;

THENCE S 76°43'11" W, 14.41 feet departing said right-of-way, though Lot 2 to a point on the west line thereof, and being on the east line of Lot 3, and from which another 3-1/4" aluminum disc stamped "ASH AT THE BRANCH ADDITION SPIARSENG RPLS 5252" atop a 1/2" iron rod found for the southwest corner of Lot 2 and the southeast corner of Lot 3, and being on the north line of a tract conveyed by warranty deed to Dallas Power & Light Company, recorded in Volume 1995, Page 296 DRDCT, bears S 18°58'50" E, 370.60 feet;

THENCE N 18°58'50" W, 9.34 feet along the west line of Lot 2 and the east line of Lot 3 to the POINT OF BEGINNING with the subject tract containing 129 square feet or 0.003 acres of land.

PAGE 1 OF 2

**SPIARS ENGINEERING**  
 788 Custer Road, Suite 100 • Plano, TX 75076 • (972) 422-0977  
 TBPE No. F-2121 • TBPLS No. F-10043100

Drawn:	Checked:	Date	Job No.
ED	DKB	5/22/18	14-170

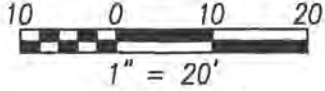
(For SPRG use only)

Reviewed By: G.S.  
 Date: 6-8-18  
 SPRG No: 4531

A plat of even date accompanies this legal description.

Basis of bearing: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 83, (CORS96)

DARREN K. BROWN, R.P.L.S. 5252



DRAINAGE EASEMENT ABANDONMENT  
 ASH AT THE BRANCH  
 LOT 2, CITY BLOCK B/5403  
 WILLIAM P. CARDER SURVEY, ABSTRACT NO. 282  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

ONCOR Easement  
 Inst. No. 201400184702  
 OPRDCT  
 Lot 1, Block A/5403  
 JLB RIDGEMOOD ADDITION  
 Inst. No. 201600053055 OPRDCT

POINT OF COMMENCING

AMESBURY DRIVE  
 Vol. 882, Pg. 72 DRDCT

6' Sidewalk &  
 Public Utility Easement  
 Inst. No. 201600053055  
 OPRDCT

15' Dallas Power  
 & Light Easement.  
 Vol. 68056, Pg. 683  
 DRDCT

WILLIAM P. CARDER  
 SURVEY - ABSTRACT No. 282

POINT OF BEGINNING

R=180.00'  
 D=4'13'07"  
 L=13.25'  
 CB=S 39°53'41" E  
 CD=13.25'

N 61°31'29" E  
 9.74'

Drainage  
 Easement  
 Abandonment  
 0.003 Ac.  
 (129 S.F.)

Variable Width Sidewalk  
 and Public Utility Easement  
 Inst. No. 201800119662  
 OPRDCT

N 18°58'50" W  
 9.34'

Drainage Easement  
 Vol. 832, Pg. 72 DRDCT

S 76°43'11" W  
 14.41'

Lot 2, Block B/5403  
 ASH AT THE BRANCH  
 Inst. No. 201800119662 OPRDCT  
 JLB Ash at the Branch Partners, LP  
 Inst. No. 201600143205 OPRDCT

Lot 3, Block B/5403  
 ASH AT THE BRANCH  
 Inst. No. 201800119662 OPRDCT  
 Remainder of Tract II  
 JLB 4662 Amesbury Partners, LP  
 Inst. No. 201200366881 OPRDCT

S 18°58'50" E 370.60'  
 of an ADF (CM)

PAGE 2 OF 2

LEGEND	
OPRDCT	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
Inst. No.	Instrument Number
Vol.	Volume
Pg.	Page
S.F.	Square Feet
ADF	3-1/4" Aluminum disc stamped "ASH AT THE BRANCH ADDITION SPIARSEN RPLS 5252" atop a 1/2" iron rebar
(CM)	Controlling Monument
R.O.W.	Right of way
Ac	Acres

5' Private Drainage Easement  
 Inst. No. 201700128033 OPRDCT

10' Private Drainage Easement  
 Inst. No. 201700128033 OPRDCT

12' Pedestrian Trail  
 Access Easement  
 Inst. No. 201800119662  
 OPRDCT

20' Wastewater Easement  
 Inst. No. 201800119662  
 OPRDCT

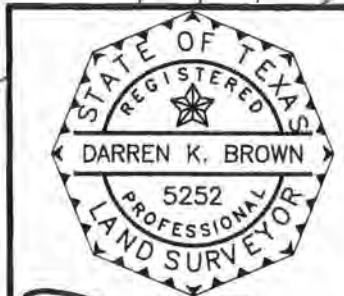
(For SPRG use only)

Reviewed By: G.S.

Date: 6-8-18

SPRG No: 4531

**SPIARS ENGINEERING**  
 765 Quater Road, Suite 100 • Plano, TX 75075 • (972) 422-0077  
 TBP E No. F-2121 • TBP L S No. F-10043100



*D.K.B.*  
 DARREN K. BROWN, R.P.L.S. 5252

A legal description of even date accompanies this plat.  
 Basis of bearing: State Plane Coordinate System, Texas  
 North Central Zone (4202), North American Datum 83,  
 (CORS96)

Drawn:	Checked:	Scale	Date	Job No.
ED	DKB	1" = 20'	5/22/18	14-170

**AGENDA ITEM # 19**

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 5

**DEPARTMENT:** Department of Trinity Watershed Management

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 48T

---

**SUBJECT**

Authorize acquisition from Raanel J. Steel and The Edith E. Steel Living Trust, of approximately 15,733 square feet of land located on Oak Creek Circle near its intersection with Greencreek Drive for the Oak Creek Circle 3504 & 3508 Voluntary Purchase Program – Not to exceed \$138,500 (\$135,000, plus closing costs and title expenses not to exceed \$3,500) – Financing: 2017 Bond Funds

**BACKGROUND**

This item authorizes the acquisition from Raanel J. Steel and The Edith E. Steel Living Trust, of approximately 15,733 square feet of land improved with a single-family dwelling, carport, storage building, and chain link fencing. This property is located on Oak Creek Circle near its intersection with Greencreek Drive for the Oak Creek Circle 3504 & 3508 Voluntary Purchase Program. Acquiring this property eliminates repetitive flood damages with associated safety risks for owners, and creates open space with potential for community amenities. This is a voluntary purchase and the consideration is based on an independent appraisal. There are no relocation benefits associated.

The dwelling experiences repetitive flooding each time there is a major rain event. When the house was built, it appears to have been constructed in a location lower than the surrounding ground. A replacement storm drainage project was determined not to be cost effective.

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

Information about this item will be provided to the Economic Development and Housing Committee on August 6, 2018.

**FISCAL INFORMATION**

2017 Bond Funds (Flood Protection and Storm Drainage Facilities Improvement Fund) - \$138,500 (\$135,000, plus closing costs and title expenses not to exceed \$3,500)

Acquisition to be funded through the sale of commercial paper notes established for project expenditures approved by the voters in the November 7, 2017 bond election.

**OWNER**

Ranel J. Steel

The Edith E. Steel Living Trust  
Edith E. Steel, Trustee

**MAP**

Attached



**GREENCREEK DRIVE**

**OAK CREEK CIRCLE**

34

33

32

35

31

36

**BLOCK  
E/6126**

30

37

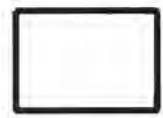
29

38

28



**Area To Be  
Acquired**



August 8, 2018

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 15,733 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto and commonly known as 3504 and 3508 Oak Creek Circle.

"PROGRAM": Voluntary Purchase Program (Flood Protection and Storm Drainage)

"USE": To maintain the PROPERTY as open space in the mitigation of repetitive flooding that poses health and safety risks for owners, and the creation of open space with potential for community amenities.

"PROPERTY INTEREST": Fee Simple title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Raanel J. Steel and The Edith E. Steel Living Trust, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$135,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,500

"AUTHORIZED AMOUNT": Not to exceed \$138,500

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

**SECTION 1.** That the USE of the PROPERTY for the PROGRAM is a public use.



August 8, 2018

**SECTION 2.** That the PROPERTY shall be subject to the following Deed Restrictions:

Terms. Pursuant to the terms of the City of Dallas Voluntary Purchase Program (Flood Protection and Storm Drainage), the following conditions and restrictions shall apply in perpetuity to the PROPERTY described in the attached deed for the acquisition of property for open space:

Compatible uses. The PROPERTY shall be dedicated and maintained in perpetuity as open space. Such uses may include: parks for outdoor recreational activities; wetlands management; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to allow evacuation); unimproved, unpaved parking lots; buffer zones; and other uses consistent with City of Dallas, Texas flood management policies and programs for open space.

Structures. No new structures or improvements shall be erected on the PROPERTY other than:

A public facility that is open on all sides and functionally related to a designated open space or recreational use; or

A public rest room; or

A structure that is compatible with open space and conserves the mitigation of repetitive flooding, including the uses described above, and approved by the City of Dallas, in writing before construction of the structure begins.

Any improvements on the PROPERTY shall be in accordance with proper floodplain management policies and practices. Structures built on the PROPERTY according to the paragraph above of this section shall comply with applicable City of Dallas building code requirements.

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

August 8, 2018

**SECTION 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute; provided, however, to the extent the property is being acquired it is pursuant to the Voluntary Purchase Program Policy and not subject to Eminent Domain.

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of 2017 Bond Funds, Fund 1V23, Department TWM, Unit VD09, Activity SDRS, Program TW17VD09, Object Codes 4210 and 4230, Encumbrance/Contract No. TWM-2018-00006717. Acquisition to be funded through the sale of commercial paper notes established for project expenditures approved by the voters in the November 7, 2017 bond election. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**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.

APPROVED AS TO FORM:  
Larry E. Casto, City Attorney


BY:

  
Assistant City Attorney

Field Notes Describing Land To Be Acquired in Block E/6126  
From Raanel J. Steel

Being situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and being all of Lots 36 and 37, Block E/6126, of the Greenwood Terrace Addition, an addition to the City of Dallas, recorded in Volume 24, Page 91 of the Map Records of Dallas County, and being all of the property conveyed to Raanel J. Steel by Deed dated June 9, 2006 and recorded in Instrument Number 201000026132 of the Official Public Records of Dallas County, Texas and containing 15,733 Square Feet, or 0.361 Acres of land, according to the plat thereof.

This description is approved as to form.

  
\_\_\_\_\_  
Scott Holt, RPLS  
Survey Program Manager  
City of Dallas

  
\_\_\_\_\_  
Date:

**GREENCREEK DRIVE**  
(A 50-Foot Wide Right-of-Way)

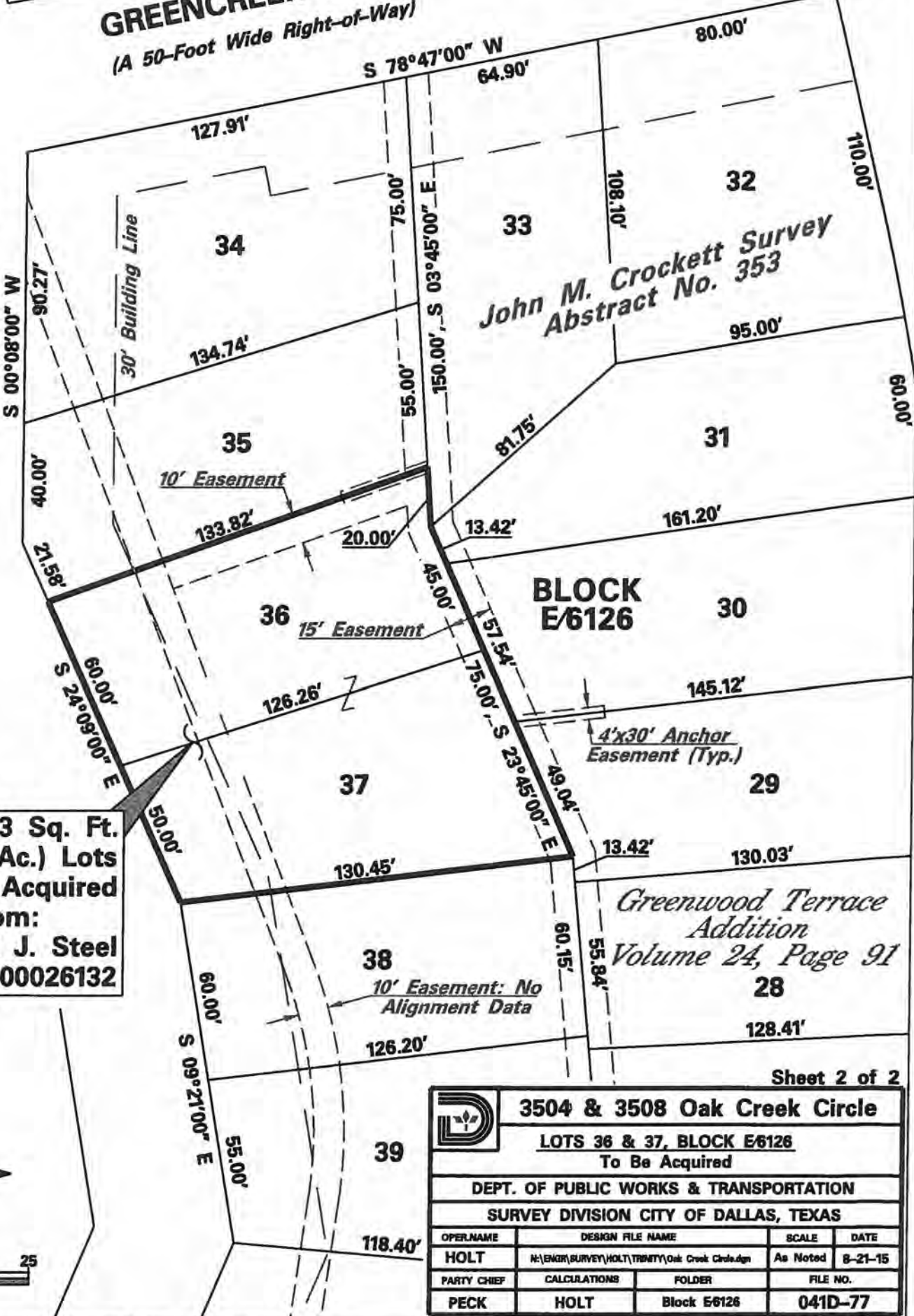
**OAK CREEK CIRCLE**  
(A 45-Foot Wide Right-of-Way)

*John M. Crockett Survey*  
*Abstract No. 353*

**BLOCK E/6126**

*Greenwood Terrace Addition*  
*Volume 24, Page 91*  
**28**

**15,733 Sq. Ft.**  
**(0.361 Ac.) Lots**  
**To Be Acquired**  
**From:**  
**Raanel J. Steel**  
**Int. #201000026132**



			
<b>3504 &amp; 3508 Oak Creek Circle</b>			
<b>LOTS 36 &amp; 37, BLOCK E/6126</b>			
<b>To Be Acquired</b>			
<b>DEPT. OF PUBLIC WORKS &amp; TRANSPORTATION</b>			
<b>SURVEY DIVISION CITY OF DALLAS, TEXAS</b>			
<b>OPERNAME</b>	<b>DESIGN FILE NAME</b>	<b>SCALE</b>	<b>DATE</b>
HOLT	H:\ENGR\SURVEY\HOLT\TRINITY\Oak Creek Circle.dgn	As Noted	8-21-15
<b>PARTY CHIEF</b>	<b>CALCULATIONS</b>	<b>FOLDER</b>	<b>FILE NO.</b>
PECK	HOLT	Block E/6126	041D-77



# Exhibit B

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS    §  
                                  §       KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS    §

That Raanel J. Steel, a single person of the County of Dallas, State of Texas and Edith E. Steel, Trustee for The Edith E. Steel Living Trust, of the County of Bay, State of Florida, acting by and through its duly authorized officer (hereinafter called "Grantor" whether one or more natural persons or legal entities), for and in consideration of the sum of ONE HUNDRED THIRTY-FIVE THOUSAND AND NO/100 DOLLARS (\$135,000.00) to the undersigned in hand paid by the **City of Dallas**, a Texas municipal corporation, **1500 Marilla Street, Dallas, Texas, 75201**, (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: This conveyance is made and accepted subject to the deed restrictions provided in Exhibit B which is attached hereto and incorporated herein for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Raanel J. Steel, a single person

The Edith E. Steel Living Trust

By: \_\_\_\_\_  
Raanel J. Steel

By: \_\_\_\_\_  
Edith E. Steel, Trustee

# Exhibit B

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS   '

This instrument was acknowledged before me on \_\_\_\_\_  
by Raanel J. Steel, a single person.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

STATE OF FLORIDA   '  
COUNTY OF           '

This instrument was acknowledged before me on \_\_\_\_\_  
by Edith E. Steel, Trustee for the Edith E. Steel Living Trust under an instrument dated  
December 3, 1997.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

After recording return to:  
City of Dallas,  
Trinity Watershed Management - Real Estate Division  
1500 Marilla Street, Room 6B South  
Dallas, Texas 75201  
Attn: Ann Carraway Bruce

Warranty Deed Log No. TWM 621

**AGENDA ITEM # 20**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Office of Budget

**CMO:** Elizabeth Reich, 670-7804

**MAPSCO:** N/A

---

**SUBJECT**

Authorize a public hearing to be held on August 22, 2018 to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

**BACKGROUND**

Each year the City of Dallas holds public hearings to provide the citizens of Dallas the opportunity to speak on the upcoming year's budget. This public hearing is one of three to be held at Dallas City Hall on March 28, 2018, May 9, 2018, and August 22, 2018. Citizen input is an important part of the budget development process.

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.



August 8, 2018

**WHEREAS**, the City Council is committed to providing the citizens of Dallas with the opportunity to speak on the City's FY 2018-19 Operating, Capital, and Grant & Trust Budgets.

**Now, Therefore,**

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

**SECTION 1.** That a public hearing on the City's FY 2018-19 Operating, Capital, and Grant & Trust Budgets will be held on August 22, 2018 in the City Council Chambers.

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

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Community Care

**CMO:** Nadia Chandler Hardy, 671-9195

**MAPSCO:** N/A

---

**SUBJECT**

Authorize **(1)** the acceptance of a donation in the amount of \$72,000 from Reliant Energy Retail Services, LLC (Reliant Energy) to provide funding for energy assistance to Reliant Energy customers under their CARE Program, through the West Dallas Multipurpose Center and the Martin Luther King, Jr. Community Center, to individuals and families who are experiencing a temporary financial crisis; **(2)** the receipt and deposit of funds in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund; **(3)** an increase in appropriations in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund; **(4)** the receipt and deposit of funds in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund; and **(5)** an increase in appropriations in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund - Not to exceed \$72,000 - Financing: Private Funds

**BACKGROUND**

Reliant Energy is a certified Electric Provider serving residential customers in the city of Dallas and the Electric Reliability Council of Texas (ERCOT) Market. Reliant Energy is required to establish and maintain an energy assistance program in accordance with the rules and regulations of the Public Utility Commission. Reliant Energy has a proven record of managing energy assistance and heat relief programs and since FY 2010-11 it has provided funds to the City of Dallas for energy assistance through the Reliant Energy CARE Program. Through the CARE Program, the West Dallas Multipurpose Center and Martin Luther King, Jr. Community Center work in partnership with Reliant Energy to provide financial assistance for energy related costs to financially distressed customers. Reliant Energy began providing funding to the Centers by a disbursement of \$5,000 per year, which was disbursed to the West Dallas Multipurpose Center and Martin Luther King, Jr. Community Center at \$2,500 each. The CARE Program currently allows a maximum assistance of \$300 per household per year. Customers can use this allowance at once or can be assisted three times per year until all allowance is exhausted.

## **BACKGROUND** (continued)

Through this program, 152 clients have been served. This year's increased allocation will allow the City to serve approximately an additional 144 clients.

This past year, customers have experienced an increase in their utility bills. Due to this increase, all of the City of Dallas/Office of Community Services client recipients of CARE Program contributions are now eligible for a one time annual payment in an amount not to exceed \$500; or the recipient may choose to receive multiple assistance payments on their accounts as long as the cumulative amount does not exceed the maximum annual payment limit of \$500. To participate in the program, the client must be a Reliant Energy customer with an active account and the client name must match the Reliant Energy customer account name.

## **How the Program Works**

- Agency qualifies active Reliant Energy customer
- Agency contacts Reliant Energy Agency Desk via fax or phone to make an inquiry or pledge
- Agency remits payment to Reliant Energy and includes documentation that denotes CARE Program payment
- Payment should be remitted with 30-45 days from the pledge date
- Agency sends Reliant Energy a monthly report via email recording activity and balance of funds at the end of each month or no later than the 10<sup>th</sup> day of the following month

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Human and Social Needs Committee on August 6, 2018.

## **FISCAL INFORMATION**

Private Funds - \$72,000

August 8, 2018

**WHEREAS**, there is a need to provide energy assistance to financially distressed residents of the city of Dallas with their energy costs; and

**WHEREAS**, the West Dallas Multipurpose Center and the Martin Luther King, Jr. Community Center have developed a partnership with Reliant Energy Retail Services, LLC (Reliant Energy) to provide financial assistance to those residents through the Reliant Energy Care Program.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to accept a donation in the amount of \$72,000 from Reliant Energy Retail Services, LLC to provide funding for energy assistance to Reliant Energy customers under their CARE Program, through the West Dallas Multipurpose Center and the Martin Luther King, Jr. Community Center, to individuals and families who are experiencing a temporary financial crisis.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit funds from the Reliant Energy CARE Program in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund, Fund 0T04, Department MGT, Unit 6483, Revenue Code 8411.

**SECTION 3.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund, Fund 0T04, Department MGT, Unit 6483, Object 2140.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$36,000 from the West Dallas Multipurpose Center-Emergency Social Services Fund, Fund 0T04, Department MGT, Unit 6483, Object 2140.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to receive and deposit funds from the Reliant Energy CARE Program in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund, Fund 0309, Department MGT, Unit 8267, Revenue Code 8411.

**SECTION 6.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund, Fund 0309, Department MGT, Unit 8267, Object 2140.

**SECTION 7.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$36,000 from the Alvin E. Moore Trust Fund, Fund 0309, Department MGT, Unit 8267, Object 2140.

August 8, 2018

**SECTION 8.** That this contract is designated as Contract No. MGT-2018-00007071.

**SECTION 9.** 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.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Community Care

**CMO:** Nadia Chandler Hardy, 671-9195

**MAPSCO:** N/A

---

**SUBJECT**

Authorize **(1)** a third amendment to the Contract No. 2015-047695-001 (Amendment No. 3 Contract No. 2015-047695-002) with the Department of State Health Services (DSHS), Family and Community Health Services, Office of Title V and Family Health and the Women, Infants, and Children (WIC) Program for the Lactation Support Center Services Strategic Expansion Program, to (a) revise the budget and extend the term of the contract from September 1, 2018 through August 31, 2019 to allow for successful completion of the WIC Project for FY 2019 grant allocation; (b) accept additional grant funds in the amount of \$260,000 for FY 2019 allocation (Amendment No. 3 Contract No. 2015-047695-002); **(2)** the establishment of appropriations in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund; **(3)** the receipt and deposit of grant funds for reimbursement from DSHS in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund; and **(4)** the execution of the contract amendment and all terms, conditions, and documents required by the contract - Not to exceed \$260,000, from \$910,000 to \$1,170,000 - Financing: Department of State Health Services, Office of Title V and Family Health Grant Funds

## **BACKGROUND**

Since 2010, the Department of State Health Services funded the Dallas Lactation Care Center through a grant contract with the City of Dallas WIC Program. The Dallas Lactation Care Center is a specialty walk-in clinic located in the heart of the Dallas Medical District. The staff includes a Registered Nurse, Internationally Board Certified Lactation Consultants (IBCLC) and Senior Breastfeeding Peer Counselors who provide comprehensive breastfeeding support and assistance to mothers currently enrolled in the WIC Program. The Dallas Lactation Care Center also serves as a training center for students and resident physicians who want to expand their knowledge in the field of lactation. In 2014, the Dallas Lactation Care Center received the IBCLC Care Award from the International Board of Lactation Consultant Examiners and International Lactation Consultant Association in recognition of excellence in lactation care.

The Lactation Resource Training Center Strategic Expansion Program through the Dallas Lactation Care Center shall provide population-based public health services and implement strategies that will increase accessibility, quality and coordination of breastfeeding support services in the contractor's service delivery area. The services provided under this contract complement and expand upon the services by the Contractor under the DSHS contract, Special Provision #9, by which the DSHS WIC Program pays Contractor to act as: (1) a lactation resource center for the Special Supplemental Nutrition Program for WIC mothers with breastfeeding problems; (2) a training center for WIC local agency staff and other health providers to receive clinical experience working with breastfeeding mothers; and (3) a statewide Breastfeeding Resource Center for health providers to utilize for information and assistance when working with pregnant and breastfeeding women.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On February 11, 2015, City Council authorized a contract with the Department of State Health Services, Office of Title V and Family Health Division for Family and Community Health Services and the City of Dallas WIC Program to develop and implement the Lactation Resource and Training Center Strategic Expansion Program for FY 2015-16 by Resolution No. 15-0272.

On June 10, 2015, City Council authorized an amendment to revise the contract term and Schedule A by Resolution No. 15-1053.

On August 24, 2016, City Council authorized an amendment to extend the contract term for FY 2017 for continuation of the Lactation Support Center Services Strategic Expansion Program (LSCS-SEP) by Resolution No. 16-1332.

On May 10, 2017, City Council authorized an amendment to extend the contract term for FY 2018 for continuation of the LSCS-SEP by Resolution No. 17-0746.

The Human and Social Needs Committee will be briefed on this item on August 6, 2018.



**FISCAL INFORMATION**

Department of State Health Services, Office of Title V and Family Health Grant Funds -  
\$260,000

August 8, 2018

**WHEREAS**, on February 11, 2015, City Council authorized a contract for the Lactation Support Center Services Strategic Expansion Program for the Women, Infants, and Children (WIC) Program, in an amount not to exceed \$390,000, by Resolution No. 15-0272; and

**WHEREAS**, on June 10, 2015, City Council authorized an amendment to revise the contract term and Schedule A on the contract for the Lactation Support Center Services Strategic Expansion Program for the WIC Program, by Resolution No. 15-1053; and

**WHEREAS**, on August 24, 2016, City Council authorized an amendment to extend the contract term for FY 2017, in an amount not to exceed \$260,000, for continuation of the Lactation Support Center Services Strategic Expansion Program (LSCS-SEP); and

**WHEREAS**, on May 10, 2017, City Council authorized an amendment to extend the contract term for FY 2018, in an amount not to exceed \$260,000, for continuation of the LSCS-SEP; and

**WHEREAS**, there is a continued need for the Lactation Support Center Services Strategic Expansion Program for WIC, funded through the Department of State Health Services as indicated in Amendment 3 to the contract; and

**WHEREAS**, the Department of State Health Services and the City desire to revise the budget for the WIC Program from \$910,000 to \$1,170,000 of which \$260,000 is allocated toward FY 2019 Lactation Support Center Services Strategic Expansion Program for the WIC Program; and

**WHEREAS**, the City of Dallas will benefit in this contract amendment that includes an additional year for the FY 2019 grant allocation.

**Now, Therefore,**

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

August 8, 2018

**SECTION 1.** That the City Manager is hereby authorized to sign the third amendment to the contract, No. 2015-047695-001 (Amendment No. 3 Contract No. 2015-047695-002) with the Department of State Health Services for the Lactation Center Support Services Strategic Expansion Program for the Women, Infants, and Children (WIC) Program to revise the budget and extend the term of the contract from September 1, 2018 through August 31, 2019 to allow for successful completion of the project for FY 2019 grant allocation; accept grant funds for FY 2019 allocation (Amendment No. 3 Contract No. 2015-047695-002) for continuation of the Lactation Support Center Services Strategic Expansion Program for the WIC Program, in an amount not to exceed \$260,000, increasing the total contract amount from \$910,000 to \$1,170,000; and to sign any and all documents required by the contract, terms and conditions, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$260,000, from \$910,000 to \$1,170,000, in the WIC Lactation Resource and Training Expansion 18-19 Fund, Fund S328, Department MGT, Unit 3637, various Object Codes, according to the attached Schedule.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for reimbursement from the Department of State Health Services in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund, Fund S328, Department MGT, Unit 3637, Revenue Code 6509.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$260,000 from the WIC Lactation Resource and Training Expansion 18-19 Fund, Fund S328, Department MGT, Unit 3637, various Object Codes, according to the attached Schedule.

**SECTION 5.** That the City Manager is hereby authorized to reimburse to the Department of State Health Services any expenditure 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 6.** 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 7.** That this contract is designated as Contract No. MGT-2018-00006784.

**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.

**Department of State Health Services  
Family and Community Health Services, Office of Title V and Family Health and  
The City of Dallas Women, Infants and Children Program  
Lactation Resource and Training Center Strategic Expansion Program  
September 1, 2018 through August 31, 2019**

**Fund S328, Department MGT, Unit 3637, Revenue Code 6509**

<u>Object Code</u>	<u>Description</u>	<u>Amount</u>
1101	Salaries	\$148,299
1301	Pension	\$ 21,355
1303	Life Insurance	\$ 48
1304	Health Insurance	\$ 13,468
1306	FICA (Medicare Only)	\$ 2,150
1309	Wellness	\$ 54
2200	Chemical/Med/Surgical	\$ 73,204
3361	Professional Development	\$ 1,422
	<b>Total</b>	<b>\$260,000</b>

**AGENDA ITEM # 23**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Department of Communication and Information Services  
Police Department

**CMO:** Elizabeth Reich, 670-7804  
T.C. Broadnax, 670-3297  
Jon Fortune, 670-1204

**MAPSCO:** N/A

---

**SUBJECT**

Authorize **(1)** an Interlocal Agreement with Sam Houston State University; and **(2)** a three-year service contract for a software subscription to the Criminal Research Information Management and Evaluation System through an interlocal agreement with Sam Houston State University - Not to exceed \$148,500 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)

**BACKGROUND**

This service contract will provide a three-year software subscription to the Criminal Research Information Management and Evaluation System (CRIMES). This system allows the Police Department (DPD) to perform Criminal Justice Information Systems records checks via the Texas Law Enforcement Telecommunications Systems (TLETS), such as routine traffic violation stops or investigations, to access:

- Offense reports and warrants
- Traffic citation and accident data
- Gang and drug criminal intelligence records
- Stolen vehicle information based on license plates or Vehicle Identification Numbers (VIN)

The CRIMES system allows regional networks to share law enforcement information across jurisdictions by retrieving information from TLETS, which is operated by the Texas Department of Public Safety.

**BACKGROUND** (continued)

In 2007, implemented a system for DPD to perform the CJIS records checks from desktops. The current system is no longer supported is in need of replacement.

The Sam Houston State University Interlocal Purchasing Agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code which authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

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

Information about this item will be provided to the Public Safety and Criminal Justice Committee on August 3, 2018.

**FISCAL INFORMATION**

Communication and Information Services Current Funds - \$148,500.00 (subject to annual appropriations)

**M/WBE INFORMATION**

In accordance with the City’s Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$148,500.00	CO-OP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

**OWNER**

**Sam Houston State University**

Larry T. Hoover, Ph.D., Director

August 8, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign **(1)** an Interlocal Agreement with Sam Houston State University; and **(2)** a three-year service contract for a software subscription to the Criminal Research Information Management and Evaluation System through an interlocal agreement with Sam Houston State University (239934), approved as to form by the City Attorney, in an amount not exceed \$148,500. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Sam Houston State University shall be based only on the amount of the services directed to be performed by the City and properly performed by Sam Houston State University under the contract.

**SECTION 2.** That the Chief Financial Officer is authorized to disburse funds in an amount not to exceed \$148,500 (subject to annual appropriations) to Sam Houston State University from Master Agreement Service Contract No. MASC DSV-2018-00005258.

**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.





**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Department of Aviation  
Department of Equipment and Building Services  
Department of Sanitation Services  
Department of Trinity Watershed Management  
Water Utilities Department

**CMO:** Elizabeth Reich, 670-7804  
T.C. Broadnax, 670-3297  
Majed Al-Ghafry, 670-3302

**MAPSCO:** N/A

---

**SUBJECT**

Authorize a three-year service price agreement for analytical laboratory testing services – Technical Testing International, LLC dba TTI Environmental Laboratories in the amount of \$4,985,725 and Ana-Lab Corporation in the amount of \$114,112, lowest responsible bidders of four - Total not to exceed \$5,099,837 - Financing: General Funds (\$470), Water Utilities Current Funds (\$4,643,240), Stormwater Drainage Management Current Funds (\$342,175), Sanitation Current Funds (\$103,206), and Aviation Current Funds (\$10,746) (subject to annual appropriations)

**BACKGROUND**

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

This service price agreement will provide for analytical laboratory testing services. The service contract will allow City departments such as Water Utilities Department, the Department of Trinity Watershed Management, the Department of Sanitation Services, the Department of Aviation, and the Department of Equipment and Building Services to utilize certified, independent laboratories to conduct analytical laboratory testing services. The contractor will analyze samples for compliance with state and federal regulations including The Clean Water Act, Safe Drinking Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation and Liability Act, Resource Conservation and Recovery Act, and Solid Waste Disposal Act.

## **BACKGROUND** (continued)

The analytical services will be used to support stormwater monitoring, illicit discharge investigations, enforcement investigations, hazardous and non-hazardous waste management, industrial waste monitoring, publicly owned treatment works influent and effluent monitoring, enforcement investigations, and other water/wastewater testing for the City. The independent laboratories under this contract will be required to perform mandated Environmental Protection Agency analysis in situations where the City of Dallas laboratories lack the proper equipment, lab instrumentation, and resources to perform the needed tasks.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,861 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 11, 2013, City Council authorized a three-year service contract for analytical laboratory testing services with Technical Testing International, LLC dba TTI Environmental Laboratories, B&A Laboratories, Inc. dba Xenco Laboratories and Environmental Science Corporation dba ENVISCI, Inc. by Resolution No. 13-2048.

On October 26, 2016, City Council authorized rescinding the service contract with Technical Testing International, LLC dba TTI Environmental Laboratories, previously approved on December 11, 2013, by Resolution No. 13-2048, for analytical laboratory services; and a service contract for analytical laboratory testing services through December 10, 2017 with Pace Analytical Services, Inc. by Resolution No. 16-1723.

The Government Performance & Financial Management Committee will receive this item for consideration on August 6, 2018.

## **FISCAL INFORMATION**

General Funds - \$470.00 (subject to annual appropriations)

Water Utilities Current Funds - \$4,643,240.00 (subject to annual appropriations)

Stormwater Drainage Management Current Funds - \$342,175.00 (subject to annual appropriations)

Sanitation Services Current Funds - \$103,206.00 (subject to annual appropriations)

Aviation Current Funds - \$10,746.00 (subject to annual appropriations)

## **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$5,099,837.00	Other Services	23.80%	89.82%	\$4,580,884.13

- This contract exceeds the M/WBE goal of 23.80%

## **BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BP1702. We opened them on September 1, 2017. We recommend the City Council award this service contract to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Technical Testing International, LLC dba TTI Environmental Laboratories	800 106th Street Arlington, TX 76011	Multiple Groups
*Ana-Lab Corporation	2600 Dudley Road Kilgore, TX 75662	Multiple Groups
Pace Analytical Service, Inc.	400 W. Bethany Road Suite #190 Allen, TX 75013	Multiple Groups
B&A Laboratories, Inc. dba Xenco Laboratories	9701 Harry Hines Boulevard Dallas, TX 75220	Multiple Groups

## **OWNERS**

### **Technical Testing International, LLC dba TTI Environmental Laboratories**

Meera Neb, President  
Hardy Pabley, Vice President

### **Ana-Lab Corporation**

Mel Yarbrough, President  
Bill Peery, Vice President

August 8, 2018

**WHEREAS**, on December 11, 2013, City Council authorized a three-year service contract for analytical laboratory testing services with Technical Testing International, LLC dba TTI Environmental Laboratories in the amount of \$2,216,649.00, B&A Laboratories, Inc. dba Xenco Laboratories in the amount of \$948,898.00 and Environmental Science Corporation dba ENVISCI, Inc. in the amount of \$19,625.00, by Resolution No. 13-2048; and

**WHEREAS**, on October 26, 2016, City Council authorized rescinding the service contract with Technical Testing International, LLC dba TTI Environmental Laboratories, previously approved on December 11, 2013, by Resolution No. 13-2048, for analytical laboratory services; and a service contract for analytical laboratory testing services through December 10, 2017 with Pace Analytical Services, Inc., in an amount not to exceed \$948,210.69, by Resolution No. 16-1723.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is authorized to sign a service contract with Technical Testing International, LLC dba TTI Environmental Laboratories (VS0000052929) in the amount of \$4,985,725.00 and Ana-Lab Corporation (VS0000046204) in the amount of \$114,112.00, approved as to form by the City Attorney, for analytical laboratory testing services for a term of three years, in a total amount not to exceed \$5,099,837.00. If the services were bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Technical Testing International, LLC dba TTI Environmental Laboratories and Ana-Lab Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by Technical Testing International and Ana-Lab Corporation under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,099,837.00 (subject to annual appropriations) to Technical Testing International, LLC dba TTI Environmental Laboratories and Ana-Lab Corporation from Service Contract No. POM-2018-00006553.

**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.





**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Fire-Rescue Department

**CMO:** Elizabeth Reich, 670-7804  
Jon Fortune, 670-1204

**MAPSCO:** N/A

---

**SUBJECT**

Authorize a three-year service price agreement for vehicle exhaust extraction parts and maintenance for the Fire-Rescue Department - Air Cleaning Technologies, Inc., sole source - Not to exceed \$330,265 - Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

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

This service price agreement will provide for vehicle exhaust extraction system parts and maintenance for the Fire-Rescue Department. This exhaust system, with hoses that connect directly to exhaust pipes of the vehicles, serves as a ventilation source to reduce the amount of exhaust created when a vehicle is started inside the fire garage. Fire fighters are exposed to carbon monoxide and other particulates from breathing the air in the fire stations as well as exposure through absorption. All 57 City fire stations are equipped with exhaust extraction equipment. Additionally, maintenance of this system allows the Fire-Rescue Department to remain compliant with National Fire Protection Agency regulations.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

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

The Government Performance & Financial Management Committee will receive this item for consideration on August 6, 2018.

**FISCAL INFORMATION**

General Funds - \$330,265.00 (subject to annual appropriations)

**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$330,265.00	Sole Source	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Sole Source

**BID INFORMATION**

<u>Bidder</u>	<u>Address</u>	<u>Amount</u>
Air Cleaning Technologies, Inc.	1300 West Detroit Street Broken Arrow, OK 74012	\$330,265.00

Note: The Office of Procurement Services conducted a sole source review and found no exceptions.

**OWNER**

**Air Cleaning Technologies, Inc.**

Dave L. Duncan, President  
Rod C. Davis, Vice President  
Rebecca Davis, Secretary  
Monte Duncan, Treasurer

August 8, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service price agreement with Air Cleaning Technologies, Inc. (335875), approved as to form by the City Attorney, for vehicle exhaust extraction parts and maintenance for the Fire-Rescue Department for a term of three years, in an amount not to exceed \$330,265. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Air Cleaning Technologies, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Air Cleaning Technologies, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$330,265 (subject to annual appropriations) to Air Cleaning Technologies, Inc. from Service Contract No. DFR-2017-00002568.

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



**AGENDA ITEM # 26**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

August 8, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Park & Recreation Department

**CMO:**

Elizabeth Reich, 670-7804  
Willis Winters, 670-4071

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize a three-year service price agreement for the maintenance, repair, and restoration of multi-sport court surfaces for the Park and Recreation Department - Hellas Construction, Inc., lowest responsible bidder of three - Not to exceed \$526,425 - Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

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

This service price agreement will allow for the maintenance, repair, and restoration of multi-sport court surfaces throughout the City for the Park and Recreation Department. All work shall comply with the applicable standards for tennis, pickleball, and basketball court surfacing as prescribed by ASTM International, United States Tennis Association, United States of America Pickleball Association, National Collegiate Athletic Association, and the manufacturer's recommendations for application of court surfacing materials.

The work will include the following services:

- Full court surface restoration
- General maintenance and repairs
- Paint and line stripping

**BACKGROUND** (continued)

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,220 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

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

On June 21, 2018, the Park and Recreation Board authorized a three-year service price agreement with Hellas Construction, Inc.

The Government Performance & Financial Management Committee will receive this item for consideration on August 6, 2018.

**FISCAL INFORMATION**

General Funds - \$526,425.00 (subject to annual appropriations)

**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$526,425.00	Other Services	23.80%	84.66%	\$445,675.00

- This contract exceeds the M/WBE goal of 23.80%

**BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BI1807. We opened them on May 3, 2018. We recommend the City Council award this service price agreement in its entirety to the lowest responsive and responsible bidder.

**BID INFORMATION** (continued)

\*Denotes successful bidder

<b><u>Bidder</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Hellas Construction, Inc.	12710 Research Blvd. Suite 240 Austin, TX 78759	\$ 526,425.00
Masterpiece Resurfacing LLC	312 West Main St. Celina, TX 75009	\$ 718,900.00
Aquatex Waterproofing and Caulking, LLC	3821 Fortune Ln. Dallas, TX 75216	\$1,814,750.00

**OWNER**

**Hellas Construction, Inc.**

Reed Seaton, President  
Bob Allison, Vice President  
Dan Schlapkohl, Secretary  
Frank Petrini, Treasurer



August 8, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service price agreement with Hellas Construction, Inc. (VS0000078437), approved as to form by the City Attorney, for the maintenance, repair, and restoration of multi-sport court surfaces for the Park and Recreation Department for a term of three years, in an amount not to exceed \$526,425. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Hellas Construction, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Hellas Construction, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$526,425 (subject to annual appropriations) to Hellas Construction, Inc. from Service Contract No. PKR-2018-00006548.

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

**AGENDA ITEM # 27**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Department of Trinity Watershed Management  
Water Utilities Department

**CMO:** Elizabeth Reich, 670-7804  
T.C. Broadnax, 670-3297  
Majed Al-Ghafry, 670-3302

**MAPSCO:** N/A

---

**SUBJECT**

Authorize a three-year service price agreement for sewer and storm drain camera repair services, parts, and accessories – CLS Sewer Equipment Co., Inc. in the amount of \$597,675, Green Equipment Company in the amount of \$335,000, and Reliability Point LLC in the amount of \$155,000, lowest responsible bidders of three - Total not to exceed \$1,087,675 - Financing: Water Utilities Current Funds (\$645,000) and Stormwater Drainage Management Current Funds (\$442,675) (subject to annual appropriations)

**BACKGROUND**

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

This service price agreement will provide for sewer and storm drain camera repair services, parts, and accessories for camera systems utilized by various departments. The cameras are used to inspect sewer and storm drains for structural integrity and/or failures. Additionally, as part of the structural integrity inspection process, the Water Utilities Department and the Department of Trinity Watershed Management use the cameras as a proactive measure to aid in preventative maintenance against build-up of debris in sewer and storm drains which can cause overflows.

These cameras aid in identifying potential drain pipe backups before they can occur which prioritizes maintenance. They also aid in cleaning and repairs ensuring drains operate at full capacity thus aiding in odor control and reduce the potential for localized flooding.

## **BACKGROUND** (continued)

The City utilizes various types of cameras, some containing crawlers, cables, and winches in addition to 14 carriage/camera transporters, and 12 cable reel systems. Cameras and related equipment are serviced monthly due to the caustic environment in which the equipment is used. Normal damage is caused by caved in pipe, protruding lateral pipe cables, and frequent utilization.

Maintaining this equipment in operational readiness is essential in ensuring the City's 4,200 miles of wastewater mains and 1,800 miles of storm sewers are structurally sound and operating as intended.

This solicitation required bidders to submit a response using unit pricing. This bid resulted in a 4.76 percent increase over comparable unit prices for services. Additionally, this solicitation also required bidders to submit discounts/markups on parts to be ordered from manufacturer's catalogs. Therefore this bid also resulted in an average percentage discount from manufacturer's catalog of 1.83 percent compared to an average discount of 2.00 percent for the bid awarded in the bid awarded in 2016.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 742 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On February 24, 2016, City Council authorized a three-year service contract for sewer camera maintenance, repairs and parts with CLS Sewer Equipment Co., Inc., Green Equipment Company and Atlas Inspection Technologies, LLC by Resolution No. 16-0325.

The Government Performance & Financial Management Committee will receive this item for consideration on August 6, 2018.

## **FISCAL INFORMATION**

Water Utilities Current Funds - \$645,000.00 (subject to annual appropriations)  
Stormwater Drainage Management Current Funds - \$442,675.00 (subject to annual appropriations)

## **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$1,087,675.00	Other Services	23.80%	0.05%	\$550.00

- This contract does not meet the M/WBE goal of 23.80% and does not comply with good faith efforts.

## **BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BM1808. We opened them on February 23, 2018. We recommend the City Council award this service price agreement to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*CLS Sewer Equipment Co., Inc.	726 S. Sherman St. Richardson, TX 75081	Multiple Groups
*Green Equipment Company	2563 Gravel Dr. Fort Worth, TX 76118	Multiple Groups
*Reliability Point LLC	2946 Ponce De Leon St. New Orleans, LA 70119	Multiple Groups

## **OWNERS**

### **CLS Sewer Equipment Co., Inc.**

Jerry Sonnier, President  
Jennifer Sonnier, Treasurer

### **Green Equipment Company**

Edgar L. Green, President  
Zane S. Smith, Vice President  
Carol Morris, Treasurer

**OWNERS** (continued)

**Reliability Point LLC**

Robert L Arnold Jr., President  
Carl E. Eyman III, Vice President

August 8, 2018

**WHEREAS**, on February 24, 2016, City Council authorized a three-year service contract for sewer camera maintenance, repairs and parts with CLS Sewer Equipment Co., Inc. in the amount of \$492,400, Green Equipment Company in the amount of \$400,000 and Atlas Inspection Technologies, LLC in the amount of \$241,500, by Resolution No. 16-0325.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service price agreement with CLS Sewer Equipment Co., Inc. (VS0000018694) in the amount of \$597,675, Green Equipment Company (266153) in the amount of \$335,000, and Reliability Point LLC (VC18104) in the amount of \$155,000, approved as to form by the City Attorney, for sewer and storm drain camera repair services, parts, and accessories for a term of three years in a total amount not to exceed \$1,087,675. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to CLS Sewer Equipment Co., Inc., Green Equipment Company, and Reliability Point LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by CLS Sewer Equipment Co., Inc., Green Equipment Company, and Reliability Point LLC under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,087,675 (subject to annual appropriations) to CLS Sewer Equipment Co., Inc., Green Equipment Company, and Reliability Point LLC from Service Contract No. POM-2018-00005965.

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





**AGENDA ITEM # 28**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Department of Trinity Watershed Management

**CMO:** Elizabeth Reich, 670-7804  
T.C. Broadnax, 670-3297

**MAPSCO:** N/A

---

**SUBJECT**

Authorize a three-year service price agreement for grounds, creeks, and channel maintenance of floodway sumps for the Department of Trinity Watershed Management - Moir Watershed Services, LLC, lowest responsible bidder of three - Not to exceed \$3,090,995 - Financing: Stormwater Drainage Management Current Funds (subject to annual appropriations)

**BACKGROUND**

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

This service price agreement will provide for grounds, creeks, and channel maintenance of floodway sumps for the Department of Trinity Watershed Management. Routine sump mowing and vegetation management is needed to ensure proper water flow and to allow for visual inspection of the sumps during flood events. Minor handwork includes removal of trash and debris for aesthetic reasons, to ensure safety, and avoid damage to machinery. Major handwork includes removal of cattails, tires, couches, etc. to ensure the healthy and safety of the public and area wildlife.

Under this service price agreement grounds, creeks, and channel maintenance will be provided for approximately 39,382 acres of flood control sumps, which include services such as mowing, litter removal, weed trimming, minor handwork, tree removal, and approximately 554,400 square feet of aquatic plant removal from the creek channels. The projected number of mowing cycles for the sumps is 12 per year; creeks and channel projected maintenance is 6 times per year. Cycle frequencies will be adjusted to accommodate weather conditions.

**BACKGROUND** (continued)

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 801 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

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

On August 13, 2014, City Council authorized a three-year service contract for grounds, creeks and channels maintenance of floodway sumps for Trinity Watershed Management with Good Earth Corporation by Resolution No. 14-1206.

The Government Performance & Financial Management Committee will receive this item for consideration on August 6, 2018.

**FISCAL INFORMATION**

Stormwater Drainage Management Current Funds - \$3,090,995.00 (subject to annual appropriations)

**MWBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$3,090,995.00	Other Services	23.80%	21.35%	\$660,000.00

- This contract does not meet the M/WBE goal of 23.80%, but complies with good faith efforts

## **BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BI1814. We opened them on April 19, 2018. We recommend the City Council award this service price agreement in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidder</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Moir Watershed Services, LLC	4134 FM 66 Waxahachie, TX 75167	\$3,090,995.00
Good Earth Corporation	7922 Forney Rd. Dallas, TX 75227	\$5,286,300.00
Gregory Jackson Landscape	6514 Puttinggreen Dr. Dallas, TX 75232	Non-responsive**

\*\*Gregory Jackson Landscape was deemed non-responsive due to not meeting specifications.

## **OWNER**

### **Moir Watershed Services, LLC**

James Moir, President

August 8, 2018

**WHEREAS**, on August 13, 2014, City Council authorized a three year service contract for ground maintenance services at floodway sumps by Resolution No. 14-1206; and

**WHEREAS**, on July 11, 2017, Administrative Action No. 17-6322 authorized to extend the service contract for grounds maintenance services at floodway sumps with Good Earth in an amount not to exceed \$1,852,155, to extend four months from August 13, 2017 through December 12, 2017; and

**WHEREAS**, on March 6, 2018, Administrative Action No. 18-5435 authorized to extend the service contract for grounds maintenance services at floodway sumps with Good Earth in an amount not to exceed \$1,852,155, to extend eight months from December 12, 2017 through August 11, 2018.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service price agreement with Moir Watershed Services, LLC (VS0000071835), approved as to form by the City Attorney, for grounds, creeks, and channel maintenance of floodway sumps for the Department of Trinity Watershed Management for a term of three-years, in an amount not to exceed \$3,090,995. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Moir Watershed Services, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Moir Watershed Services, LLC under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,090,995 (subject to annual appropriations) to Moir Watershed Services, LLC from Service Contract No. TWM-2018-00006965.

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

**AGENDA ITEM # 29**

**STRATEGIC PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

August 8, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Department of Aviation  
Department of Convention and Event Services  
Department of Sanitation Services  
Department of Trinity Watershed Management  
Water Utilities Department

**CMO:**

Elizabeth Reich, 670-7804  
T.C. Broadnax, 670-3297  
Joey Zapata, 670-3009  
Majed Al-Ghafry, 670-3302

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize a two-year master agreement for the purchase of pumps and parts - Xylem Water Solutions USA, Inc. in the amount of \$1,778,000, FCX Performance, Inc. dba Pierce Pump Company in the amount of \$1,287,754, Master Pumps & Equipment in the amount of \$555,000, Environmental Improvements, Inc. in the amount of \$373,000, MaCaulay Controls Company in the amount of \$105,000, and United Rentals (North America), Inc. in the amount of \$50,000, lowest responsible bidders of thirteen - Total not to exceed \$4,148,754 - Financing: General Funds (\$303,500), Water Utilities Current Funds (\$2,555,254), Convention and Event Services Current Funds (\$855,000), Stormwater Drainage Management Current Funds (\$268,000), Sanitation Current Funds (\$160,000), and Aviation Current Funds (\$7,000)

**BACKGROUND**

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

This master agreement will allow various City departments to continue to purchase pumps and parts of various types, brands, and sizes.

## **BACKGROUND** (continued)

Purchases made through this master agreement will replace pumps that have become cost prohibitive to maintain and the purchase of parts for necessary repairs.

Pumps utilized by the Water Utilities Department distribute an average of 417 million gallons of treated water and 167 million gallons of wastewater daily.

Below are examples of pumps that will be purchased under this agreement:

- Circulating pumps
- Centrifugal pumps
- Propeller pumps
- Sampling pump systems
- Proportioning pumps
- Sewage and sludge pumps
- Sump pumps

In this solicitation, the Office of Procurement Services required bidders to submit a response using discounts/markups on parts to be ordered from manufacturer's catalogs. This bid resulted in a 14 percent discount over comparable discount of 11 percent for the bid awarded in 2015.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 359 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 27, 2015, City Council authorized a three-year master agreement for the purchase of pumps and parts with FCX Performance, Inc. dba Pierce Pump Company, Xylem Water Solutions USA, Inc., Austin Pump & Supply Company, Master Pumps & Equipment, Hartwell Environmental Corporation, Pump Solutions, Inc., McCaulay Controls Company, and HD Supply Facilities Maintenance dba USA Bluebook by Resolution No. 15-0933.

The Government Performance & Financial Management Committee will receive this item for consideration on August 6, 2018.

## **FISCAL INFORMATION**

General Funds - \$303,500.00  
Water Utilities Current Funds - \$2,555,254.00  
Convention and Event Services Current Funds - \$855,000.00  
Stormwater Drainage Management Current Funds - \$268,000.00  
Sanitation Current Funds - \$160,000.00  
Aviation Current Funds - \$7,000.00

## **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$4,148,754.00	Goods	18.00%	1.55%	\$64,387.70

- This contract does not meet the M/WBE goal of 18.00%, but complies with good faith efforts.

## **BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BM1806. We opened them on March 16, 2018. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Xylem Water Solutions USA, Inc.	2400 Tarpley Rd. Carrollton, TX 75006	Multiple Lines
*FCX Performance, Inc. dba Pierce Pump Company	9010 John W. Carpenter Frwy. Dallas, TX 75247	Multiple Lines
*Master Pumps & Equipment	805 Port America Pl. #100 Grapevine, TX 76051	Multiple Lines
*Environmental Improvements, Inc.	517 N. Kealy Ave. Lewisville, TX 75057	Multiple Lines



**BID INFORMATION** (continued)

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*MaCaulay Controls Company	13920 Osprey Ct. Suite E Webster, TX 77598	Multiple Lines
*United Rentals (North America), Inc.	1009 Enterprise Pl. Arlington, TX 76001	Multiple Lines
Jersey Equipment Co.	217 S. Stemmons Expwy. Suite 204 Lewisville, TX 76067	Multiple Lines
Anytime Pump Service Company dba CIE	1222 S. Cedar Ridge Dr. Duncanville, TX 75137	Non-responsive**
Argent Associates, Inc.	2800 E. Plano Pkwy. Suite 400 Plano, TX 75074	Non-responsive**
Babtex, Inc.	3100 Randall Mill Rd. Arlington, TX 76011	Non-responsive**
Mavich LLC	525 Commerce St. Southlake, TX 76092	Non-responsive**
North Texas Pump Co.	190 E. Industrial Blvd. Suite C McKinney, TX 75069	Non-responsive**
Westcoast Rotor, Inc.	119 W. 154 St. Gardena, CA 90248	Non-responsive**

\*\*Anytime Pump Service Company dba CIE, Argent Associates, Inc., Babtex, Inc., Mavich LLC, North Texas Pump Co., and Westcoast Rotor, Inc. were deemed non-responsive due to not meeting specifications.

**OWNERS**

**Xylem Water Solutions USA, Inc.**

Ron C. Askin, President  
Patrick Rienks, Vice President  
Jane Dobson, Secretary  
Matthew Fisher, Treasurer

**OWNERS** (continued)

**FCX Performance, Inc. dba Pierce Pump Company**

Tom Cox, President

**Master Pumps & Equipment**

Don Moilan Jr., President

Kevin Figge, Secretary

**Environmental Improvements, Inc.**

Lyle Milstead, President

Eric Fields, Treasurer

**MaCaulay Controls Company**

Kair Hollway, President

Jim Hollway, Vice President

Becky Robertson, Secretary

**United Rentals (North America), Inc.**

Michael Kneeland, President

William Plummer, Vice President

Joli Gross, Secretary

Irene Moshouris, Treasurer



August 8, 2018

**WHEREAS**, on January 21, 2015, Administrative Action No. 15-5236 authorized Supplemental Agreement No. 1 to extend the master agreement for the purchase of pumps and parts with Xylem Water Solution USA, Inc. from October 25, 2014 to April 24, 2015; and

**WHEREAS**, on January 21, 2015, Administrative Action No. 15-5237 authorized Supplemental Agreement No. 1 to extend the master agreement for the purchase of pumps and parts with RSC Equipment Rental from October 25, 2014 to April 24, 2015; and

**WHEREAS**, on January 21, 2015, Administrative Action No. 15-5238 authorized Supplemental Agreement No. 1 to extend the master agreement for the purchase of pumps and parts with HD Supply Facilities Maintenance LTD from October 25, 2014 to April 24, 2015; and

**WHEREAS**, on January 21, 2015, Administrative Action No. 15-5239 authorized Supplemental Agreement No. 1 to extend the master agreement for the purchase of pumps and parts with Master Pumps & Equipment from October 25, 2014 to April 24, 2015; and

**WHEREAS**, on January 21, 2015, Administrative Action No. 15-5240 authorized Supplemental Agreement No. 1 to extend the master agreement for the purchase of pumps and parts with MaCaulay Controls Company from October 25, 2014 to April 24, 2015; and

**WHEREAS**, on January 21, 2015, Administrative Action No. 15-5241 authorized Supplemental Agreement No. 1 to extend the master agreement for the purchase of pumps and parts with Austin Pump & Supply Company from October 25, 2014 to April 24, 2015; and

**WHEREAS**, on January 22, 2015, Administrative Action No. 15-5244 authorized Supplemental Agreement No. 1 to extend the master agreement for the purchase of pumps and parts with Pierce Pump Co. L.P. from October 25, 2014 to April 24, 2015; and

**WHEREAS**, on May 27, 2015, City Council authorized a three-year master agreement for the purchase of pumps and parts with FCX Performance, Inc. dba Pierce Pump Company in the amount of \$2,298,700, Xylem Water Solutions USA, Inc. in the amount of \$977,500, Austin Pump & Supply Company in the amount of \$359,500, Master Pumps & Equipment in the amount of \$244,702, Hartwell Environmental Corporation in the amount of \$45,000, Pump Solutions, Inc. in the amount of \$40,000, McCaulay Controls Company in the amount of \$32,500 and HD Supply Facilities Maintenance dba USA Bluebook in the amount of \$2,000, by Resolution No. 15-0933.

August 8, 2018

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a master agreement with Xylem Water Solutions USA, Inc. (VC0000010486) in the amount of \$1,778,000, FCX Performance, Inc. dba Pierce Pump Company (VC14294) in the amount of \$1,287,754, Master Pumps & Equipment (258830) in the amount of \$555,000, Environmental Improvements, Inc. (399480) in the amount of \$373,000, MaCaulay Controls Company (168609) in the amount of \$105,000, and United Rentals (North America), Inc. (VS0000003745) in the amount of \$50,000, approved as to form by the City Attorney, for the purchase of pumps and parts for a term of two years, in a total amount not to exceed \$4,148,754.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for the purchase of pumps and parts. If a written contract is required or requested for any or all purchases of pumps and parts under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract, approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,148,754 to Xylem Water Solutions USA, Inc., FCX Performance, Inc. dba Pierce Pump Company, Master Pumps & Equipment, Environmental Improvements, Inc., MaCaulay Controls Company, and United Rentals (North America), Inc. from Master Agreement Contract No. POM-2018-00006843.

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

**AGENDA ITEM # 30**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

August 8, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Department of Equipment and Building Services  
Police Department

**CMO:**

Elizabeth Reich, 670-7804  
T.C. Broadnax, 670-3297  
Jon Fortune, 670-1204

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize a three-year master agreement for replacement reflective decals for squad cars, City fleet vehicles, and non-reflective labels for storage containers - INPS in the amount of \$65,513 and T-Grip, LLC dba T-Grip Graphics and Signs in the amount of \$5,117, lowest responsible bidders of six - Total not to exceed \$70,630 - Financing: Equipment Services Current Funds

**BACKGROUND**

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

This master agreement will provide for replacement reflective decals for squad cars, City fleet vehicles, and non-reflective labels for storage containers. The replacement reflective full and partial body police car decal sets distinguish each vehicle's intended service. This master agreement will also allow the Department of Equipment & Building Services (EBS) to maintain a small inventory of decals to ensure vehicles that have gone through body repairs are returned to service in a timely manner. EBS staff installs decals on police squad cars and City fleet vehicles as needed, following outsourced body repair work. Approximately 160 police squad cars and 90 City fleet vehicles require replacement decals each year. Reflective full body police decals are custom made to fit 2012 to 2017 police marked squad cars.

## **BACKGROUND** (continued)

Examples of decal sets will include the following:

- Police Department vehicles:
  - Reflective full and partial body police car decal sets
  - Badge decals
  - Web address
  - Reflective full body individual number sets
  
- City fleet vehicles and equipment:
  - Non-reflective two inch numbers
  - Non-reflective department names
  - Logo
  
- Environmental labels:
  - Non-reflective 3" letters (examples: hazardous, non-hazardous, used oil, used oil filters, used antifreeze, aerosol cans, and scrap metal)

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 16,117 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Public Safety and Criminal Justice Committee on August 3, 2018.

## **FISCAL INFORMATION**

Equipment Services Current Funds - \$70,629.58

## **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE%</u></b>	<b><u>M/WBE \$</u></b>
\$70,629.58	Goods	18.00%	7.24%	\$5,116.80

- This contract does not meet the M/WBE goal of 18.00%, but complies with good faith efforts

## **BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BN1812. We opened them on March 30, 2018. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*INPS	2905A W. Marshall Ave. Longview, TX 75604	Multiple Groups
*T-Grip, LLC dba T-Grip Graphics and Signs	8925 Sterling St. Suite #340 Irving, TX 75063	Multiple Groups
Ireo Reproductions, LLC dba The Dupriest Co.	633 Sunnyside Ave. Dallas, TX 75211	Multiple Groups
Onsite Decals, LLC	12807 Royal Dr. Suite #101 Stafford, TX 77477	Multiple Groups
Mountain Products, LP dba Mountain Commercial Graphics	12922 Hempstead Rd. Houston, TX 77040	Multiple Groups
Main Street Installers, Inc.	1133 West Main St. Arlington, TX 76013	Multiple Groups



## **OWNERS**

### **INPS**

Werner Humann, President  
David Humann, Vice President  
Pamela Humann, Secretary

### **T-Grip, LLC dba T-Grip Graphics and Signs**

Stacey Huff, President  
Brian Isaacson, Vice President

August 8, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a master agreement with INPS (VS0000031748) in the amount of \$65,512.78 and T-Grip, LLC dba T-Grip Graphics and Signs (VS97285) in the amount of \$5,116.80, approved as to form by the City Attorney, for the purchase of replacement reflective decals for squad cars, City fleet vehicles, and non-reflective labels for storage containers for a term of three years, in an amount not to exceed \$70,629.58.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for replacement reflective decals for squad cars, City fleet vehicles, and non-reflective labels for storage containers. If a written contract is required or requested for any or all purchases of replacement reflective decals for squad cars, City fleet vehicles, and non-reflective labels for storage containers under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute the contract, approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$70,629.58 to INPS and T-Grip, LLC dba T-Grip Graphics and Signs from Master Agreement No. POM-2018-00006575.

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



**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Office of Strategic Partnerships & Government Affairs

**CMO:** Kimberly Bizer Tolbert, 670-3302

**MAPSCO:** N/A

---

**SUBJECT**

Authorize the **(1)** acceptance of a grant from the U.S. Department of Justice, Bureau of Justice Assistance for a broad range of activities to help control and prevent crime, and to improve the criminal justice system (Grant No. 2017-DJ-BX-0834, CFDA No. 16.738), in the amount of \$900,568 for the period October 1, 2016 through September 30, 2020; **(2)** receipt and deposit of funds in an amount not to exceed \$900,568 in the Bureau of Justice Assistance Grant FY17 16-20 Fund; **(3)** establishment of appropriations in an amount not to exceed \$900,568 in the Bureau of Justice Assistance Grant FY17 16-20 Fund; and **(4)** execution of the grant agreement – Not to exceed \$900,568 – Financing: U.S. Department of Justice Grant Funds

**BACKGROUND**

Part E of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (the “JAG Program”) authorize the Bureau of Justice Assistance (the “BJA”) to make funds available to units of local government in order to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds can support all components of the criminal justice system from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

**BACKGROUND** (continued)

The City of Dallas, Dallas County, and certain units of local government designated by the BJA are eligible for 2017 JAG funding and have been certified by the BJA as a disparate jurisdiction. The application guidelines ask for one fiscal agent to apply, accept, and disburse funds throughout the disparate jurisdiction. Dallas County and all eligible units of local government in the disparate jurisdiction have agreed to designate the City of Dallas as the applicant and fiscal agent for the JAG Program.

Dallas County and the eligible cities agree and acknowledge that as a certified disparate jurisdiction, the Parties must reach an agreement regarding the sharing of funds prior to submitting a JAG application with the BJA. Accordingly, this resolution will authorize the City Manager to set forth the following: (i) the amount of funds originally allocated by the BJA before the Parties were certified to be disparate jurisdictions; (ii) the amounts to be transferred among the respective jurisdictions, including the amount to be paid to the City of Dallas as the fiscal agent for the jurisdiction; and (iii) the final amount for each of the Parties.

**Initial Allocations**

For 2017, the BJA has determined the Initial Allocations of JAG Funds for the parties as follows:

Dallas County	\$ 0.00
Balch Springs	\$ 17,457.00
Carrollton	\$ 14,043.00
Dallas	\$662,975.00
DeSoto	\$ 12,682.00
Duncanville	\$ 11,193.00
Garland	\$ 47,929.00
Grand Prairie	\$ 37,327.00
Irving	\$ 38,790.00
Lancaster	\$ 12,194.00
Mesquite	\$ 33,810.00
Richardson	<u>\$ 12,168.00</u>
Total	\$900,568.00

**BACKGROUND** (continued)

Amounts to be Transferred

All jurisdictions, with the exception of the City of Richardson, have agreed that 30 percent of their funds will be allocated to Dallas County per Department of Justice (DOJ) guidelines that require fund sharing with any unit of government that bears more than 50 percent of the costs of prosecution or incarceration. Richardson has chosen to reallocate its total award of \$12,168.00 to the County.

The eligible cities agree to have the following funds transferred to Dallas County pursuant to the Funds Sharing and Fiscal Agency Agreement as follows:

Dallas County	\$ 0.00
Balch Springs	\$ 5,237.10
Carrollton	\$ 4,212.90
Dallas	\$ 198,892.50
DeSoto	\$ 3,804.60
Duncanville	\$ 3,357.90
Garland	\$ 14,378.70
Grand Prairie	\$ 11,198.10
Irving	\$ 11,637.00
Lancaster	\$ 3,658.20
Mesquite	\$ 10,143.00
Richardson	<u>\$ 12,168.00</u>
Total	\$278,688.00

Fiscal Agent Grant Administration Fees

The following amounts reflect each participant's grant administration fee, which shall be transferred to the Fiscal Agent, the City of Dallas.

Dallas County	\$ 19,508.16
Balch Springs	\$ 855.39
Carrollton	\$ 688.11
Dallas	\$ 59,502.81
DeSoto	\$ 621.42
Duncanville	\$ 548.46
Garland	\$ 2,348.52
Grand Prairie	\$ 1,829.02
Irving	\$ 1,900.71
Lancaster	\$ 597.51
Mesquite	\$ 1,656.69
Richardson	<u>\$ 0.00</u>
Total	\$ 90,056.80

**BACKGROUND** (continued)

Final Allocations

The following amounts reflect the JAG funds each jurisdiction shall receive upon acceptance of and disbursements of funds from the BJA in accordance with the Funds Sharing and Fiscal Agency Agreement.

Dallas County	\$ 259,179.84
Balch Springs	\$ 11,364.51
Carrollton	\$ 9,141.99
Dallas	\$ 494,636.49
DeSoto	\$ 8,255.98
Duncanville	\$ 7,286.64
Garland	\$ 31,201.78
Grand Prairie	\$ 24,299.88
Irving	\$ 25,252.29
Lancaster	\$ 7,938.29
Mesquite	\$ 22,010.31
Richardson	\$ <u>0.00</u>
Total	\$900,586.00

The City of Dallas will use the bulk of its allocation to fund salaries and associated costs for three Community Prosecutors. 10 percent of the total award is also used to reimburse administrative expenses associated with managing the grant and acting as the fiscal agent.

In addition to the standard requirements common to many federal grant programs, the Department of Justice has added some additional requirements to the FY2017 JAG awards at both the state and local level with regards to sanctuary cities, including a requirement to provide advance notice to the Department of Homeland Security (DHS) regarding the schedule release date and time of an alien in a jurisdiction's custody if DHS has requested such notice. These new requirements are applicable to the City Detention Center run by the Dallas City Marshal's Office.

This resolution will authorize the City of Dallas to accept and execute the award agreement with the Department of Justice.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 25, 2013, City Council authorized an application for and acceptance of the FY 2013 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2012 through September 30, 2016; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 13-1687.

On May 28, 2014, City Council authorized an application for and acceptance of the FY 2014 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2013 through September 30, 2017; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 14-0828.

On June 10, 2015, City Council authorized an application for and acceptance of the FY 2015 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2014 through September 30, 2018; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 15-1056.

On June 22, 2016, City Council authorized an application for and acceptance of the FY 2016 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2015 through September 30, 2019; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 16-1064.

On September 13, 2017, City Council authorized an application for the FY 2017 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period of October 1, 2016 through September 30, 2020; and the execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government by Resolution No. 17-1424.

The Government Performance & Financial Management Committee will receive this item for consideration on August 6, 2018.



**FISCAL INFORMATION**

U.S. Department of Justice Grant Funds - \$900,568

August 8, 2018

**WHEREAS**, the U.S. Department of Justice, Bureau of Justice Assistance (BJA), has made funding available to the City of Dallas, Dallas County and eligible designated cities in order to support a broad range of activities to help control and prevent crime and to improve the criminal justice system; and

**WHEREAS**, grant monies are being allocated to the City of Dallas, Dallas County and eligible designated cities for the FY 2017 Edward Byrne Memorial Justice Assistance Grant; and

**WHEREAS**, the City of Dallas and other BJA designated cities will benefit from the additional funds that will aid the prevention and control of crime within these areas.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to accept the Edward Byrne Memorial Justice Assistance Grant (Grant No. 2017-DJ-BX-0834, CFDA No. 16.738), from the U.S. Department of Justice, Bureau of Justice Assistance, to support a broad range of activities to prevent and control crime and to improve the criminal justice system for the period October 1, 2016 through September 30, 2020, in an amount not to exceed \$900,568.00, and to sign the grant agreement, approved as to form by the City Attorney.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse JAG Program funds in an amount not to exceed \$405,931.51 to Dallas County and other BJA designated cities, as listed below:

<u>Jurisdiction</u>	<u>Amount</u>
Dallas County	\$ 259,179.84
Balch Springs	\$ 11,364.51
Carrollton	\$ 9,141.99
DeSoto	\$ 8,255.98
Duncanville	\$ 7,286.64
Garland	\$ 31,201.78
Grand Prairie	\$ 24,299.88
Irving	\$ 25,252.29
Lancaster	\$ 7,938.29
Mesquite	\$ 22,010.31
Richardson	\$ 0.00

August 8, 2018

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for the Justice System Project in an amount not to exceed \$404,579.69 in the Bureau of Justice Assistance Grant FY17 16-20 Fund, Fund TR17, Department MGT, Unit 3297, Revenue Code 6506.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for Management and Administration in an amount not to exceed \$495,988.31 in the Bureau of Justice Assistance Grant FY17 16-20 Fund, Fund TR17, Department MGT, Unit 3296, Revenue Code 6506.

**SECTION 5.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$404,579.69 in the Bureau of Justice Assistance Grant FY17 16-20 Fund, Fund TR17, Department MGT, Unit 3297, Object 3099.

**SECTION 6.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$495,988.31 in the Bureau of Justice Assistance Grant FY17 16-20 Fund, Fund TR17, Department MGT, Unit 3296, Object 3099.

**SECTION 7.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$404,579.69 from the Bureau of Justice Assistance Grant FY17 16-20 Fund, Fund TR17, Department MGT, Unit 3297, Object 3099.

**SECTION 8.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$495,988.31 from the Bureau of Justice Assistance Grant FY17 16-20 Fund, Fund TR17, Department MGT, Unit 3296, Object 3099, amount inclusive of the \$405,931.51 in Section 2 above.

**SECTION 9.** That the City Manager is hereby authorized to transfer existing positions into Unit 3296 and Unit 3297.

**SECTION 10.** That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

**SECTION 11.** 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 12.** That the City Manager or his designee is authorized to provide additional information, make adjustments, and take other actions related to the implementation of the grant as may be necessary to satisfy the U.S. Department of Justice, Bureau of Justice Assistance.

August 8, 2018

**SECTION 13.** That this contract is designated as Contract No. MGT-2018-00006969.

**SECTION 14.** 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.



**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Park & Recreation Department

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 23A

---

**SUBJECT**

Authorize a five-year maintenance agreement with one five-year renewal option with the Colts Cricket Club to maintain the cricket pitch at Marcus Park located at 3003 Northaven Road - Financing: No cost consideration to the City

**BACKGROUND**

The Colts Cricket Club’s primary aim and objective shall be to organize and promote the game of cricket. The Colts Cricket Club wishes to enter into a five-year maintenance agreement with the Dallas Park and Recreation Department (City) allowing them to extend the North and South end of the current concrete slab, or the pitch, at Marcus Park by 10 feet, repair the irrigation system around the cricket pitch and fill exposed cracks in the ground around the cricket pitch. The Colts Cricket Club will spend approximately \$5,000 for improvements to the pitch and surrounding area. They will utilize this area to expand their league games and tournaments.

The following responsibilities between the Colts Cricket Club and the City are being considered.

Colts Cricket Club shall:

- Maintain the cricket pitch by cleaning and replacing artificial turf as needed.
- Maintain and provide updated certificate of liability insurance on a yearly basis.
- Extend the North and South end of the current concrete slab, or the pitch, at Marcus Park by 10 feet, repair the irrigation system around the cricket pitch and fill exposed cracks in the ground around the cricket pitch.

**BACKGROUND** (continued)

City shall:

- Allow the Colts Cricket Club access to the park and pitch for maintenance needs.
- Continue routine standard maintenance including litter control of Marcus Park at the frequency of 12 days.

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

On June 21, 2018, the Park and Recreation Board authorized a five-year maintenance agreement with one five-year renewal option with the Colts Cricket Club.

**FISCAL INFORMATION**

No cost consideration to the City.

**OWNER**

**Colt Cricket Club**

Naveen Peiris, Cricket Pitch Coordinator

**MAP**

Attached





MODEL LA AVE

DENNIS RD

AIRHAVEN ST

WESTFOREST DR

MARCUS DR

NORTHAVEN RD

Marcus

Marcus



Feet

0 60 120 240 360



# Marcus Park 3003 Northaven Road

23A

District  
13



August 8, 2018

**WHEREAS**, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

**WHEREAS**, the City of Dallas Park and Recreation Department (City) and the Colts Cricket Club desire to enter into a five-year maintenance agreement with one five-year renewal option to maintain the cricket pitch at Marcus Park located at 3003 Northaven Road; and

**WHEREAS**, the maintenance of the cricket pitch shall be at no cost consideration to the City.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a five-year maintenance agreement with one five-year renewal option with the Colts Cricket Club, approved as to form by the City Attorney, to maintain the cricket pitch at Marcus Park located at 3003 Northaven Road.

**SECTION 2.** That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a five-year maintenance agreement with one five-year renewal option with the Colts Cricket Club, approved as to form by the City Attorney.

**SECTION 3.** That the Colts Cricket Club shall maintain the cricket pitch at Marcus Park and provide updated certificate of liability insurance on a yearly basis.

**SECTION 4.** That the City shall provide routine standard maintenance at Marcus Park in accordance with the current maintenance standards of the Park and Recreation Department.

**SECTION 5.** That the term of the agreement shall be five years with one five-year renewal option and may be terminated for convenience by either party with a ninety-day notice.

**SECTION 6.** That this contract is designated as Contract No. PKR-2018-00006943.

**SECTION 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 10, 11

**DEPARTMENT:** Park & Recreation Department

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 16P T X

---

**SUBJECT**

Authorize **(1)** a twenty-year endowment and maintenance agreement with The Dallas Foundation for annual maintenance and beautification projects for Hamilton Park located at 12225 Willowdell Drive and portions of the Cottonwood Trail; **(2)** the establishment of appropriations in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund; **(3)** the receipt and deposit of endowment funds in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund; and **(4)** execution of the endowment and maintenance agreement - Financing: No cost consideration to the City

**BACKGROUND**

This action will authorize a twenty-year endowment and maintenance agreement with The Dallas Foundation for annual maintenance and beautification projects for Hamilton Park and portions of the Cottonwood Trail.

The Dallas Foundation was established as a community foundation in 1929. The Dallas Foundation serves as a leader, catalyst and resource for philanthropy by providing donors with flexible means of making gifts and bequests, the income from which primarily supports the charitable causes of the city and county of Dallas. The Dallas Foundation and their partners wish to enter into a twenty-year endowment and maintenance agreement with the Park and Recreation Department to fund annual maintenance and beautification projects for Hamilton Park and a portion of the Cottonwood Trail. The donor has specified that the funds be used specifically for Hamilton Park and portions of the Cottonwood Trail.

The Dallas Foundation shall:

- Endow an amount not to exceed \$400,000 (\$20,000 annually) for twenty years (subject to annual appropriations).

**BACKGROUND** (continued)

The City shall:

- Conduct annual underbrush removal along the Cottonwood Trail.
- Conduct an annual beautification project to include the planting of various native drought tolerant plant species and trees on specific locations along the Cottonwood Trail and Hamilton Park.
- Work with The Dallas Foundation in identifying potential park amenity replacements for Hamilton Park and portions of the Cottonwood Trail.
- Projected expenses shall not exceed \$20,000 annually.

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

On June 21, 2018, the Park and Recreation Board authorized the preparation of a twenty-year endowment and maintenance agreement with The Dallas Foundation.

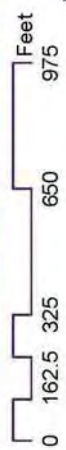
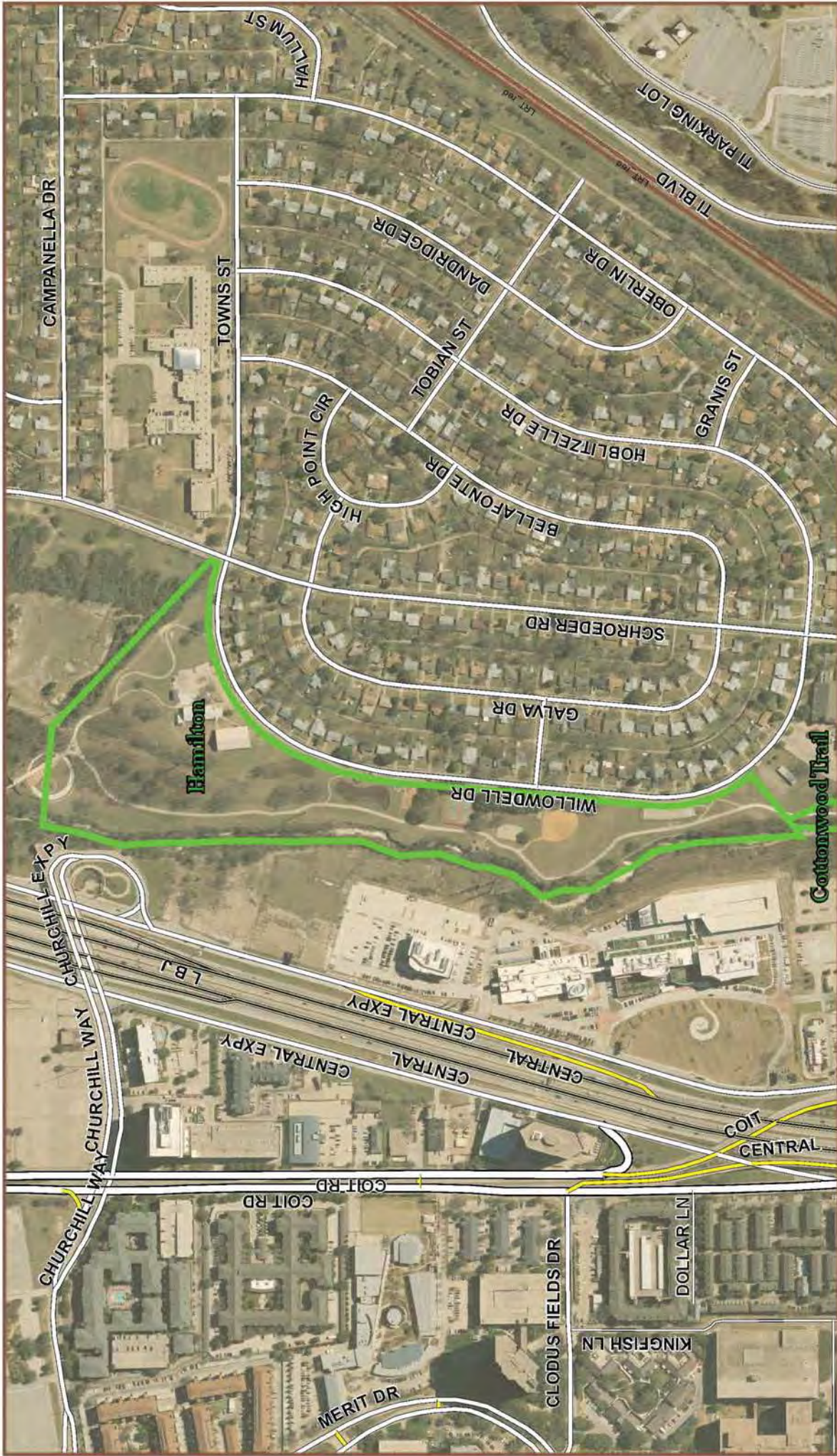
**FISCAL INFORMATION**

No cost consideration to the City.

**MAPS**

Attached





16 T

District  
10

# Hamilton Park 12225 Willowdell Dr



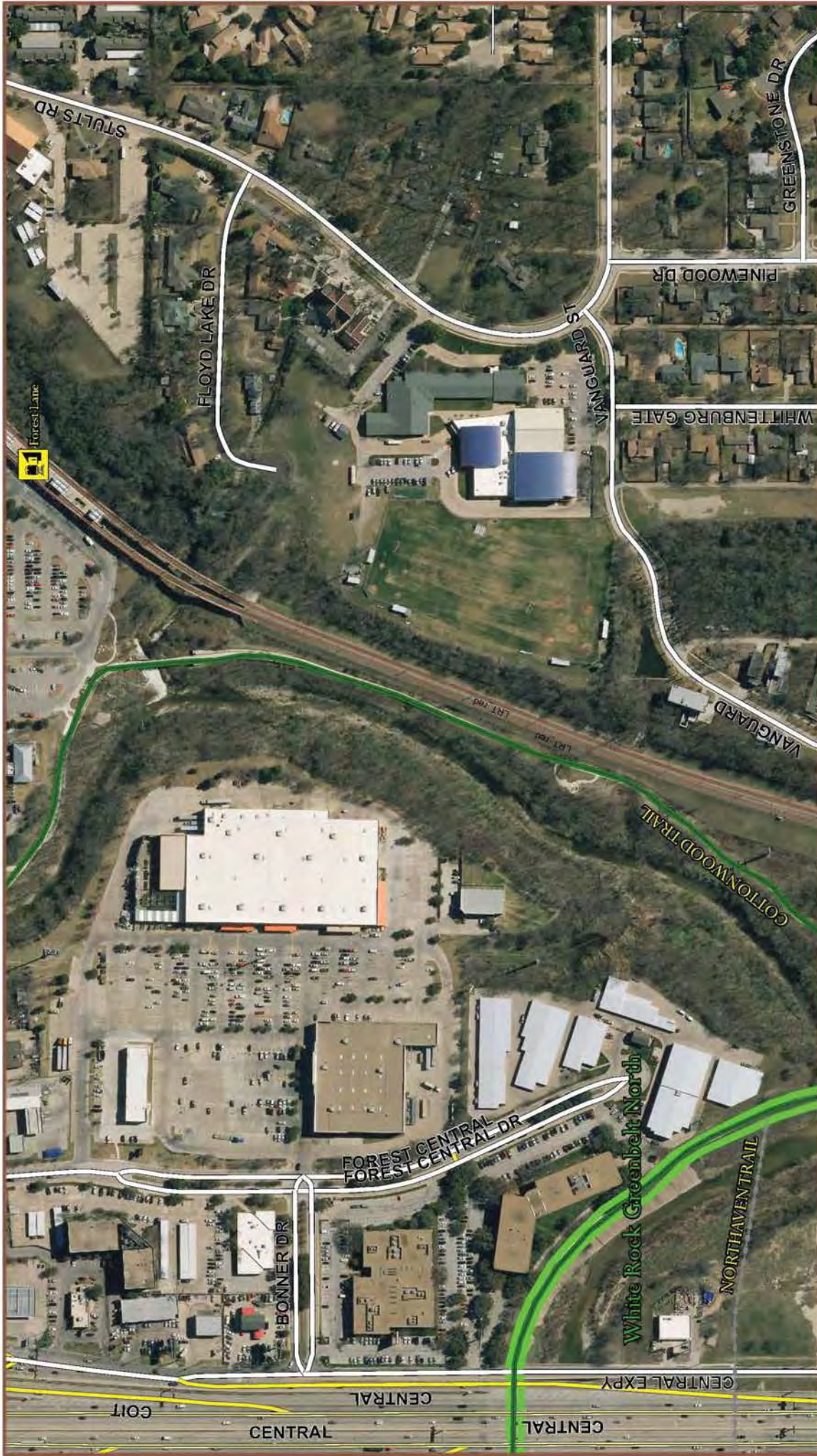


District  
10

Mapsco  
16 P X

# Cottonwood Trail Vanguard St to WRC Trail





District 11  
 Mapsco 16 P X

# Cottonwood Trail Forest Ln to Vanguard St





Districts  
10 and 11

16 P X

# Cottonwood Trail US 75 and Forest Lane



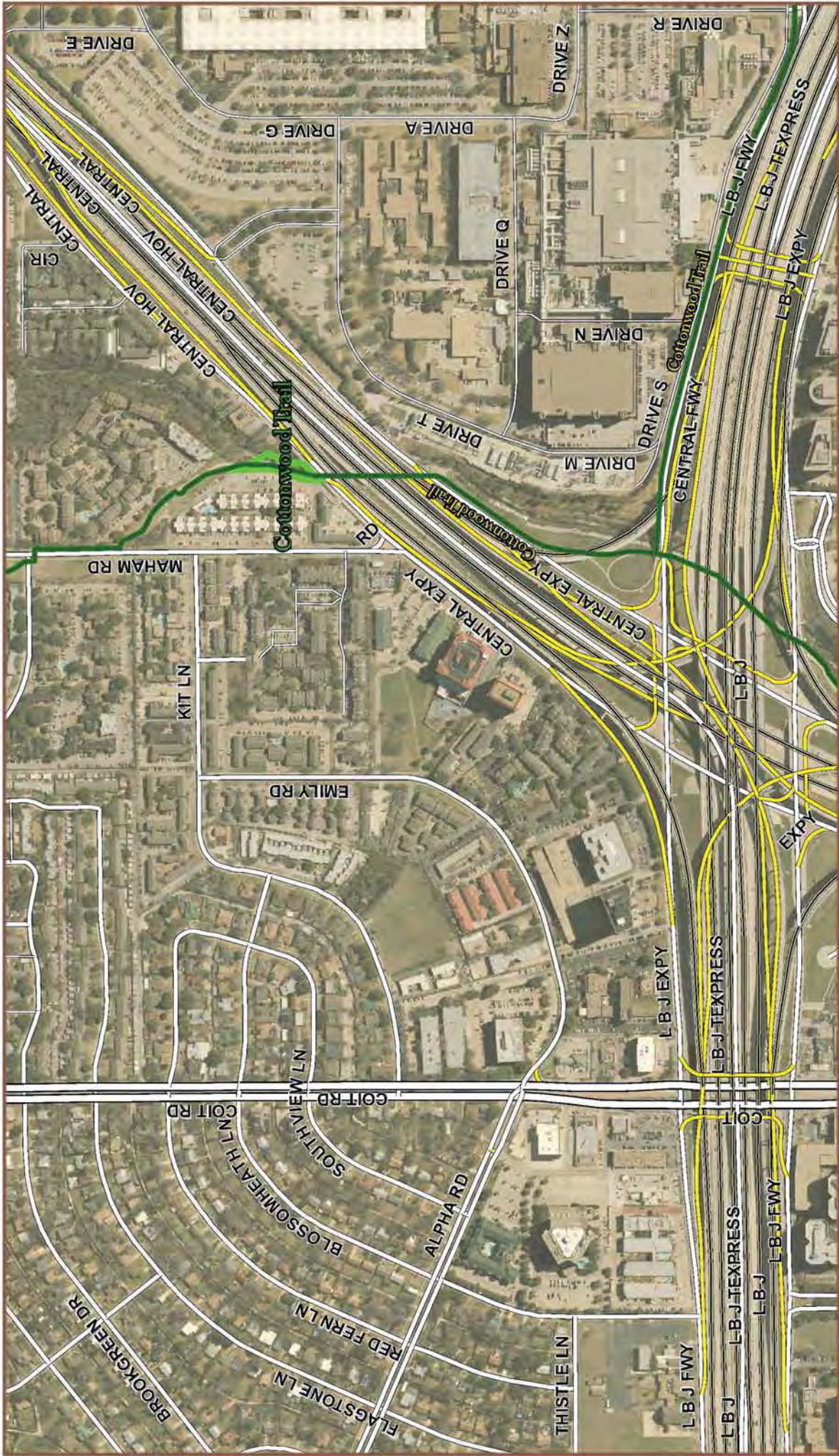


16 P X

Districts  
10 and 11

# Cottonwood Trail US 75 and Forest Lane





16 P X

Districts  
10 and 11

# Cottonwood Trail US 75 and Forest Lane



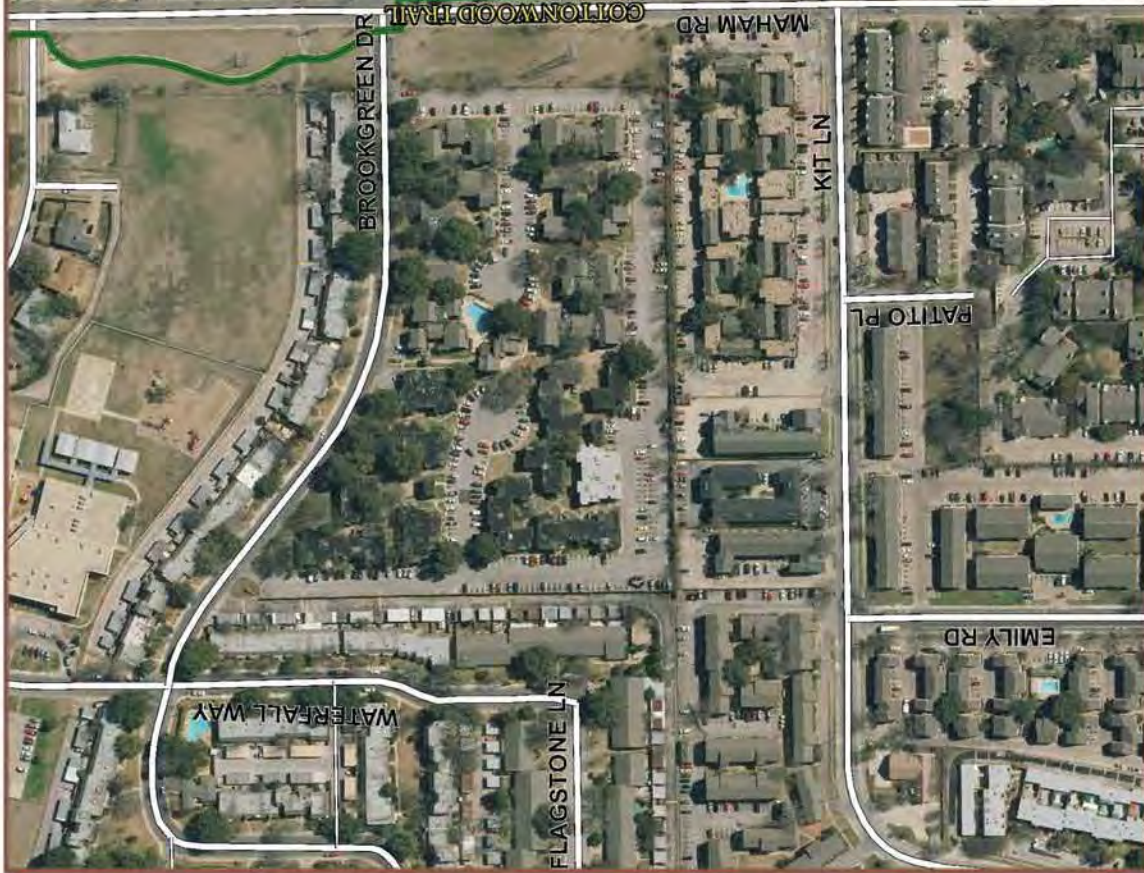
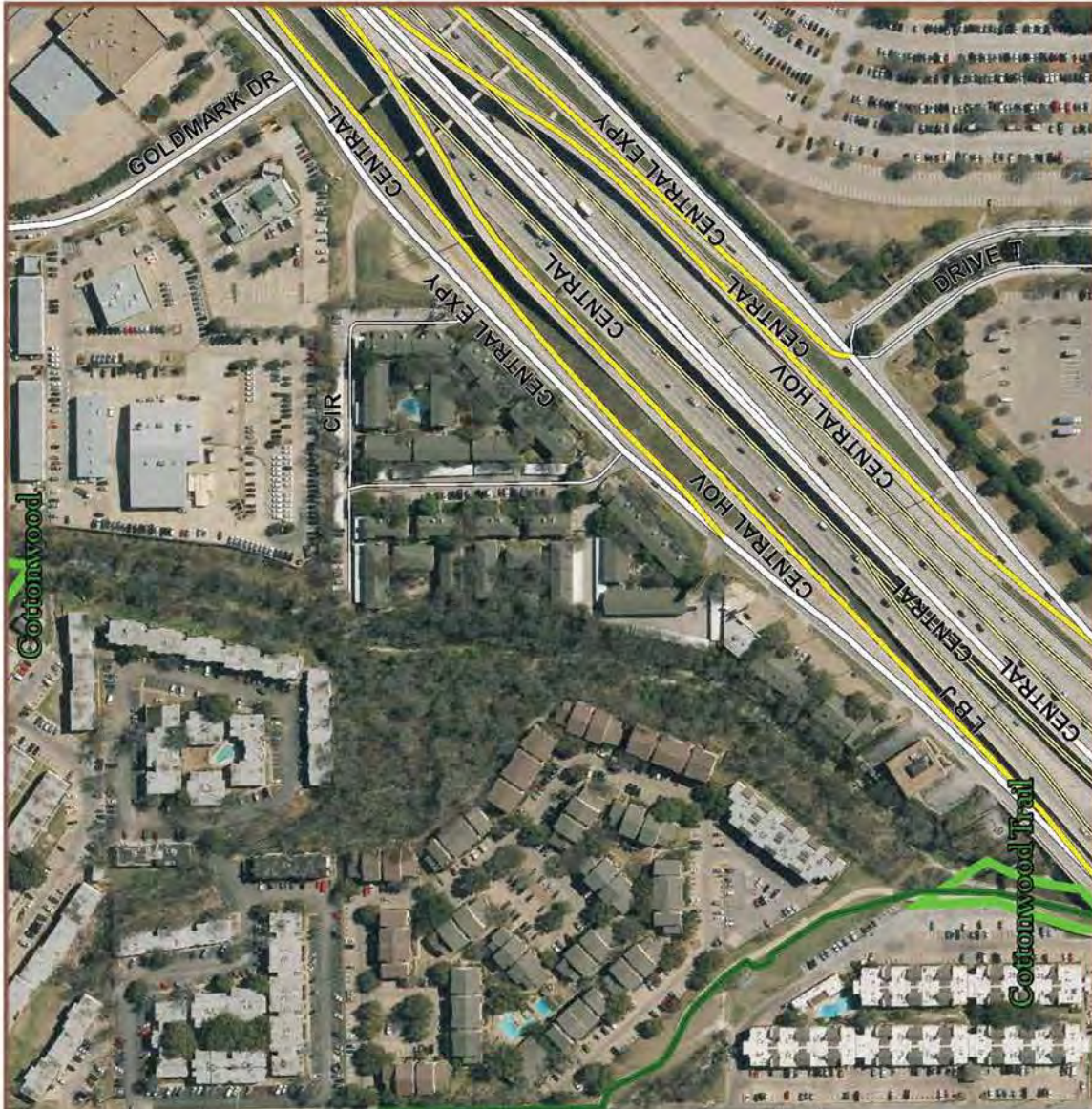


# Cottonwood Trail US 75 to Restland

Mapsco  
16 P X

District  
11



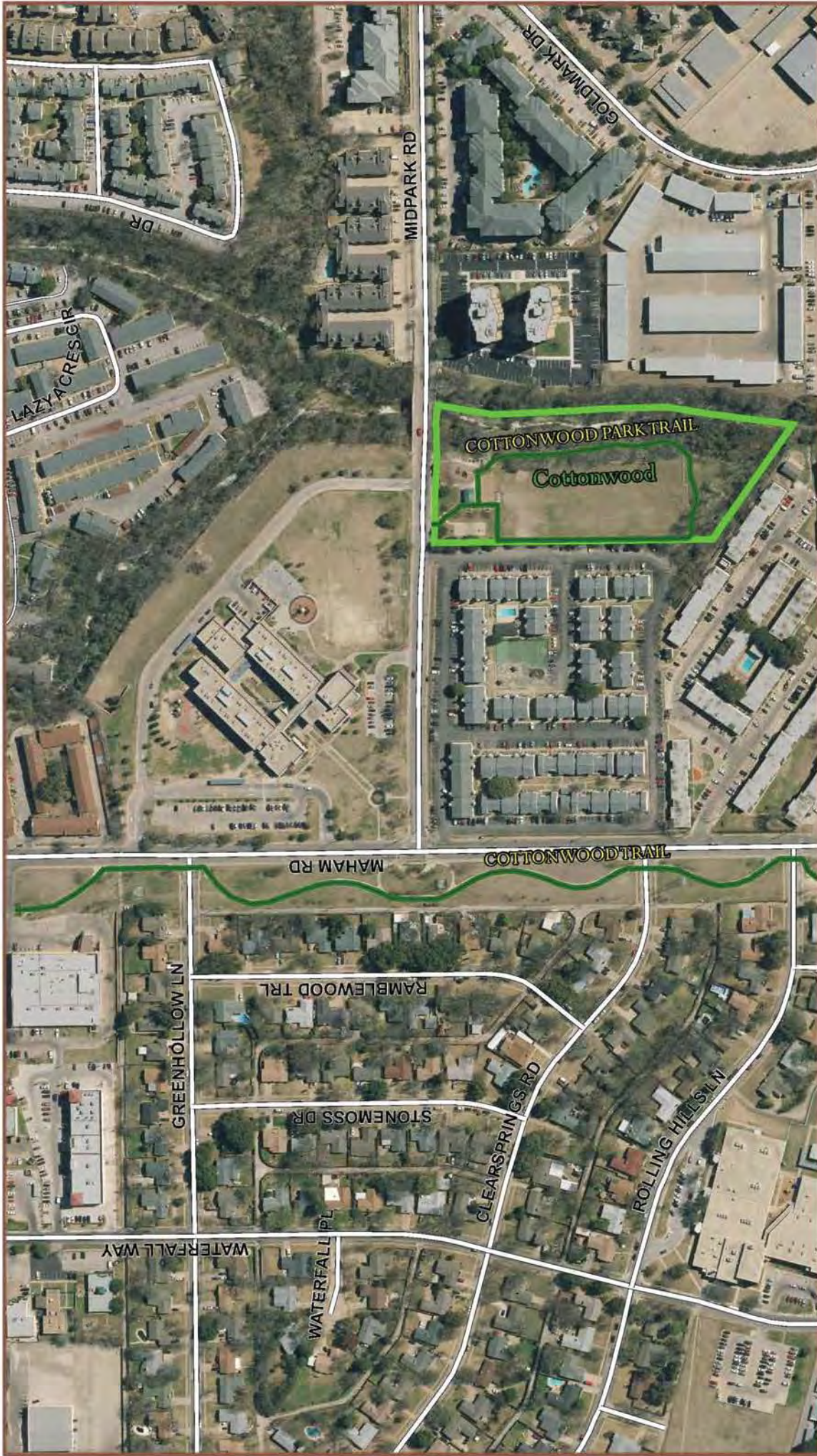


District  
11

Mapsc  
16 P X

# Cottonwood Trail Rolling Hills Ln to US 75





District  
11

Mapsc0  
16 P X

# Cottonwood Trail Northern Terminus to Rolling Hills Ln





August 8, 2018

**WHEREAS**, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

**WHEREAS**, the City of Dallas Park and Recreation Department (City) and The Dallas Foundation desire to enter into a twenty-year endowment and maintenance agreement for annual maintenance and beautification projects for Hamilton Park located at 12225 Willowdell Drive and portions of the Cottonwood Trail; and

**WHEREAS**, The Dallas Foundation shall endow an amount not to exceed \$400,000 (\$20,000 annually) for twenty years (subject to annual appropriations); and

**WHEREAS**, the City desires to have The Dallas Foundation provide maintenance for Hamilton Park and portions of the Cottonwood Trail during the term of the agreement.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a twenty-year endowment and maintenance agreement with The Dallas Foundation, approved as to form by the City Attorney, for annual maintenance and beautification projects for Hamilton Park located at 12225 Willowdell Drive and portions of the Cottonwood Trail.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a twenty-year endowment and maintenance agreement with The Dallas Foundation, approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit endowment funds from The Dallas Foundation in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund, Fund 0641, Department PKR, Unit 5042, Revenue Code 8411.

**SECTION 4.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund, Fund 0641, Department PKR, Unit 5042, Object 3099.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to disburse endowment funds, in an amount not to exceed \$400,000 (\$20,000 annually) from the Park and Recreation Beautification Fund, Fund 0641, Department PKR, Unit 5042, Object 3099, in accordance with the terms and conditions of the endowment and maintenance agreement.

August 8, 2018

**SECTION 6.** That the term of the agreement shall be twenty years and may be terminated for convenience by either party with a ninety-day notice.

**SECTION 7.** That this contract is designated as Contract No. PKR-2018-00006943.

**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.

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

August 8, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Water Utilities Department

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize an amendment to the Memorandum of Agreement entitled “City of Dallas-Tarrant Regional Water District Interlocal Cooperation Contract” with the Tarrant Regional Water District to include technical review support services associated with the United States Army Corps of Engineers Sulphur River Basin feasibility study - Not to exceed \$29,197 - Financing: Water Utilities Current Funds

**BACKGROUND**

The Sulphur River Basin has been identified as an alternate water management strategy in the City’s 2014 Long Range Water Supply Plan, as well as the 2016 Region C Water Plan and the 2017 State Water Plan to meet future needs of Dallas and other area water providers. Dallas along with, North Texas Municipal Water District, Tarrant Regional Water District, Upper Trinity Regional Water District, and the City of Irving have been working with the Sulphur River Basin Authority to determine the feasibility of obtaining water from the Sulphur River Basin.

This item will authorize technical review support services required for the review of the Sulphur River Basin feasibility study being performed by the United States Army Corps of Engineers (USACE). The feasibility study will evaluate the yield, cost, environmental and social effects of the identified alternatives, providing the USACE the information needed to choose the tentative selected plan (TSP), for the Sulphur River Basin study. The planned cost for these services is \$100,000, with Dallas’ share being \$29,197.

The City benefits from this regional cooperation by leveraging its financial contributions with the other regional water providers to develop more detailed data and analysis of potential regional water supply options. It is important that Dallas continues to be a part of the regional process to determine the availability of water resources from the Sulphur River Basin, to determine the feasibility of developing water supplies in this basin to meet our future needs, and also to continue the opportunity to achieve significant cost savings through the joint development of a water supply project including pipelines, infrastructure and facilities with other area water providers.



## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On March 28, 2007, City Council authorized a Memorandum of Agreement between Dallas and the Tarrant Regional Water District by Resolution No. 07-1001.

On October 22, 2008, City Council authorized an amendment to the Memorandum of Agreement entitled "City of Dallas-Tarrant Regional Water District Interlocal Cooperation Contract" with the Tarrant Regional Water District by Resolution No.08-2916.

On November 10, 2010, City Council authorized a Second Amendment to the Interlocal Cooperation Contract (ICC) with Tarrant Regional Water District (TRWD) to include a "Fair Opportunities Purchasing/Contracting Policy" and to approve Dallas' share of costs for preliminary engineering work for raw water transmission facilities from Lake Palestine to the City of Dallas, pursuant to Dallas' Long Range Water Supply Plan by Resolution No.10-2839.

On April 10, 2013, City Council authorized the Dallas Water Utilities Department to participate with other area water providers to determine the feasibility of obtaining water from the Sulphur River Basin by Resolution No. 13-0634.

On October 8, 2014, City Council adopted the recommended strategies, alternate strategies and the infrastructure recommendations identified in the Dallas 2014 Long Range Water Supply by Resolution No. 14-1696.

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

## **FISCAL INFORMATION**

Water Utilities Current Funds - \$29,197

August 8, 2018

**WHEREAS**, the City needs to obtain and connect additional water supply in order to meet the future needs of the citizens and customers of Dallas; and

**WHEREAS**, the Sulphur River Basin has been identified as an alternate water management strategy in Dallas' 2014 Long Range Water Supply Plan and the 2017 State Water Plan; and

**WHEREAS**, the City of Dallas-Tarrant Regional Water District Interlocal Cooperation Contract establishes a working relationship with Tarrant Regional Water District (TRWD) to jointly evaluate water supply strategies; and

**WHEREAS**, Dallas and TRWD, along with others are working with the Sulphur River Basin Authority (SRBA) who is working with the United States Army Corps of Engineers (USACE) in preparing a feasibility study to develop a solid base of information regarding the potential yield, total cost (investment cost and annual cost), and environmental and social effects on identified alternatives; and

**WHEREAS**, Dallas and TRWD are in need of technical support services for the review of the USACE Sulphur River Basin feasibility study, total yield, total cost, and environmental and social effects on identified alternatives; and

**WHEREAS**, technical support services for the review of the USACE feasibility study, total yield, total cost, and environmental and social effects on identified alternatives are being shared between Dallas, TRWD and others.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign an amendment to the Memorandum of Agreement entitled "City of Dallas-Tarrant Regional Water District Interlocal Cooperation Contract" with the Tarrant Regional Water District to include technical review support services associated with the United States Army Corps of Engineers Sulphur River Basin feasibility study in the amount of \$29,197.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay an amount not to exceed \$29,179 to Tarrant Regional Water District from the Water Utilities Current Fund, Fund 0100, Department DWU, Unit 7030, Object 3070, Encumbrance/Contract CX-DWU-2018-00006274, Vendor 510851.

**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.



**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** All, Outside City Limits

**DEPARTMENT:** Water Utilities Department

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** All

---

**SUBJECT**

Authorize a three-year service contract for internal pipe repair of large diameter reinforced concrete water mains - Structural Preservation Systems, LLC, most advantageous proposer of two - Not to exceed \$10,033,920 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations)

**BACKGROUND**

This action will authorize a three-year service contract for the rehabilitation of large diameter reinforced concrete water mains with Structural Preservation Systems, LLC. Dallas Water Utilities operates and maintains approximately 5,000 miles of water pipelines, including 577 miles of large diameter concrete mains. Mains in need of rehabilitation are identified through condition assessments programs and scheduled for repairs to ensure the integrity of the water delivery system.

This contract will enable Dallas Water Utilities to rehabilitate large diameter reinforced concrete pipelines internally with a carbon fiber strengthening system. The system is comprised of high-strength carbon fibers saturated in epoxy, applied both longitudinally and circumferentially, forming a composite lining with the existing host pipe structure. These thin, low-profile laminates provide a fully structural system, restoring complete functional capacity of the pipeline and extending the life of asset. The installation of carbon fiber requires no excavation with minimum downtime and impact to operations and service delivery.

Structural Preservation Systems, LLC has had no completed contractual activities with the City of Dallas in the past three years.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	September 2018
Complete Construction	August 2021

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

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$10,033,920.00 (subject to annual appropriations)

First Year - (2018 - 2019)	\$ 3,500,000.00
Second Year - (2019 - 2020)	\$ 3,500,000.00
Third Year - (2020 - 2021)	<u>\$ 3,033,920.00</u>
Total Project Cost	\$10,033,920.00

**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$10,033,920.00	Construction	25.00%	10.00%	\$1,003,392.00

- This contract does not meet the goal of 25.00%, but complies with good faith efforts

**PROPOSAL INFORMATION**

The following proposals were received on February 9, 2018 from solicitation number CIZ1685. This service contract is being awarded in its entirety to the most advantageous proposer.

\*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Structural Preservation Systems, LLC	10150 Old Columbia Road Columbia, MD 21046	83
Fibrwrap Construction Services, Inc.	17988 Edison Avenue Chesterfield, MO 63005	79

**PROPOSAL INFORMATION** (continued)

Structural Preservation Systems, LLC was selected as the most qualified firm following a qualification based selection in accordance with established City Procurement guidelines.

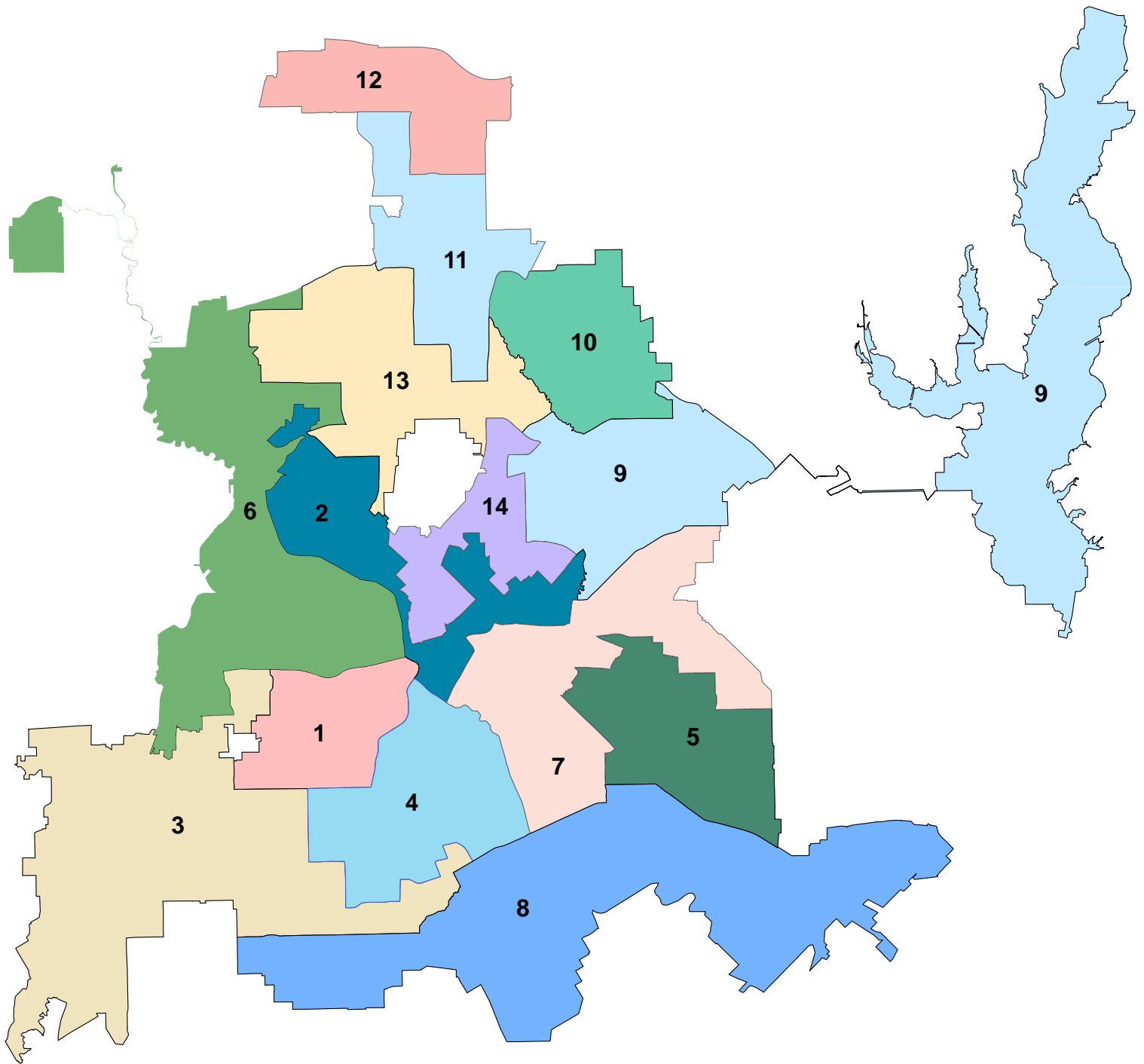
**OWNER**

**Structural Preservation Systems, LLC**

Peter H. Emmons, President  
Scott Greenhaus, Executive Vice-President  
Michael Szoke, Assistant Secretary

**MAP**

Attached



**Dallas Water Utilities  
CIZ1695  
Internal Repair of Large Concrete Water Main  
Pipes With Carbon Fiber or Hybrid FRP/Steel**



August 8, 2018

**WHEREAS**, the City desires to enter into a service contract with Structural Preservation Systems, LLC, most advantageous proposer of two, for internal pipe repair of large diameter reinforced concrete water mains, in an amount not to exceed \$10,033,920.00.

**Now, Therefore,**

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

**SECTION 1.** That the proposal submitted by Structural Preservation Systems, LLC, in the amount of \$10,033,920.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. CIZ1695, be accepted.

**SECTION 2.** That the City Manager is hereby authorized to sign a service contract with Structural Preservation Systems, LLC, approved as to form by the City Attorney, for internal pipe repair of large diameter concrete water mains, in an amount not to exceed \$10,033,920.00.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$10,033,920.00 (subject to annual appropriations) to Structural Preservation Systems, LLC from the Water Construction Fund, Fund 0102, Department DWU, Unit CW50, Object 3110, Program 718469, Encumbrance/Contract No. CX-DWU-2018-00006341, Vendor VS0000060039.

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



**AGENDA ITEM # 36**

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

August 8, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Water Utilities Department  
Department of Trinity Watershed Management

**CMO:**

Majed Al-Ghafry, 670-3302  
T.C. Broadnax, 670-3297

**MAPSCO:**

All

---

**SUBJECT**

Authorize a three-year construction contract for pavement and infrastructure repairs at various locations throughout the city - NPL Construction Co., in the amount of \$20,527,343 and Vescorp Construction, LLC, in the amount of \$7,399,800, lowest responsible bidders of five - Total not to exceed \$27,927,143 - Financing: Water Utilities Capital Construction Funds (\$20,527,343) and Stormwater Drainage Management Current Funds (\$7,399,800) (subject to annual appropriations)

**BACKGROUND**

This action will authorize pavement and infrastructure repairs at various locations throughout the city supporting Dallas Water Utilities and Trinity Watershed Management. Dallas Water Utilities will utilize this construction contract for pavement and surface repairs to streets, alleys, sidewalks, medians, parkways, parking lots and other areas resulting from water and wastewater main repairs. Trinity Watershed Management will utilize this construction contract for the repair and construction of maintenance roads, trails, concrete bank and channel armoring, storm water structural repairs, channelization, and other maintenance repair needs.

The existing construction contract for pavement and infrastructure repairs is set to expire and is anticipated to be exhausted of funds in September 2018.

**BACKGROUND** (continued)

The following chart illustrates NPL Construction Co.'s contractual activities with the City of Dallas for the past three years:

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

The following chart illustrates Vescorp Construction, LLC's contractual activities with the City of Dallas for the past three years:

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

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction      September 2018  
Complete Construction   September 2021

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

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$20,527,342.65 (subject to annual appropriations)

Stormwater Drainage Management Current Funds - \$7,399,800.00 (subject to annual appropriations)

## **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$27,927,142.65	Construction	25.00%	45.61%	\$12,736,909.06

- This contract exceeds the goal of 25.00%

## **BID INFORMATION**

The following bids with quotes were opened on May 25, 2018:

\*Denotes successful bidder

### **Bidders**

### **Bid Amounts**

#### **Schedule "A" - Dallas Water Utilities**

*NPL Construction Co.	\$20,527,342.65
Johnson Bros. Corporation, a Southland Company	\$23,059,223.65
Ragle, Inc.	\$24,402,384.30
Texas Standard Construction, LTD	\$30,310,245.37

#### **Schedule "B" - Trinity Watershed Management**

*Vescorp Construction, LLC	\$ 7,399,800.00
NPL Construction Co.	\$ 7,572,180.00
Johnson Bros. Corporation, a Southland Company	\$ 7,871,500.00
Ragle, Inc.	\$ 9,232,300.00

## **OWNER**

### **NPL Construction Co.**

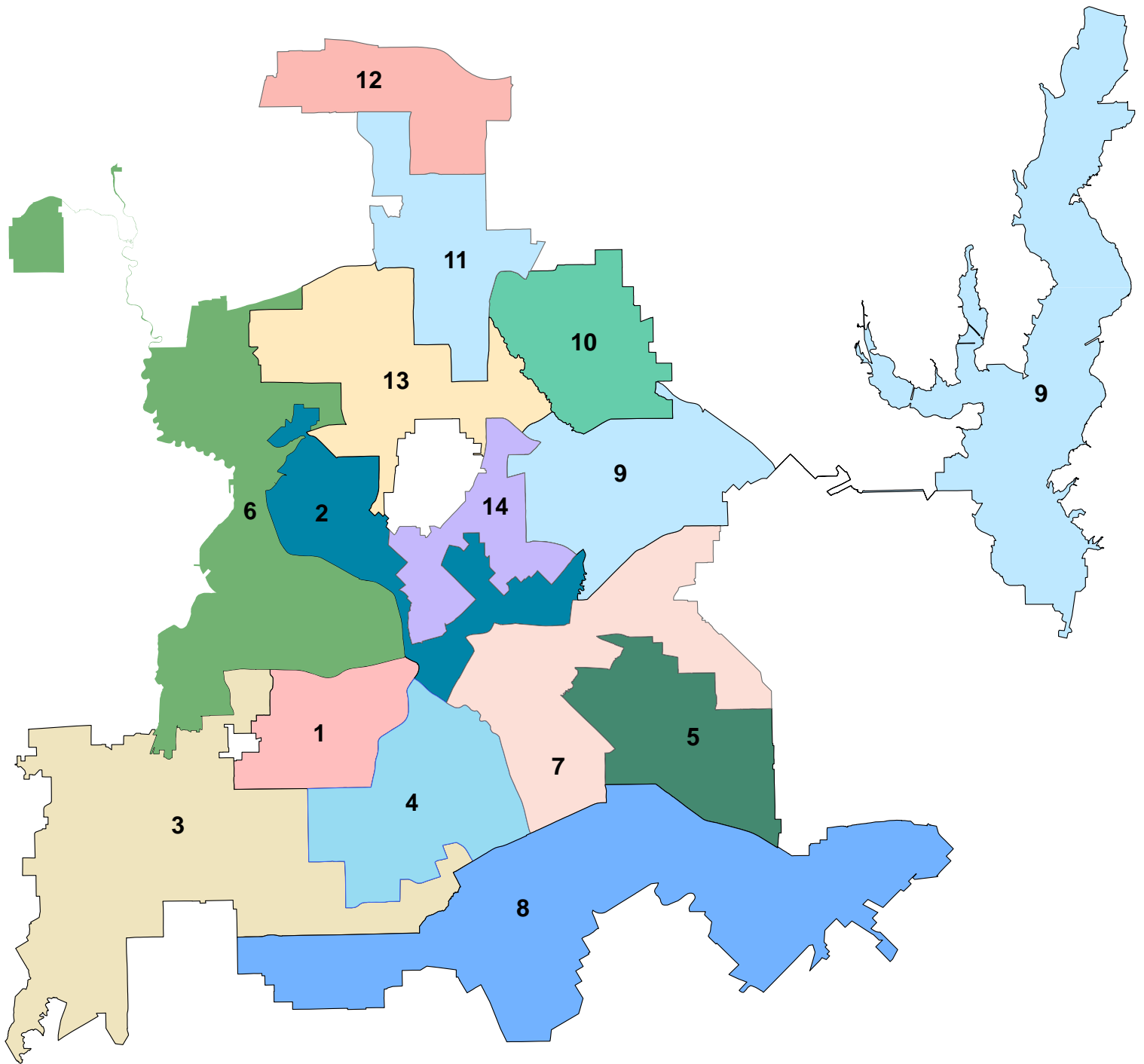
Paul M. Daily, Chairman and Chief Executive Officer  
Mark S. Wambach, President

### **Vescorp Construction, LLC**

Hugo Chavez, President

## **MAP**

Attached



**Dallas Water Utilities and  
Trinity Watershed Management  
Paving and Infrastructure Repairs  
at Various Locations**

August 8, 2018

**WHEREAS**, on May 25, 2018, bids were received for pavement and infrastructure repairs at various locations throughout the city, listed as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
<u>Schedule "A" - Dallas Water Utilities</u>	
NPL Construction Co.	\$20,527,342.65
Johnson Bros. Corporation, a Southland Company	\$23,059,223.65
Ragle, Inc.	\$24,402,384.30
Texas Standard Construction, LTD	\$30,310,245.37
<u>Schedule "B" - Trinity Watershed Management</u>	
Vescorp Construction, LLC	\$ 7,399,800.00
NPL Construction Co.	\$ 7,572,180.00
Johnson Bros. Corporation, a Southland Company	\$ 7,871,500.00
Ragle, Inc.	\$ 9,232,300.00

**WHEREAS**, the bids submitted by NPL Construction Co., 2159 South Shiloh Road, Suite 4, Garland, Texas 75041, in the amount of \$20,527,342.65 and Vescorp Construction, LLC, 2405 South Peachtree Road, Balch Springs, Texas 75180, in the amount of \$7,399,800.00 are the lowest and best of all bids received.

**Now, Therefore,**

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

**SECTION 1.** That the bids submitted by NPL Construction Co., for Schedule A, in the amount of \$20,527,342.65 and Vescorp Construction, LLC, for Schedule B, in the amount of \$7,399,800.00 for doing the work covered by the plans, specifications, and contract documents, be accepted.

**SECTION 2.** That the City Manager is hereby authorized to sign a three-year construction contract with NPL Construction Co., approved as to form by the City Attorney, for pavement and infrastructure repairs at various locations throughout the city, in an amount not to exceed \$20,527,342.65.

**SECTION 3.** That the City Manager is hereby authorized to sign a three-year construction contract with Vescorp Construction, LLC, approved as to form by the City Attorney, for pavement and infrastructure repairs at various locations throughout the city, in an amount not to exceed \$7,399,800.00.



August 8, 2018

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$27,927,142.65 to NPL Construction Co. and Vescorp Constuction, LLC, as follows:

Water Capital Construction Fund Fund 0102, Department DWU, Unit CW50 Object 3221, Program 7WPAVING, Vendor 335435 Encumbrance/Contract No. CX-DWU-2018-00007017	\$16,079,052.85
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS50 Object 3222, Program 7TPAVING, Vendor 335435 Encumbrance/Contract No. CX-DWU-2018-00007017	\$ 4,448,289.80
Stormwater Drainage Management Fund Fund 0061, Department SDM, Unit 4792 Object 3099, Vendor VS89922 Encumbrance/Contract No. CX-TWM-2018-00007022	<u>\$ 7,399,800.00</u>
Total amount not to exceed	\$27,927,142.65

**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.

**AGENDA ITEM # 37**

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Water Utilities Department

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 56 J

---

**SUBJECT**

Authorize a construction contract for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed \$8,849,540 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This action consists of major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant. The project includes the demolition and installation of seven bar screens at the Dallas and White Rock Headworks to improve reliability and safety, replacement of switchgear and transformers at six locations to improve electrical efficiency, concrete wall repairs, as well as the rehabilitation of the West Bank Interceptor structure. The work also includes security entrance gate improvements and driveway expansion, along with the installation of a new storage canopy.

This project was recommended in the 2010 Wastewater Treatment Facilities Strategic Plan.

The following chart illustrates Archer Western Construction, LLC's contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TWM</u>
Projects Completed	0	5	0	0
Change Orders	0	3	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	November 2016
Completed Design	March 2018
Begin Construction	October 2018
Complete Construction	September 2020

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 28, 2016, City Council authorized an engineering contract with MWH Americas, Inc. to provide engineering services for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant by Resolution No. 16-1589.

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

## **FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$8,849,540.00

Design	\$ 1,768,000.00
Construction (this action)	<u>\$ 8,849,540.00</u>
Total Project Cost	\$10,617,540.00

## **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$8,849,540.00	Construction	25.00%	25.91%	\$2,293,111.00

- This contract exceeds the M/WBE goal of 25.00%

**BID INFORMATION**

The following two bids with quotes were opened on May 25, 2018:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
*Archer Western Construction, LLC 1411 Greenway Drive Irving, Texas 75038	\$ 8,849,540.00
Crescent Constructors, Inc.	\$10,477,000.00

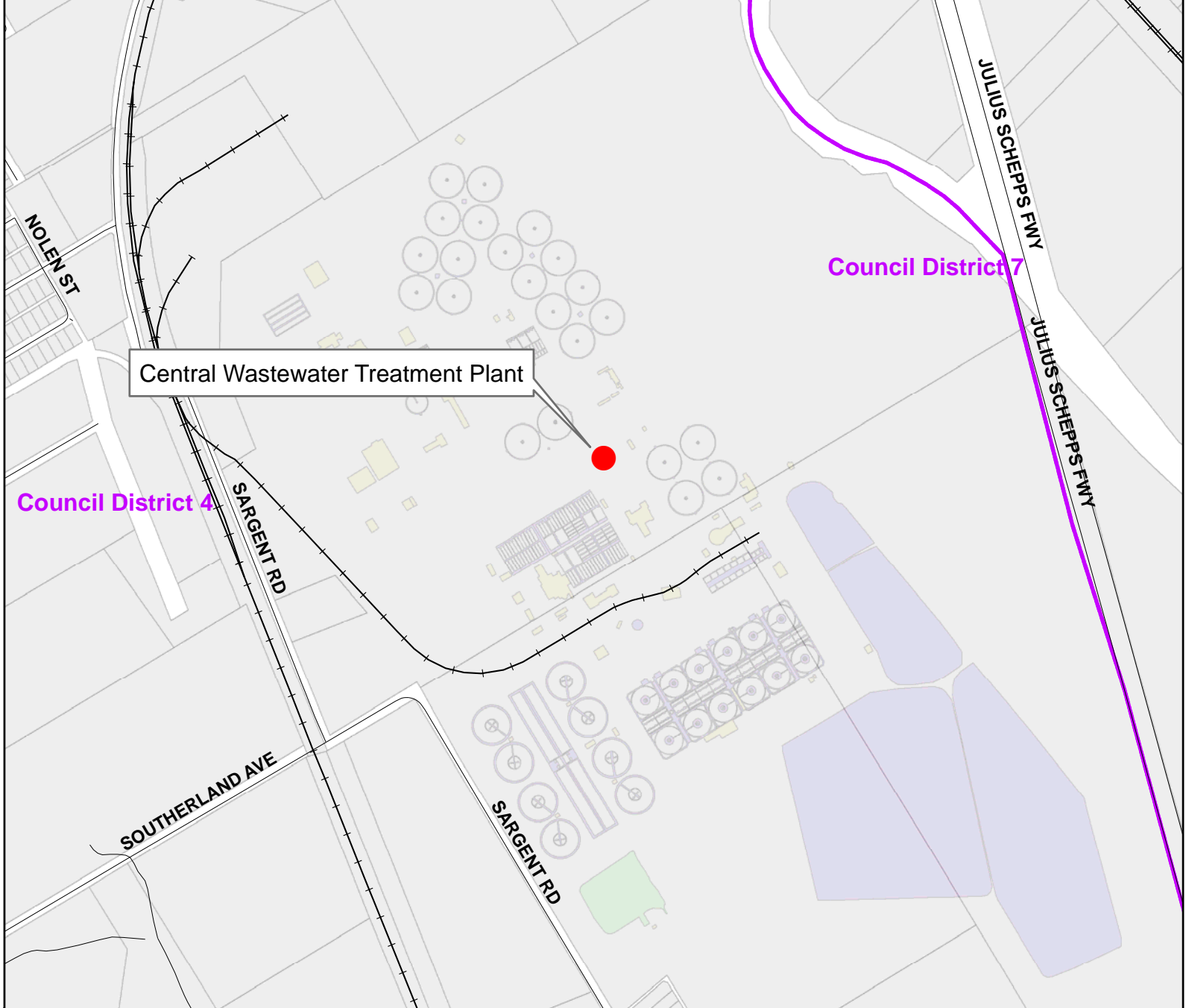
**OWNER**

**Archer Western Construction, LLC**

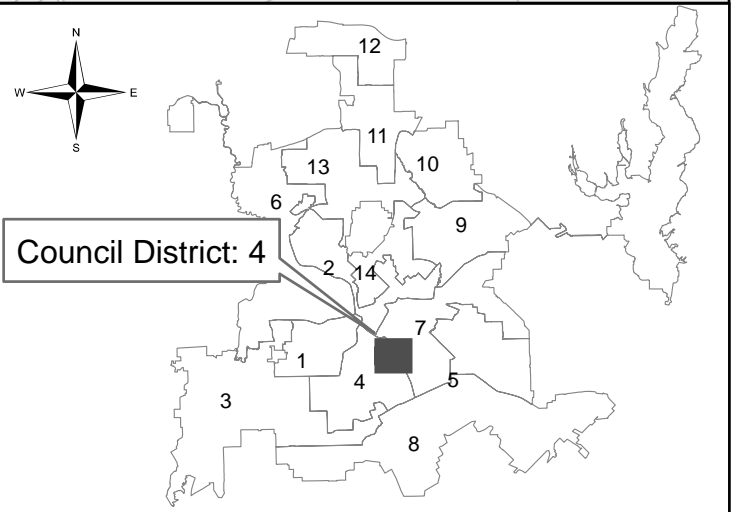
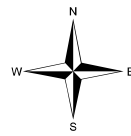
Daniel P. Walsh, President  
Matthew M. Walsh IV, Secretary

**MAP**

Attached



Mapsc0: 56 J



**Dallas Water Utilities  
 Contract No. 18-002  
 Central Wastewater Treatment Plant  
 Major Maintenance Improvements**

August 8, 2018

**WHEREAS**, on May 25, 2018, two bids were received for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant, Contract No. 18-002, listed as follows:

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
Archer Western Construction, LLC	\$ 8,849,540.00
Crescent Constructors, Inc.	\$10,477,000.00

**WHEREAS**, the bid submitted by Archer Western Construction, LLC, 1411 Greenway Drive, Irving, Texas 75038, in the amount of \$8,849,540.00, is the lowest and best of all bids received.

**Now, Therefore,**

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

**SECTION 1.** That the bid submitted by Archer Western Construction, LLC, in the amount of \$8,849,540.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 18-002, be accepted.

**SECTION 2.** That the City Manager is hereby authorized to sign a construction contract with Archer Western Construction, LLC, approved as to form by the City Attorney, for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant, in an amount not to exceed \$8,849,540.00.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$8,849,540.00 to Archer Western Construction, LLC from the Wastewater Utilities Capital Improvement Fund, Fund 2116, Department DWU, Unit PS30, Object 4330, Program 718002, Encumbrance/Contract No. CX-DWU-2018-00006752, Vendor VS0000064407.

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





**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 2, 4, 5, 6, 7, 8, 14

**DEPARTMENT:** Water Utilities Department  
Department of Public Works

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** Various

---

**SUBJECT**

Authorize a construction contract for the installation of water and wastewater mains at 29 locations (list attached) - RKM Utility Services, Inc., lowest responsible bidder of six - Not to exceed \$12,958,703 - Financing: Water Utilities Capital Improvement Funds (\$12,635,918) and Street and Alley Improvement Funds (\$322,785)

**BACKGROUND**

This action consists of the replacement and rehabilitation of approximately 46,996 feet of water and wastewater mains. This includes the installation of approximately 40 feet of 4-inch, 1,052 feet of 6-inch, 22,505 feet of 8-inch and 4,749 feet of 12-inch water mains, and the installation of approximately 13,248 feet of 8-inch, 1,663 feet of 10-inch, 1,780 feet of 12-inch, 502 feet of 15-inch and 1,457 feet of 16-inch wastewater mains.

The existing water and wastewater mains were built between 1916 and 1978. These mains are contributing to an increase in maintenance costs, as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

The Department of Public Works and the Water Utilities Department have partnered together on this project to provide additional paving at locations where street conditions warrant complete replacement in lieu of paving replacement for only the water and wastewater improvements. The additional paving will provide a better quality product at completion and address multiple needs with one project.

**BACKGROUND** (continued)

The following chart illustrates RKM Utility Services, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TWM</u>
Projects Completed	1	1	0	1
Change Orders	2	0	0	1
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	November 2013
Completed Design	January 2018
Begin Construction	September 2018
Complete Construction	September 2020

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

On September 11, 2013, City Council authorized a professional services contract with Lim & Associates, Inc. to provide design services for the replacement and rehabilitation of water and wastewater mains at 25 locations by Resolution No. 13-1582.

On December 10, 2014, City Council authorized an engineering services contract with Garver, LLC to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 18 locations by Resolution No. 14-2127.

On September 28, 2016, City Council authorized an engineering services contract with Lim & Associates, Inc. to provide design services for the replacement and rehabilitation of water and wastewater mains at 27 locations by Resolution No. 16-1588.

On December 14, 2016, City Council authorized an engineering services contract with Huitt-Zollars, Inc. to provide design services for the replacement and rehabilitation of water and wastewater mains at 32 locations by Resolution No. 16-1946.

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

## **FISCAL INFORMATION**

Street and Alley Improvement Funds - \$322,784.50  
Water Utilities Capital Improvement Funds - \$12,635,917.75

Design \$ 685,926.00  
Construction (this action) \$12,958,702.25

Total Project Cost \$13,644,628.25

<b><u>Council District</u></b>	<b><u>Amount</u></b>
2	\$ 683,560.00
4	\$ 6,004,822.25
5	\$ 1,473,280.00
6	\$ 365,080.00
7	\$ 3,766,600.00
8	\$ 544,035.00
14	<u>\$ 121,325.00</u>
Total	\$12,958,702.25

## **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$12,958,702.25	Construction	25.00%	27.75%	\$3,596,540.17

- This contract exceeds the M/WBE goal of 25.00%

## **BID INFORMATION**

The following six bids with quotes were opened on April 20, 2018:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
*RKM Utility Services, Inc. 2105 Waterview Parkway Richardson, Texas 75080	\$12,958,702.25

**BID INFORMATION** (continued)

**Bidders**

**Bid Amount**

Atkins Brothers Equipment Company, Inc.	\$13,671,756.10
Camino Construction, L.P.	\$14,455,469.50
John Burns Construction Company of Texas, Inc.	\$14,958,036.00
Ark Contracting Services, LLC	\$15,262,347.00
SYB Construction Company, Inc.	\$16,679,799.50

**OWNER**

**RKM Utility Services, Inc.**

Ryan Dowdy, President and Owner  
Bryan Piper, Vice-President

**MAPS**

Attached

## **Water and Wastewater Main Installations**

### **District 2**

Haggar Way from Mockingbird Lane to Lemmon Ave

### **District 4**

Alley between Alabama Avenue and Ramsey Avenue from Ohio Avenue north  
Alley between Ewing Avenue and Harlandale Avenue from Hobson Avenue to Saner Avenue  
Alley between Ewing Avenue and Harlandale Avenue from Illinois Avenue to Elmore Avenue  
Alley between Ewing Avenue and Harlandale Avenue from Illinois Avenue north  
Avenue F from 11th Street to Sanderson Avenue  
Avenue G from 11th Street to Sanderson Avenue  
Denley Drive from Garza Avenue south  
Ewing Avenue from Kiest Boulevard to Graceland Avenue  
Ewing Avenue from Vermont Avenue to Genoa Avenue  
Illinois Avenue from Fordham Road southeast  
Moffatt Avenue from Aztec Drive southwest  
Scotland Drive from Sunnyvale Street to Tacoma Street

### **District 5**

Alley between Woodcastle Drive and Craige Drive from Prairie Creek Road west  
Woodcastle Drive from Prairie Creek Road to Craige Drive

### **District 6**

Irving Boulevard from Top Line Drive to Apricot Street

### **District 7**

Alley west of Rustown Drive from Inadale Avenue to Oates Drive  
Good Latimer Expressway from DART rail to Logan Street  
Gross Road from Peavy Road east  
Inez Street from Brigham Lane to Marder Street  
K Street from Good Latimer Expressway southwest  
Martin Luther King Jr. Boulevard from Malcolm X Boulevard to Meadow Street  
Pennsylvania Avenue from JB Jackson Jr. Boulevard southwest  
Pennsylvania Avenue from Latimer Street to Malcolm X Boulevard  
Pennsylvania Avenue from Meyers Street to Trunk Avenue  
Stephenson Street from Bexar Street to Inez Street

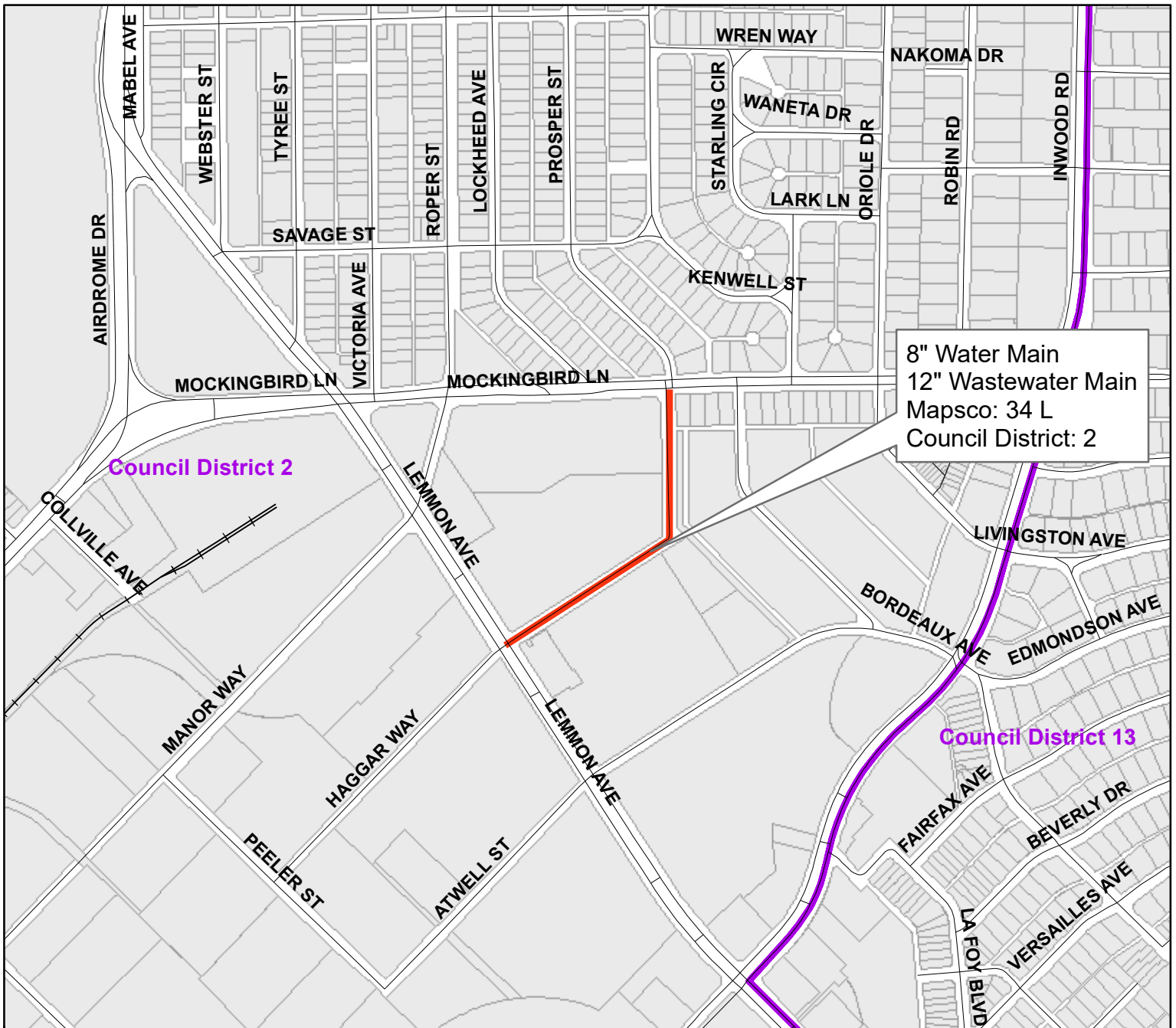
**Water and Wastewater Main Installations**  
**Page 2**

**District 8**

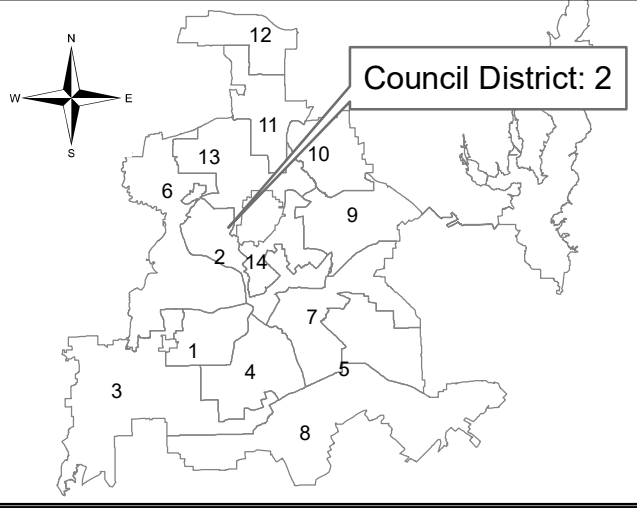
Lenosa Lane from Parkcliff Drive to Belt Line Road  
Parkcliff Drive from Kleberg Road to Lenosa Lane

**District 14**

Alley between Morningside Avenue and McCommas Boulevard from Skillman Street  
to Clements Street

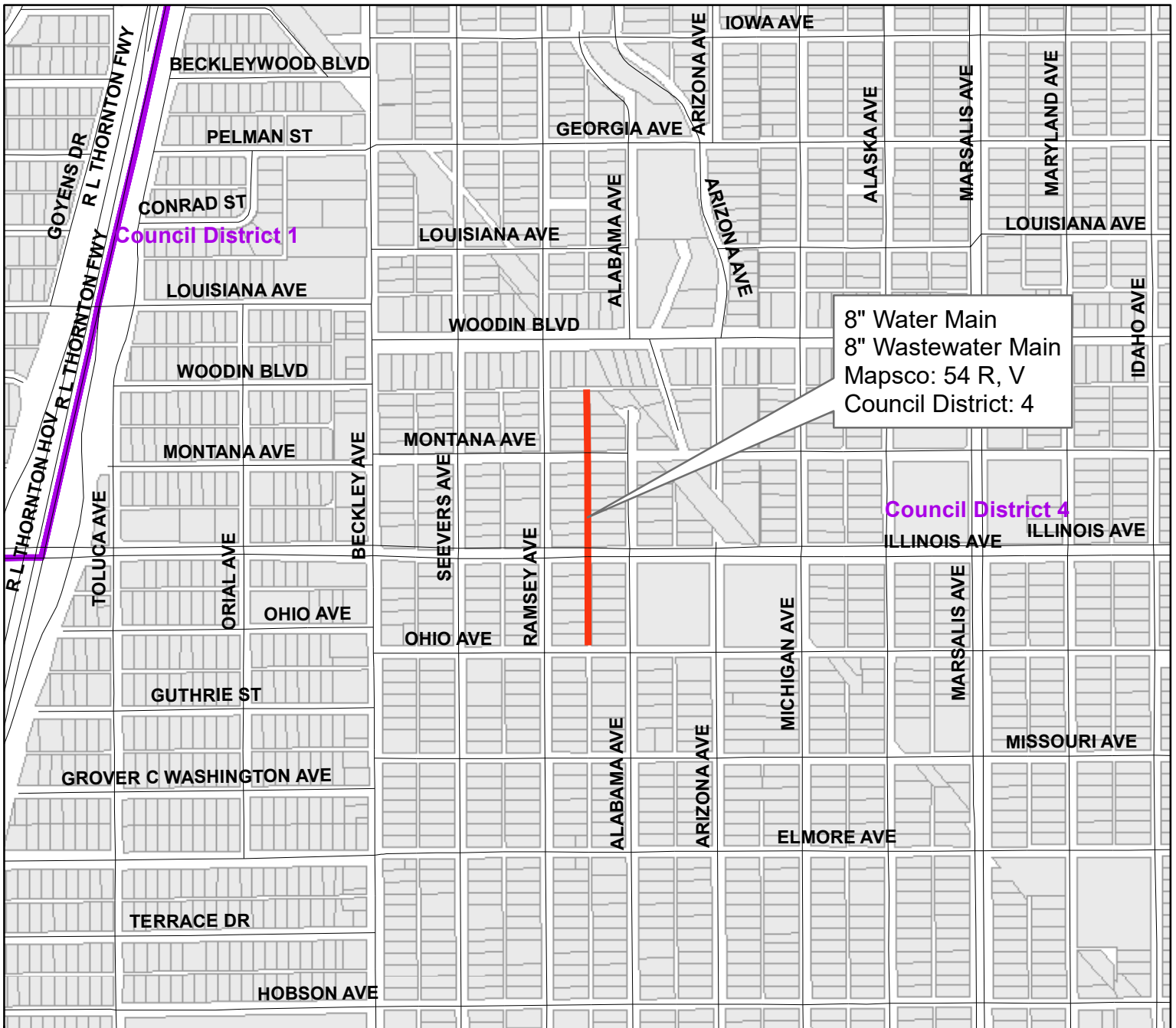


Haggar Way  
from Mockingbird Lane to Lemmon Avenue

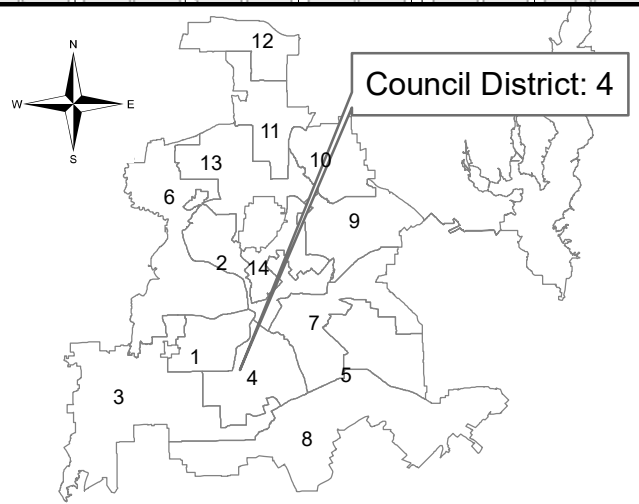


**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**





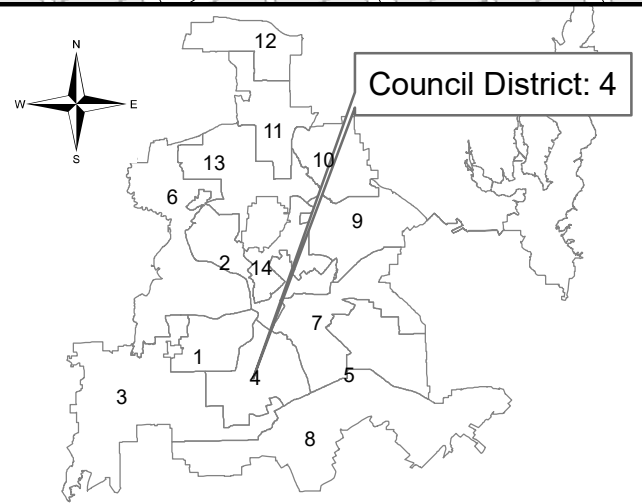
Alley between Alabama Avenue and Ramsey Avenue  
from Ohio Avenue north



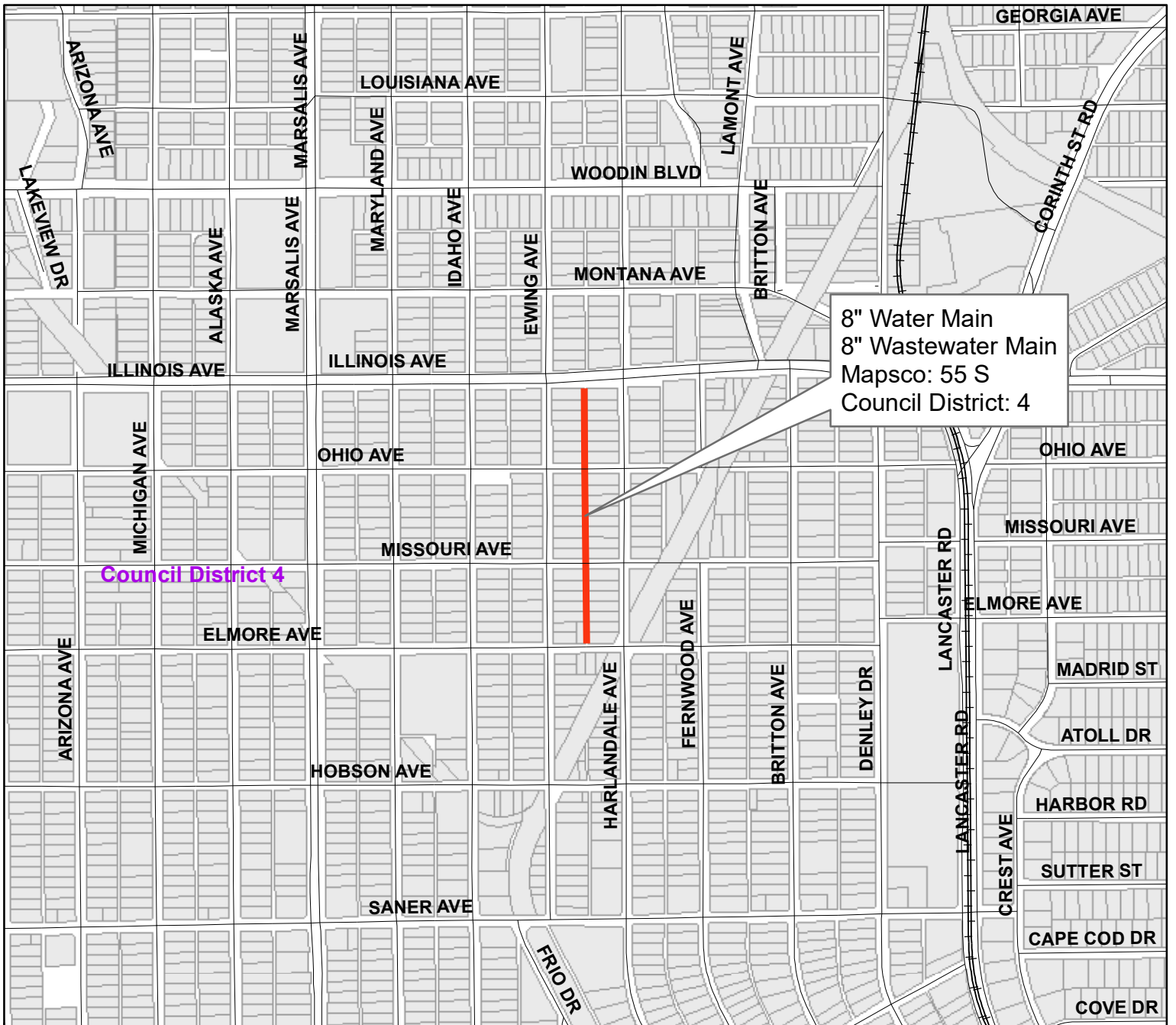
**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**



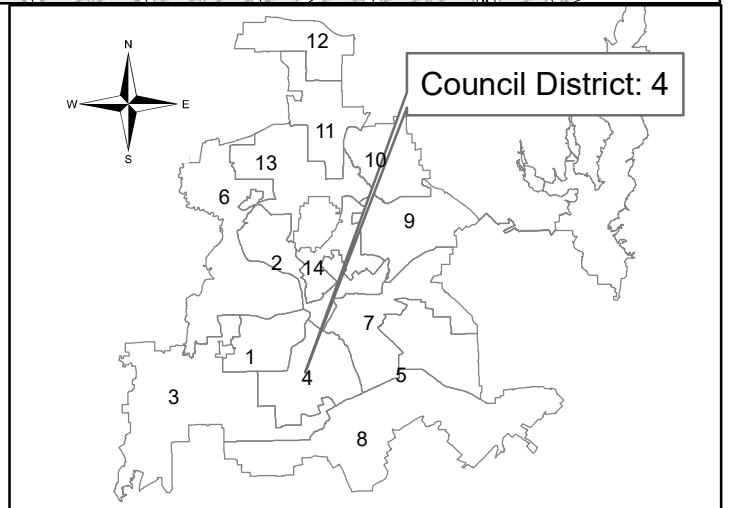
Alley between Ewing Avenue and Harlandale Avenue  
from Hobson Avenue to Saner Avenue



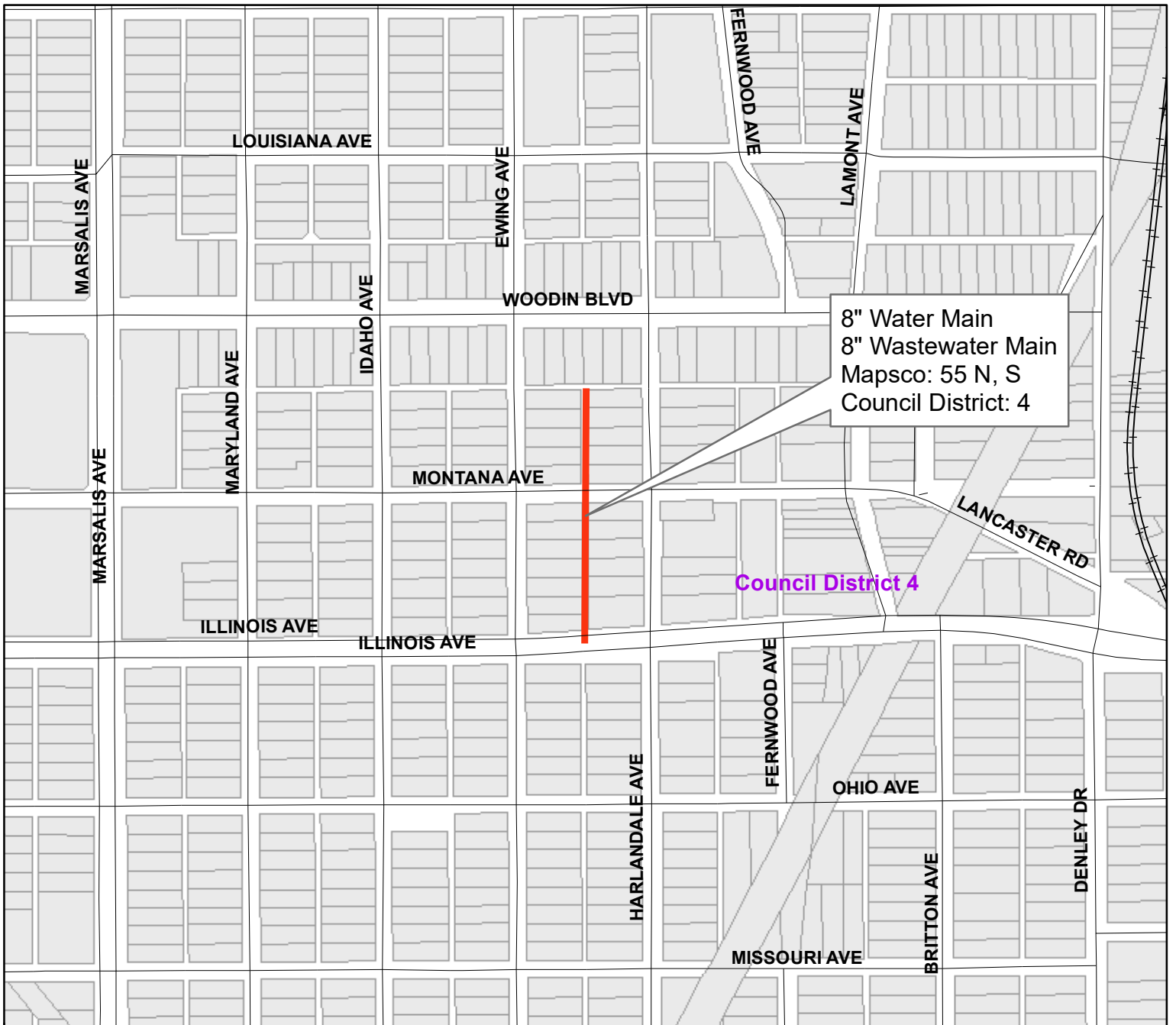
**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**



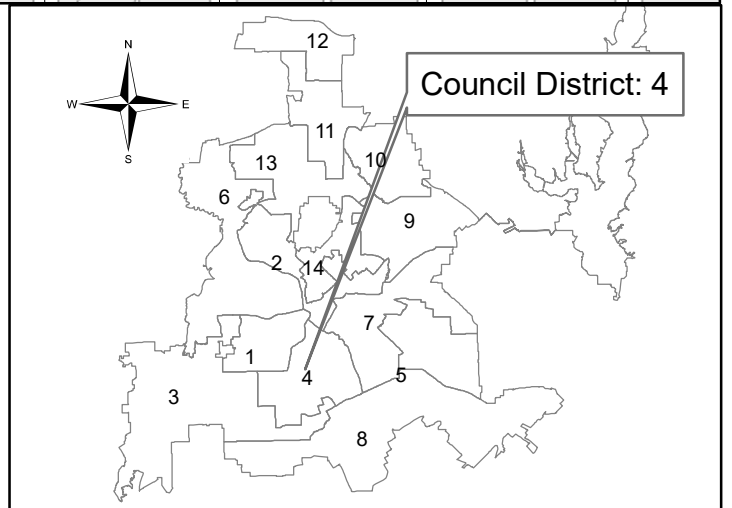
Alley between Ewing Avenue and Harlandale Avenue  
from Illinois Avenue to Elmore Avenue



**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**



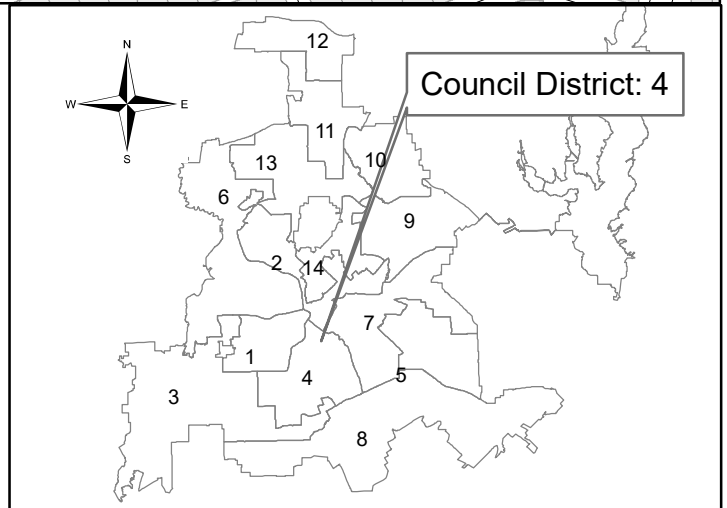
Alley between Ewing Avenue and Harlandale Avenue  
from Illinois Avenue north



**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**

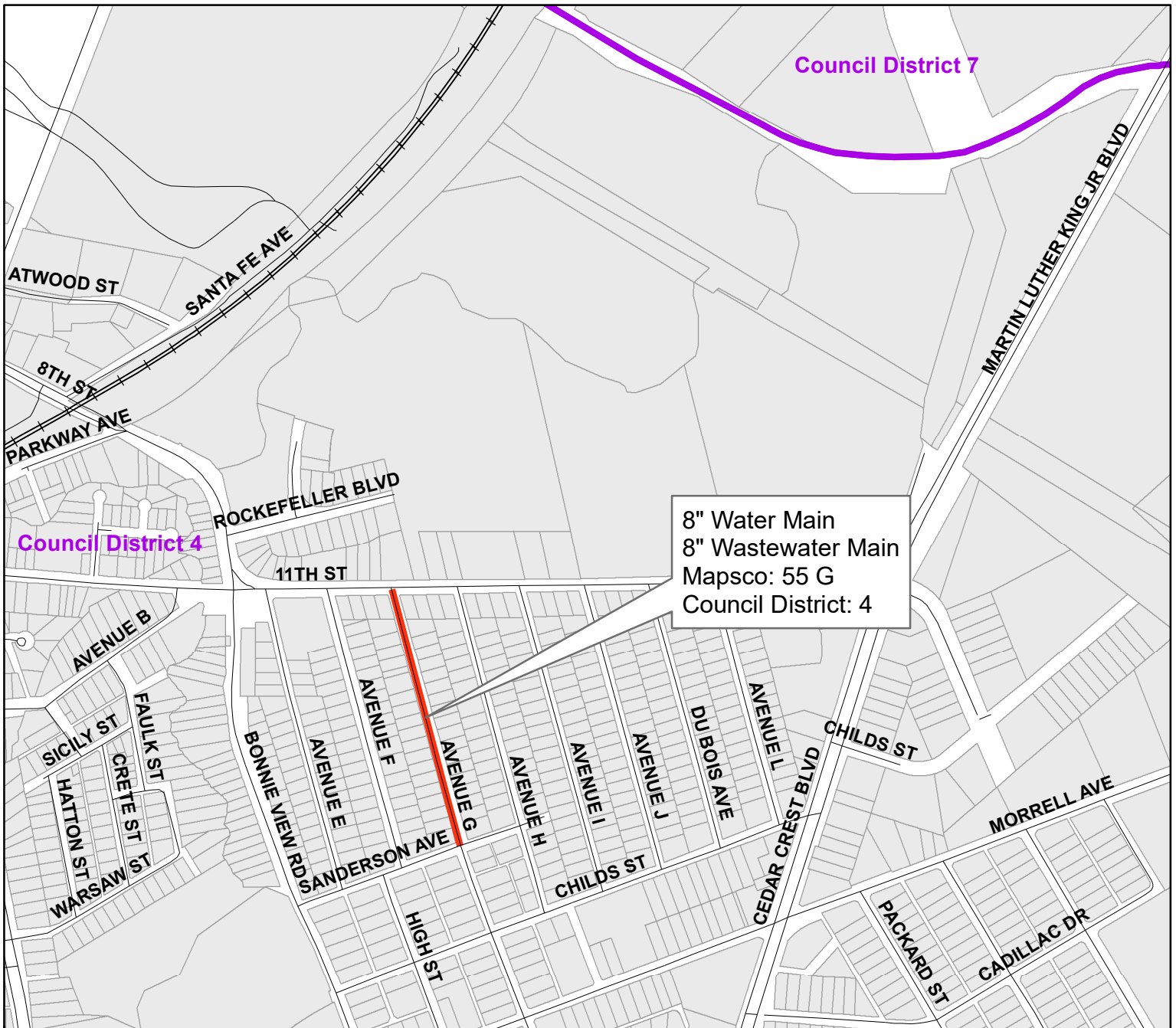


Avenue F  
 from 11th Street to Sanderson Avenue

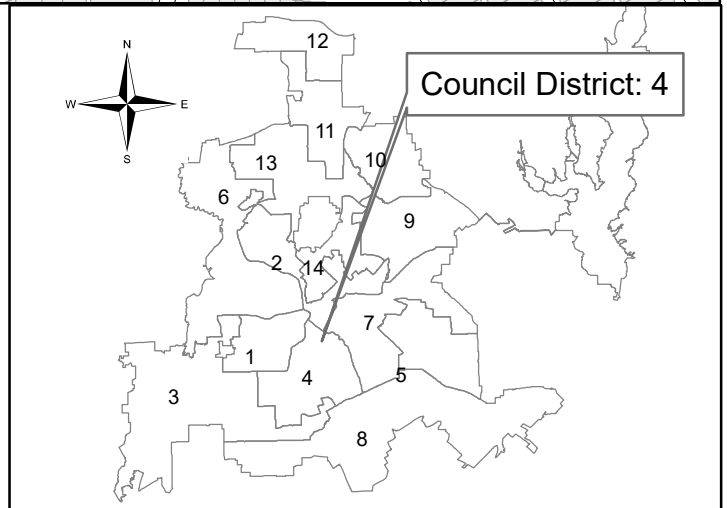


**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**

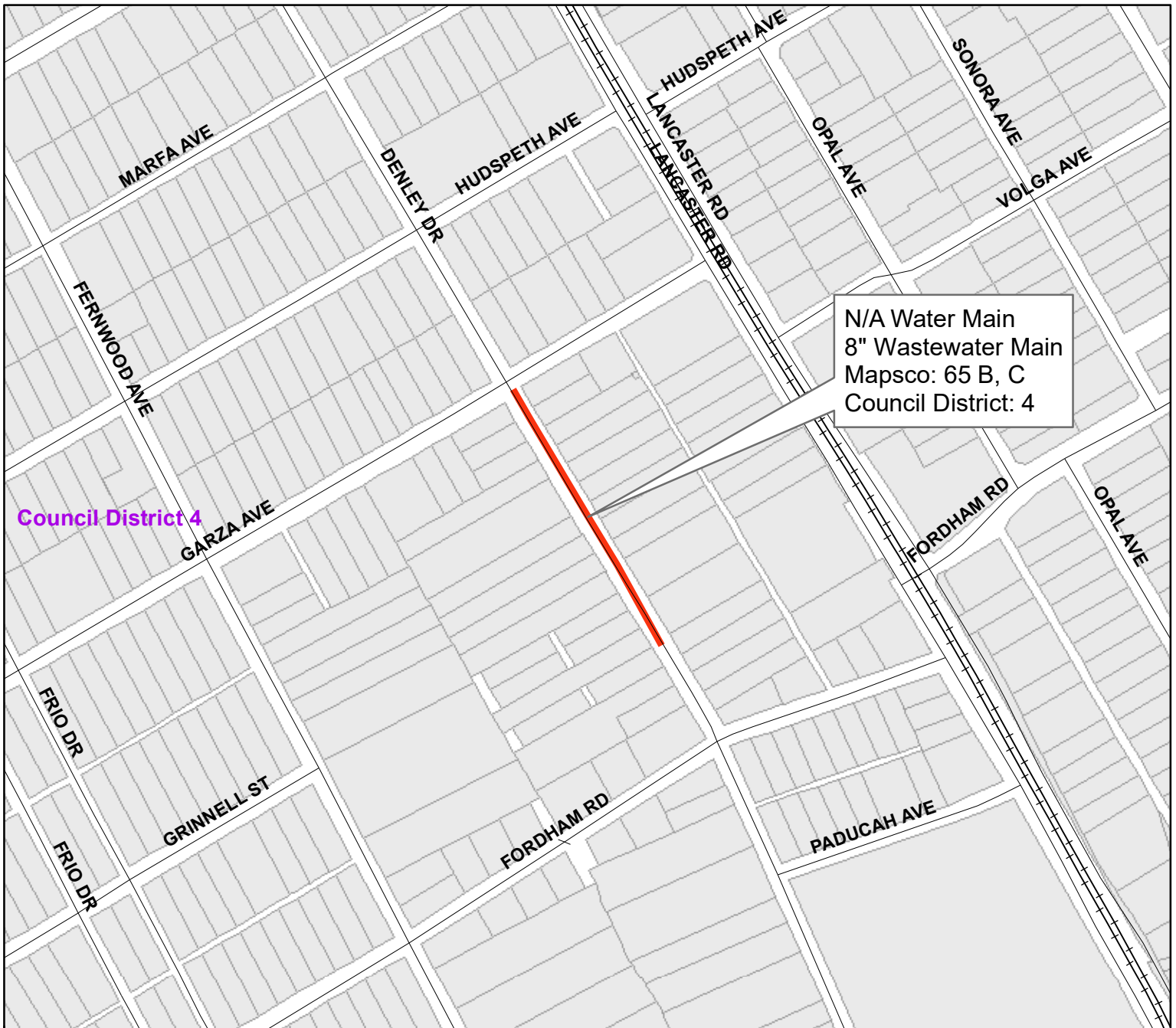




Avenue G  
 from 11th Street to Sanderson Avenue



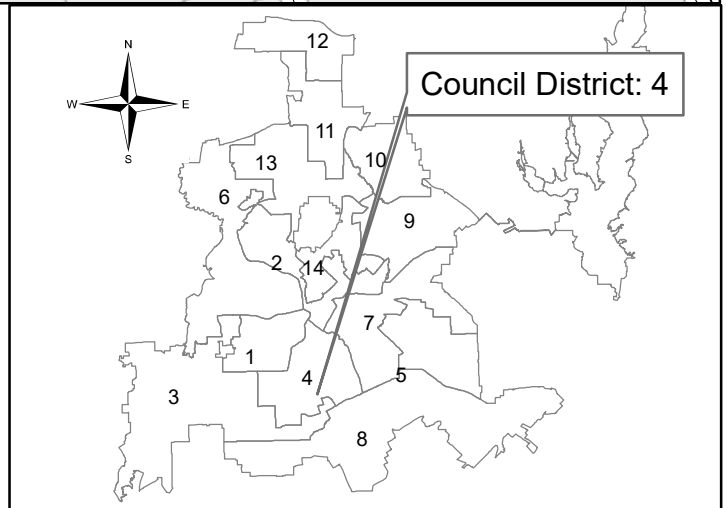
**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**



Council District 4

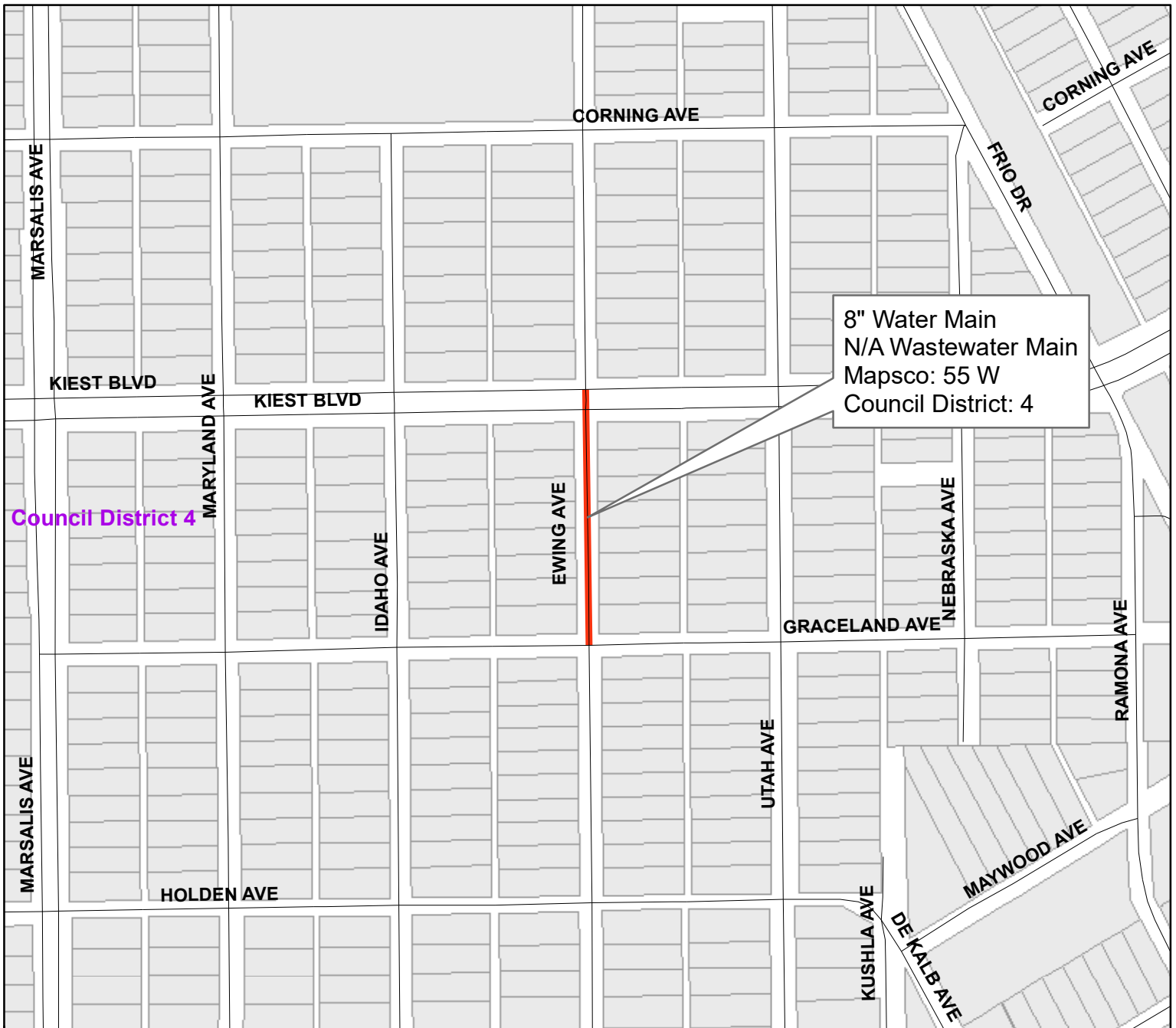
N/A Water Main  
 8" Wastewater Main  
 Mapsco: 65 B, C  
 Council District: 4

Denley Drive  
 from Garza Avenue south

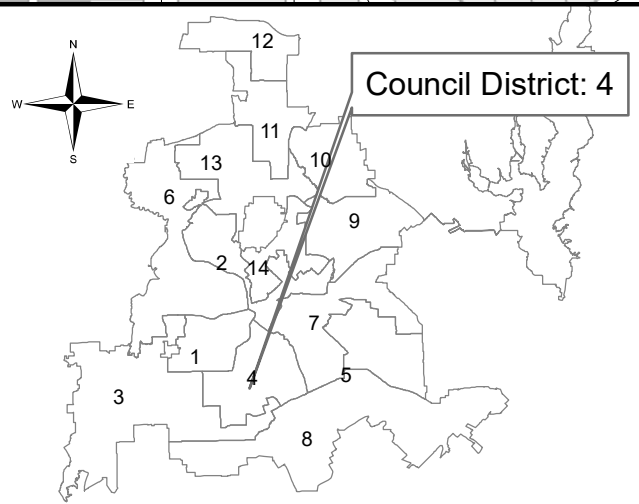


**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**

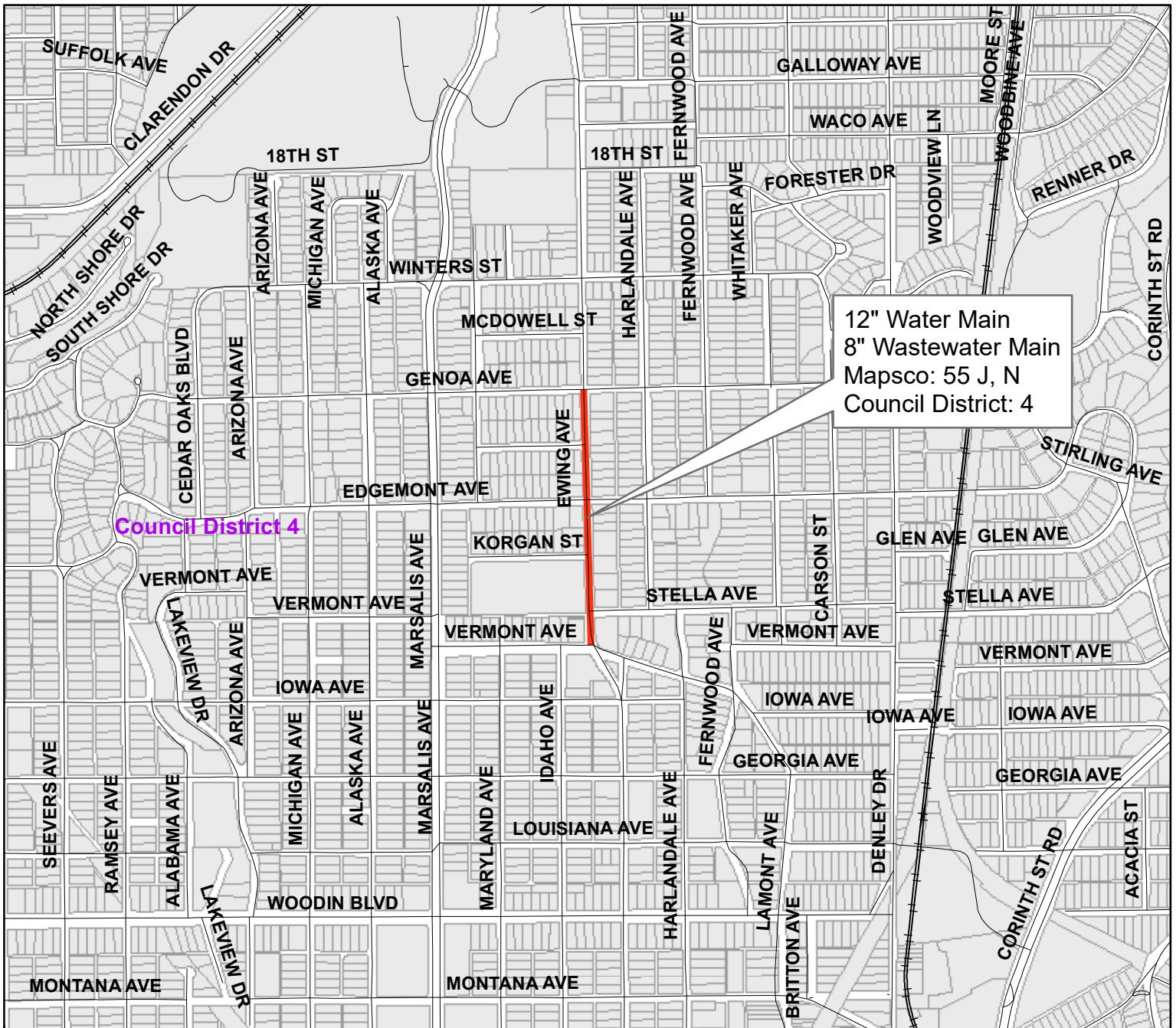




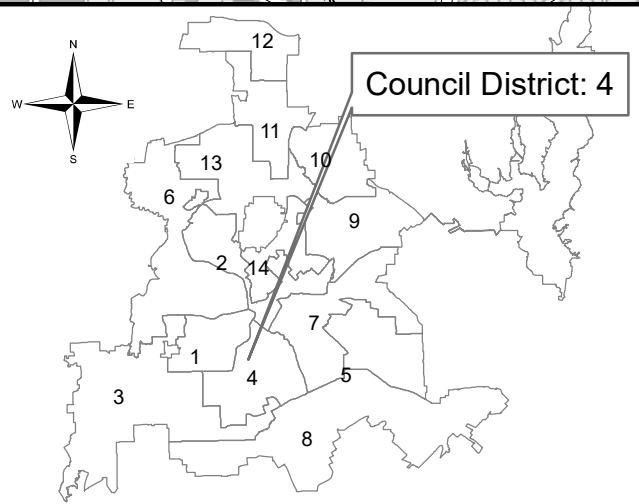
Ewing Avenue  
from Kiest Boulevard to Graceland Avenue



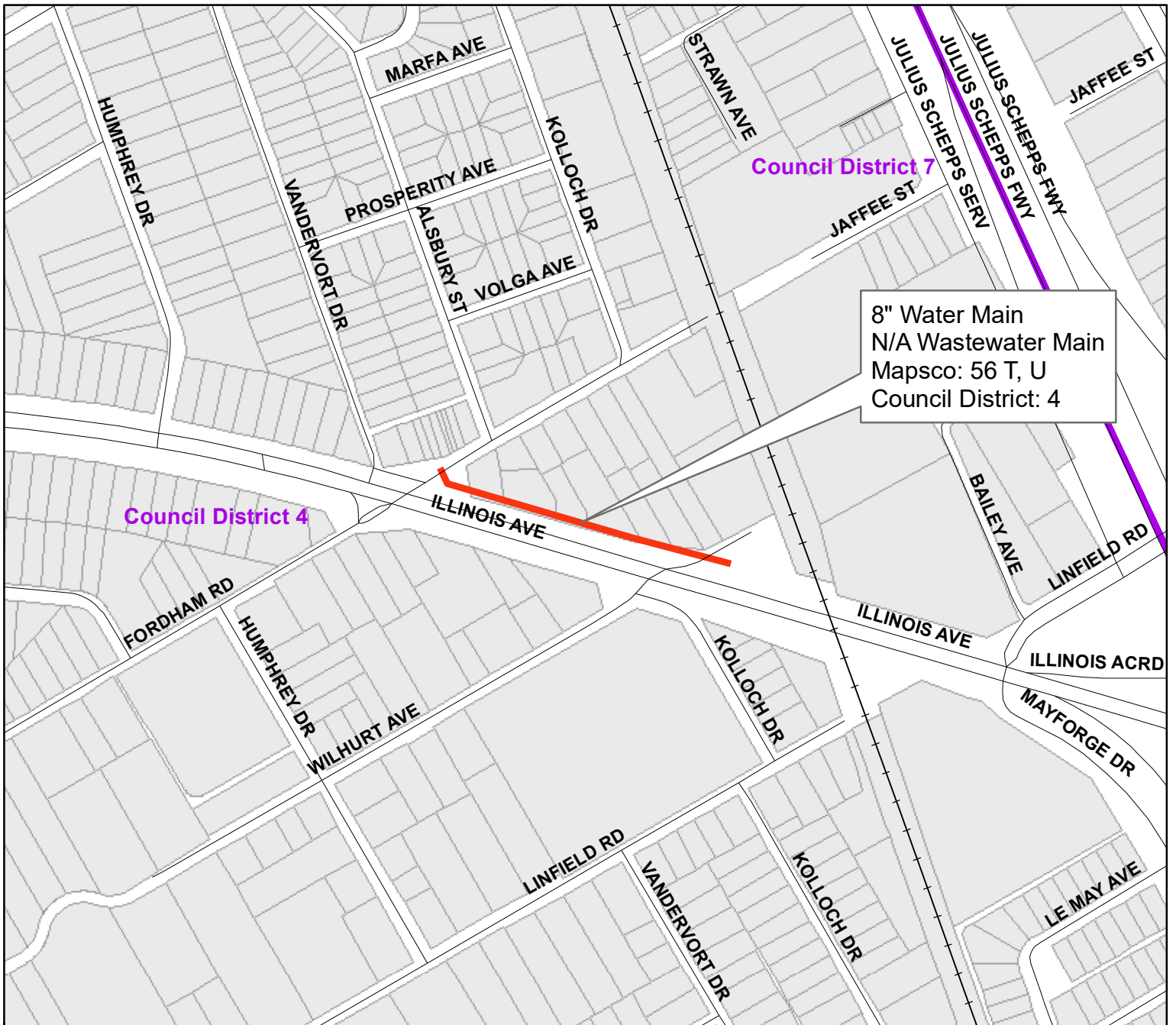
**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**



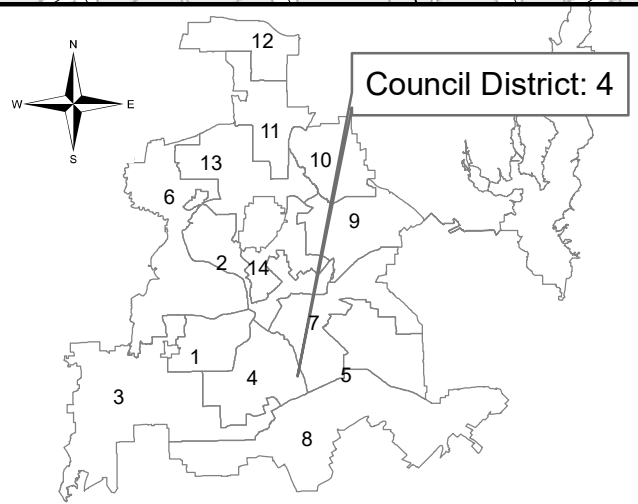
Ewing Avenue  
from Vermont Avenue to Genoa Avenue



**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**



Illinois Avenue  
from Fordham Road southeast

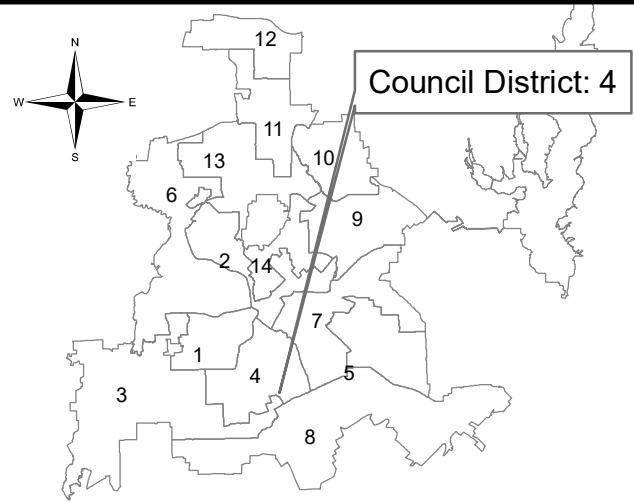


**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**

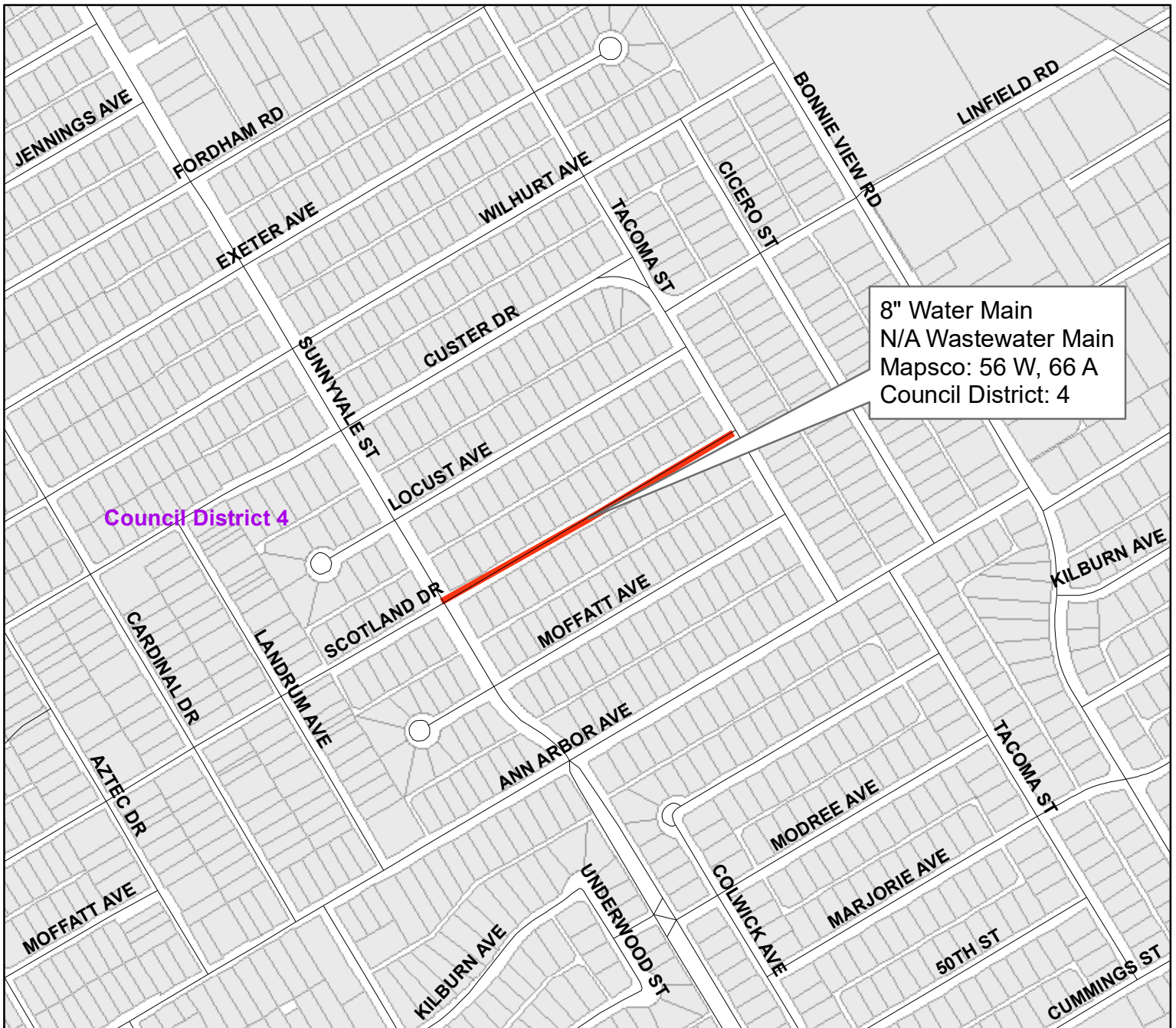




Moffatt Avenue  
from Aztec Drive southwest



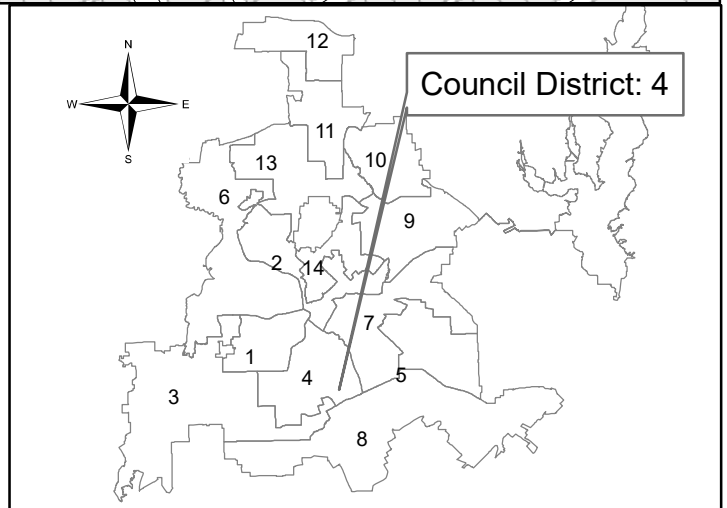
**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**



Council District 4

8" Water Main  
 N/A Wastewater Main  
 Mapsco: 56 W, 66 A  
 Council District: 4

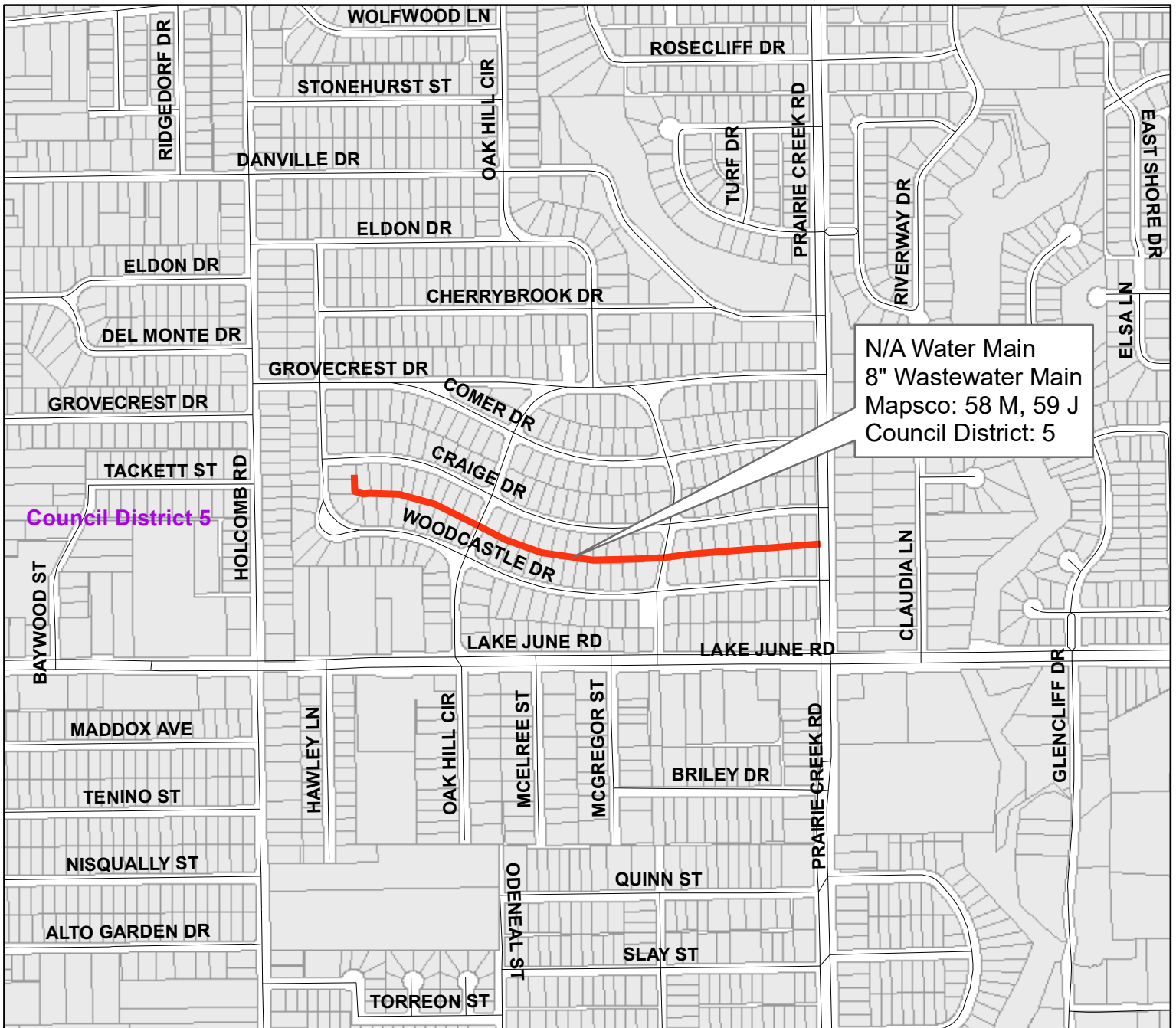
Scotland Drive  
 from Sunnyvale Street to Tacoma Street



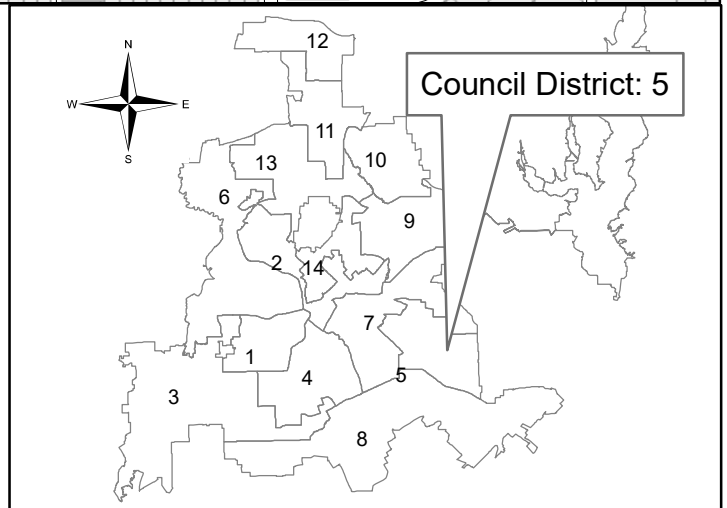
Council District: 4

**Dallas Water Utilities  
 Contract No. 17-159/160  
 Water and Wastewater Main Installations  
 at 29 Locations**

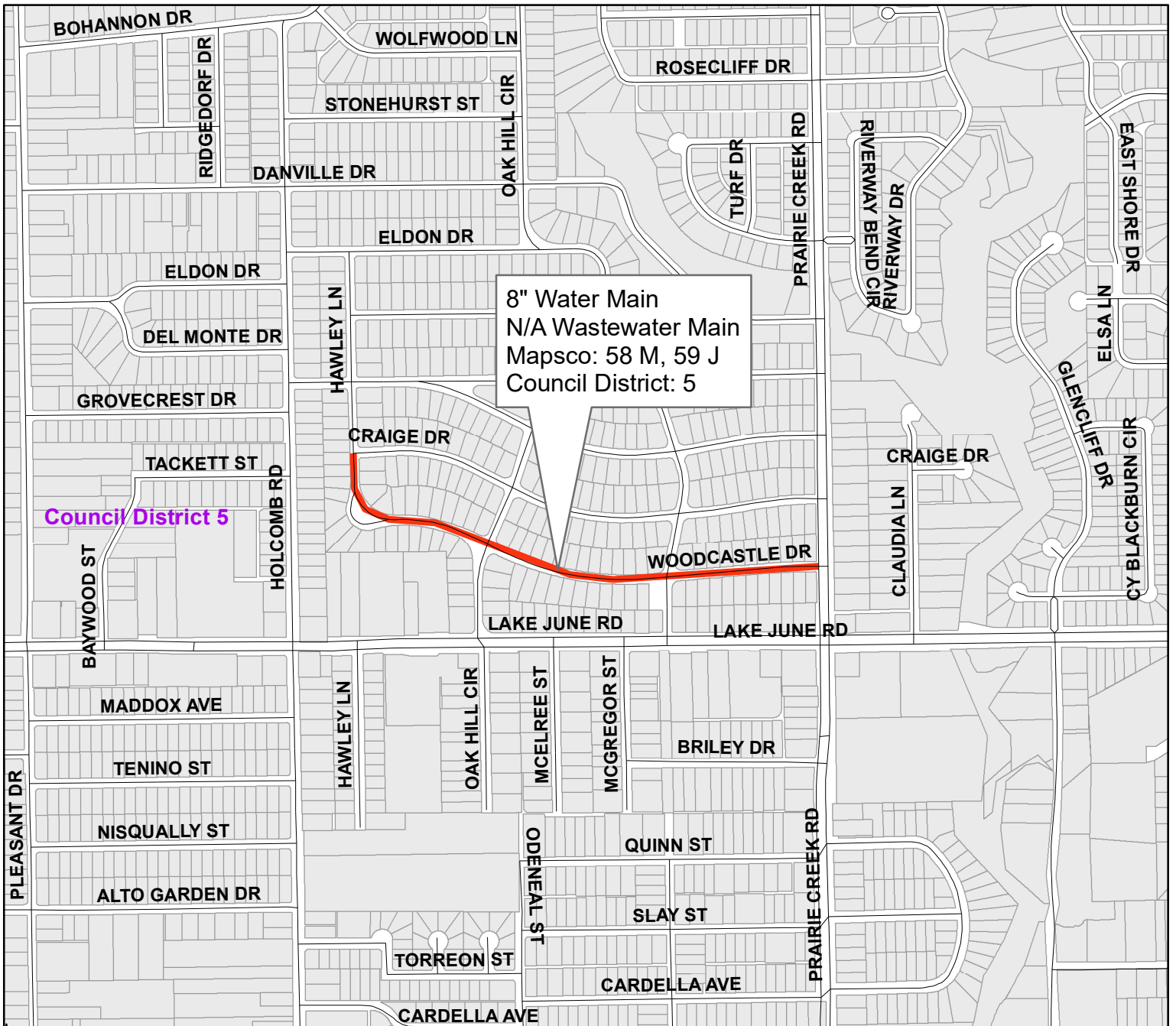




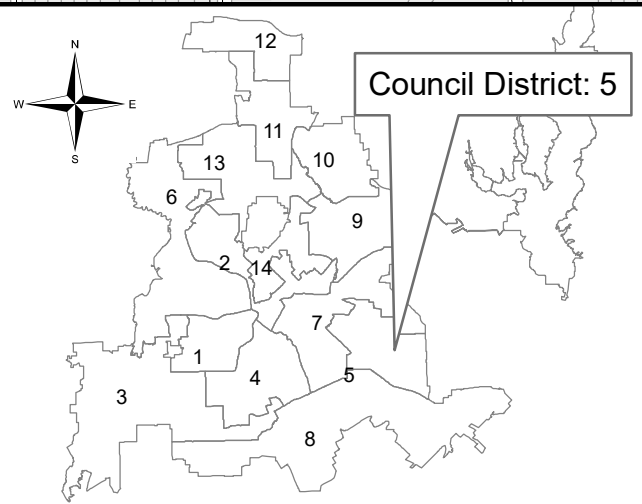
Alley between Woodcastle Drive and Craige Drive  
from Prairie Creek Road west



**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**

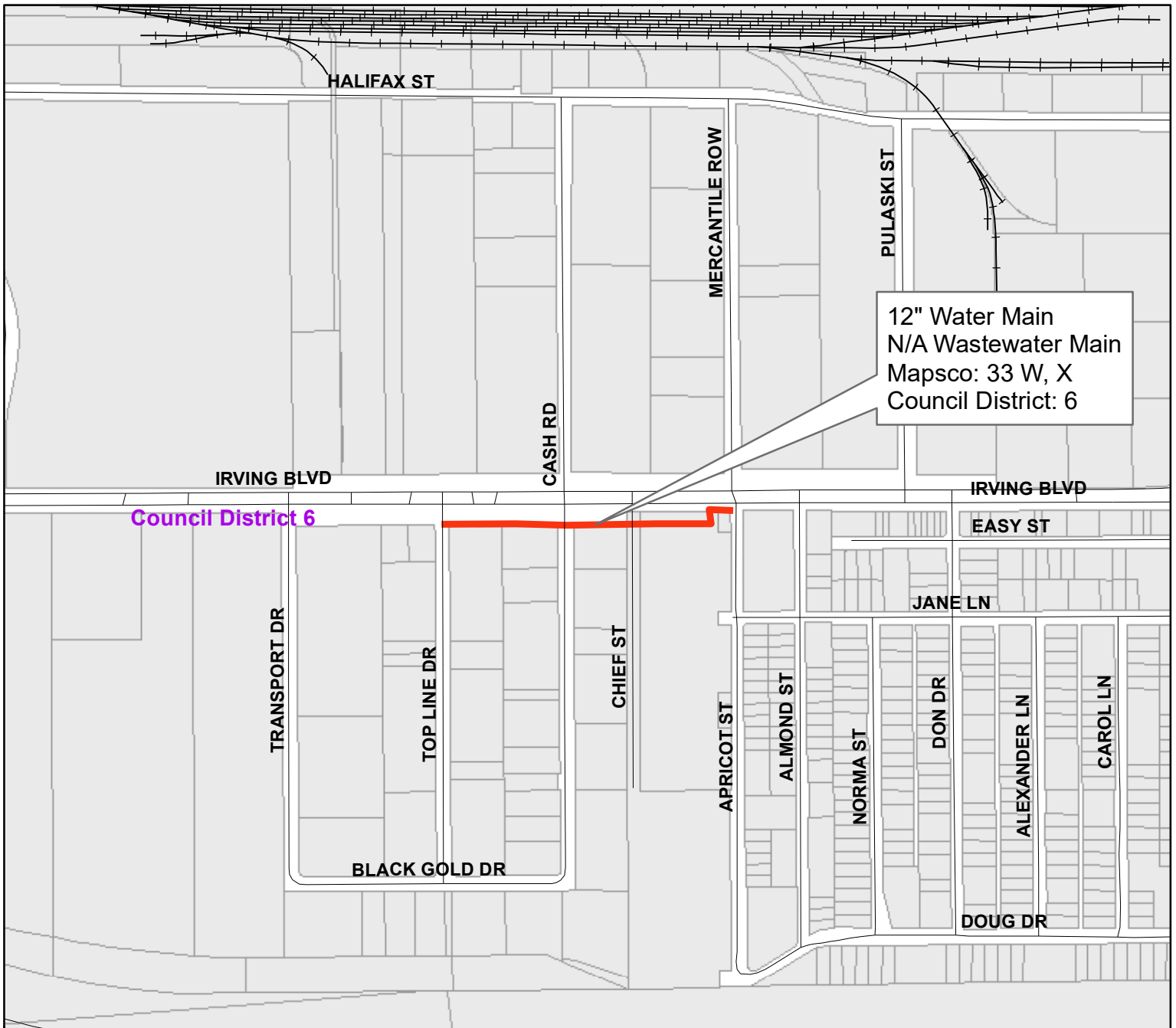


Woodcastle Drive  
 from Prairie Creek Road to Craige Drive

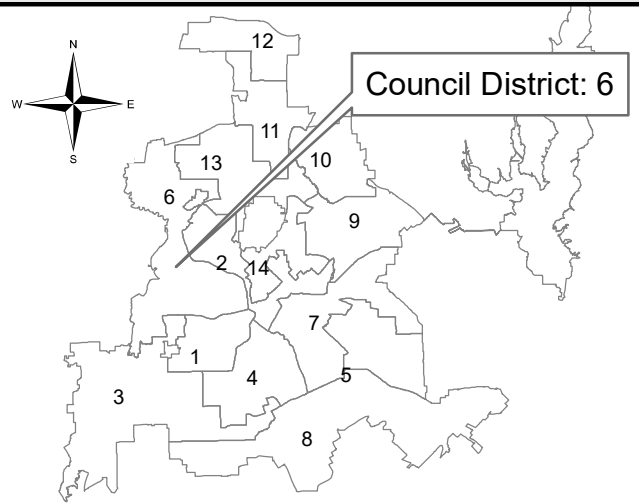


**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**

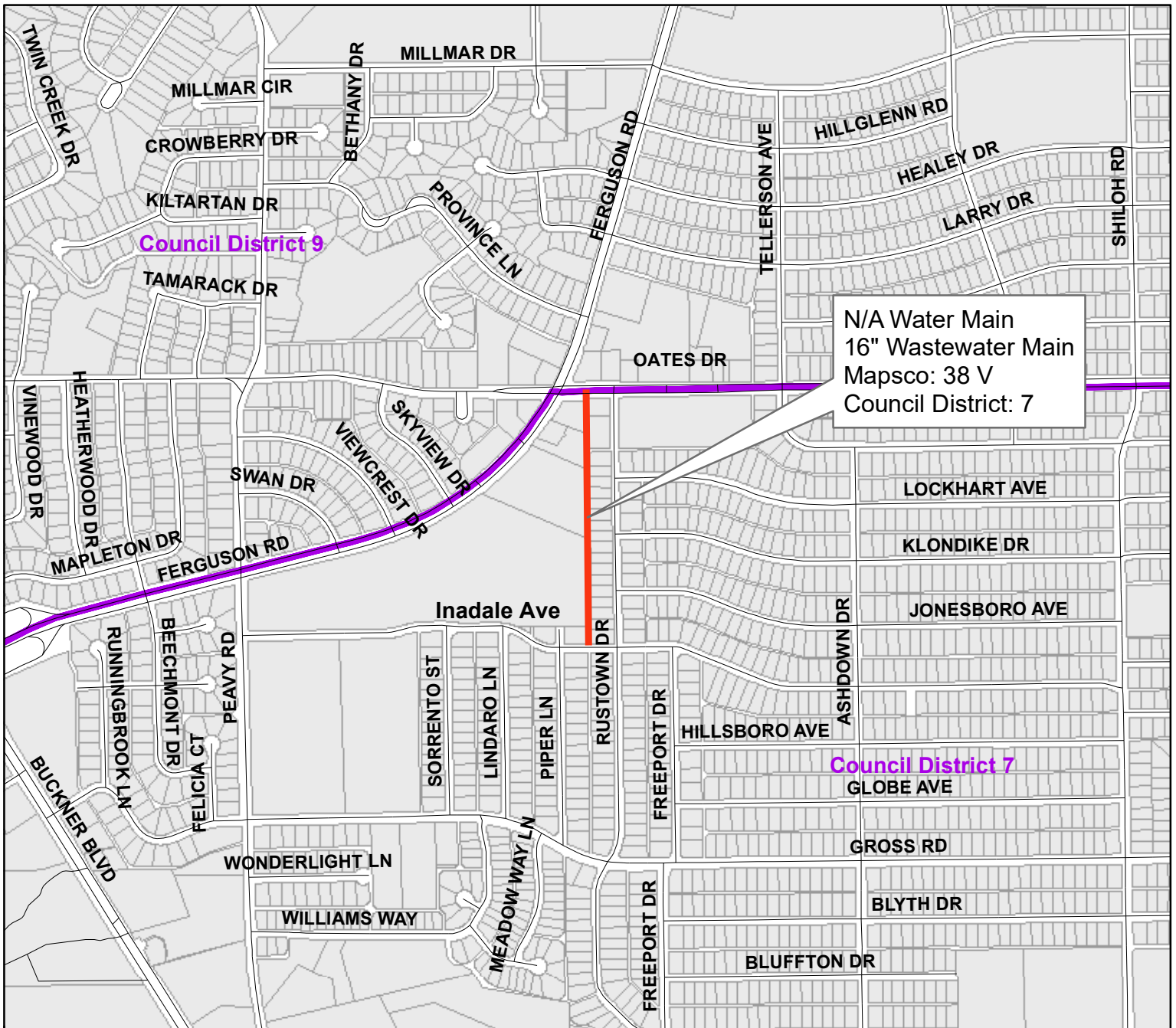




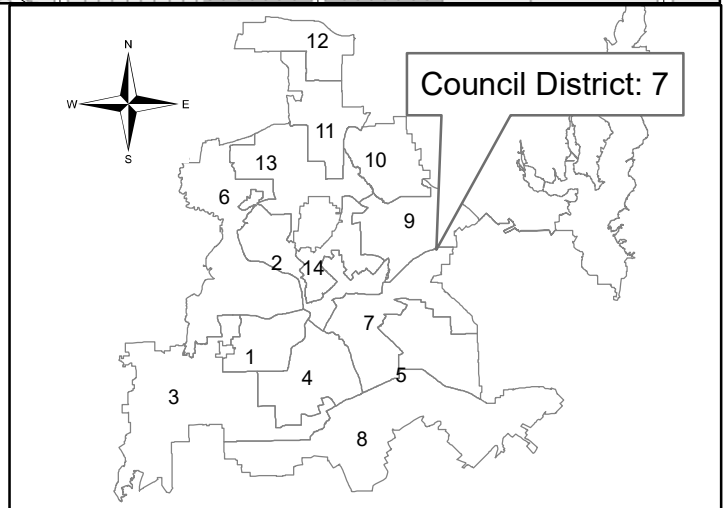
Irving Boulevard  
from Top Line Drive to Apricot Street



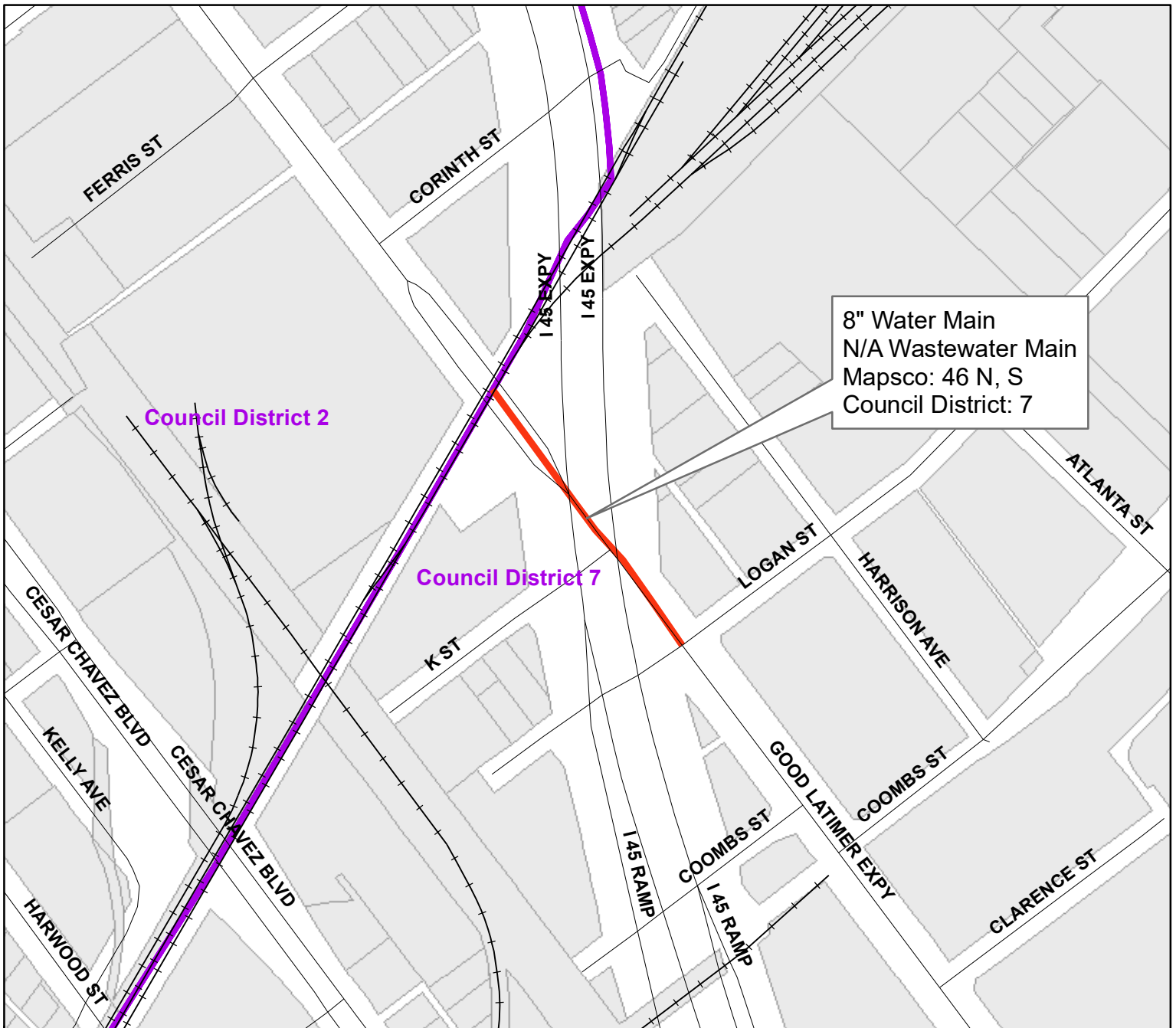
**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**



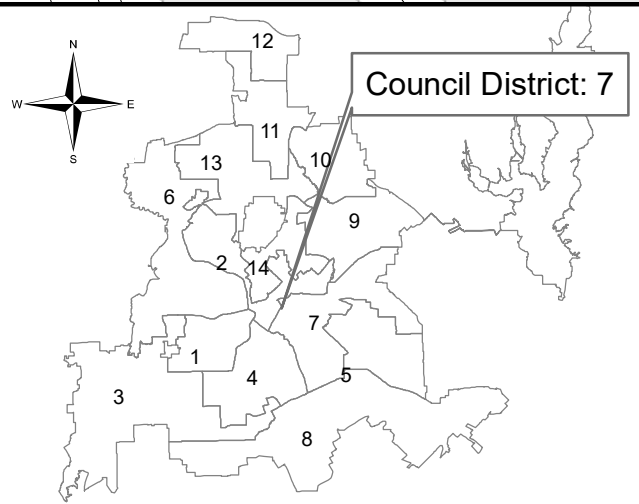
Alley west of Rustown Drive  
from Inadale Avenue to Oates Drive



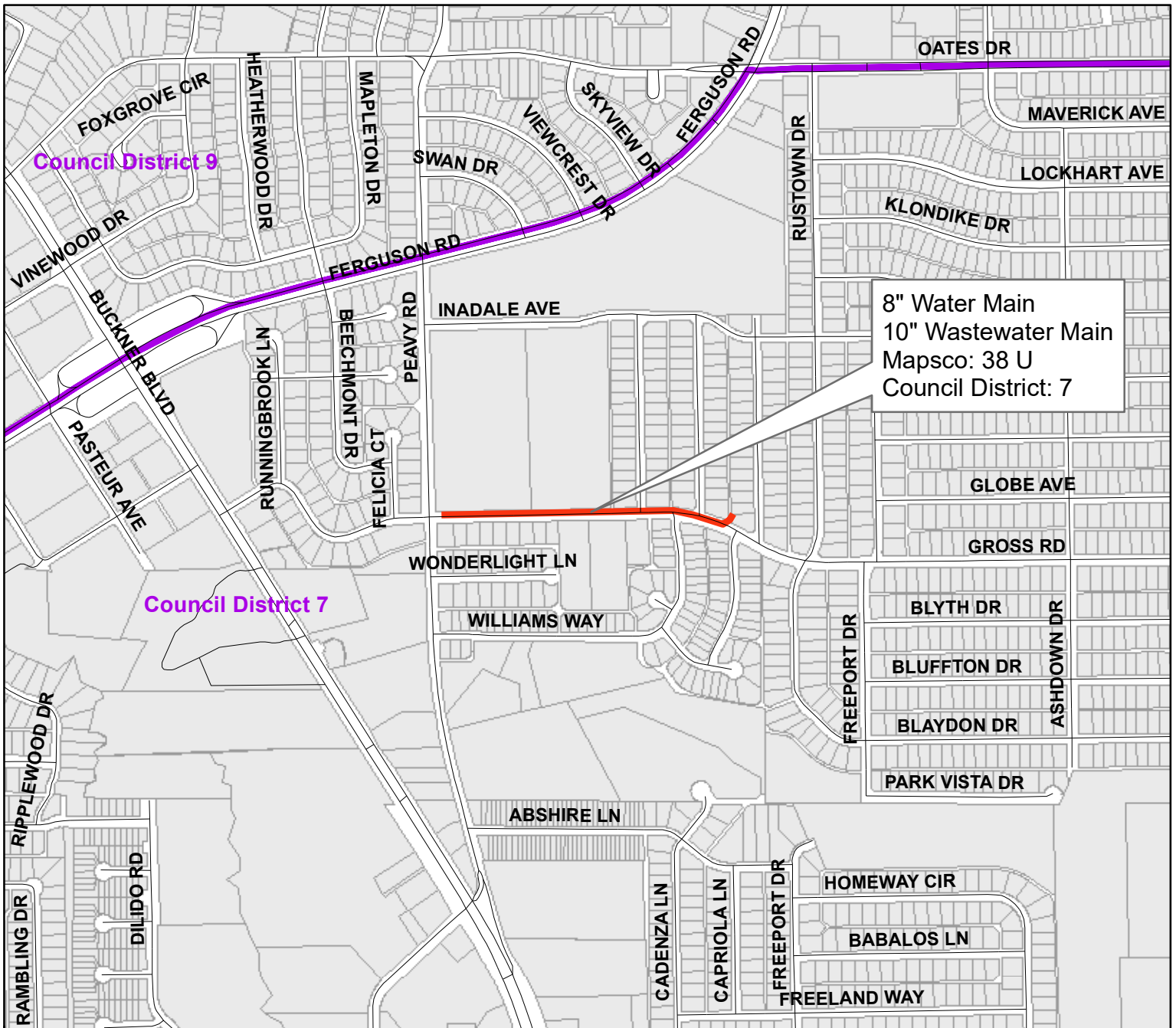
**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**



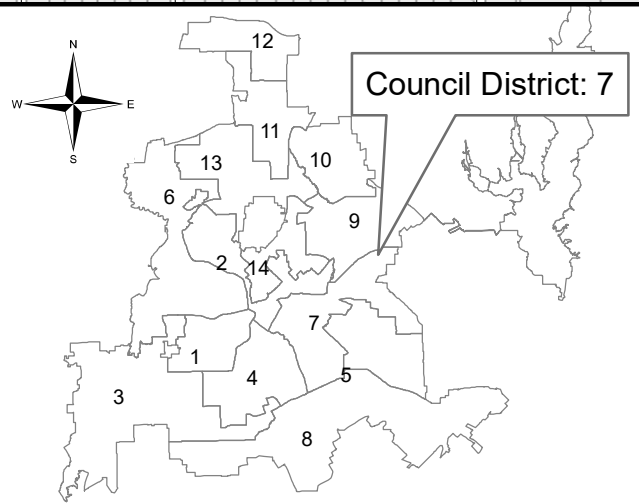
Good Latimer Expressway  
from DART rail to Logan Street



**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**



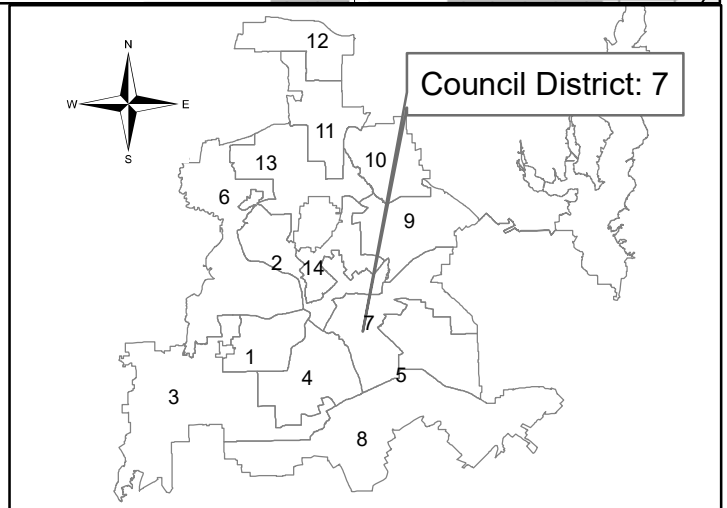
Gross Road  
from Peavy Road east



**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**

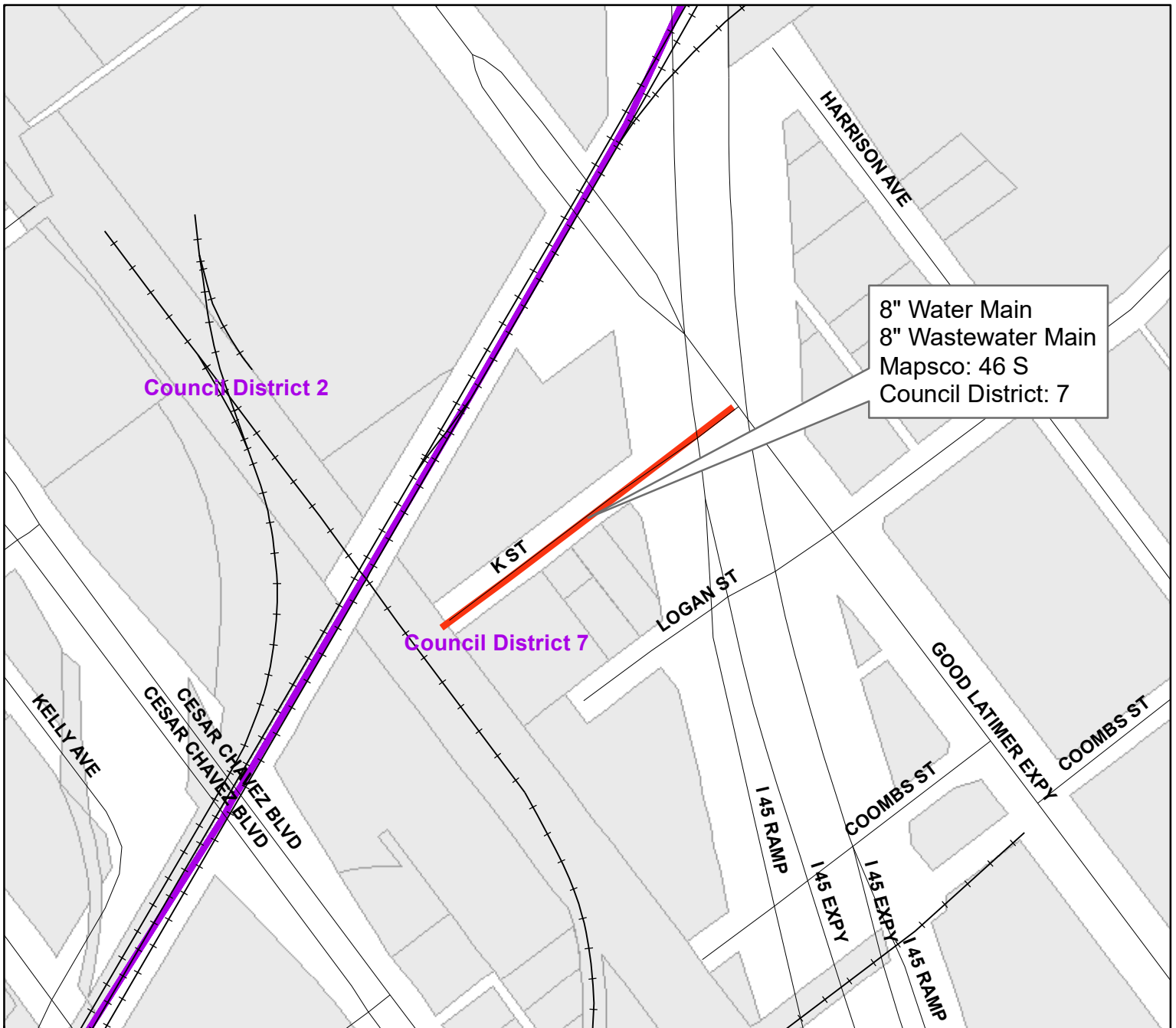


Inez Street  
from Brigham Lane to Marder Street

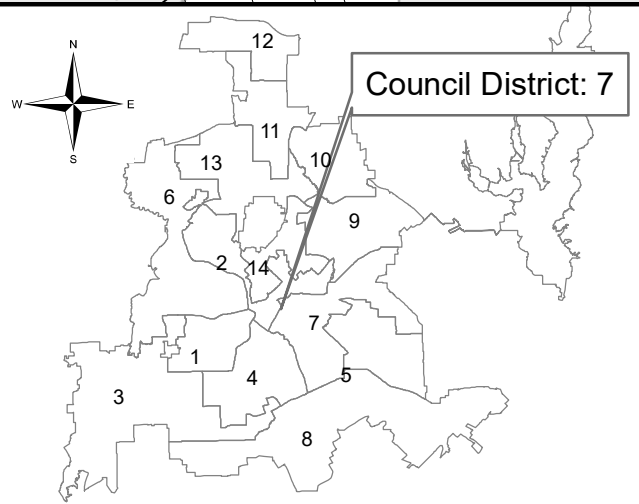


**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**





K Street  
from Good Latimer Expressway southwest



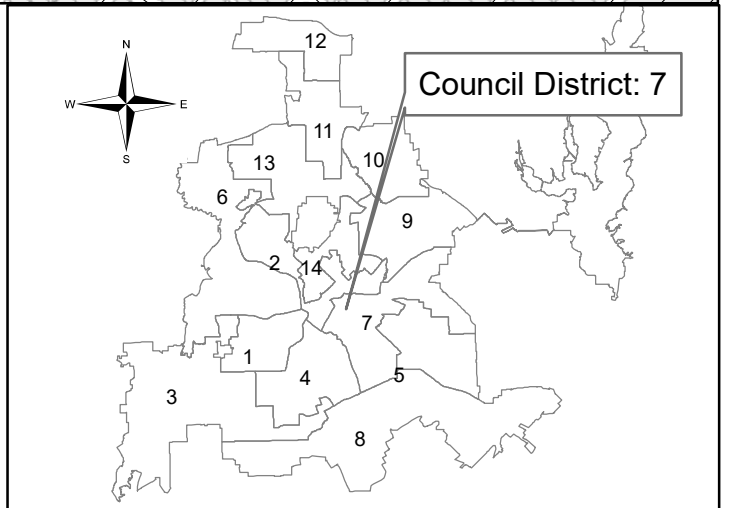
**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**



Council District 7

12" Water Main  
 8"12"15" Wastewater  
 Mapsco: 46 P, T  
 Council District: 7

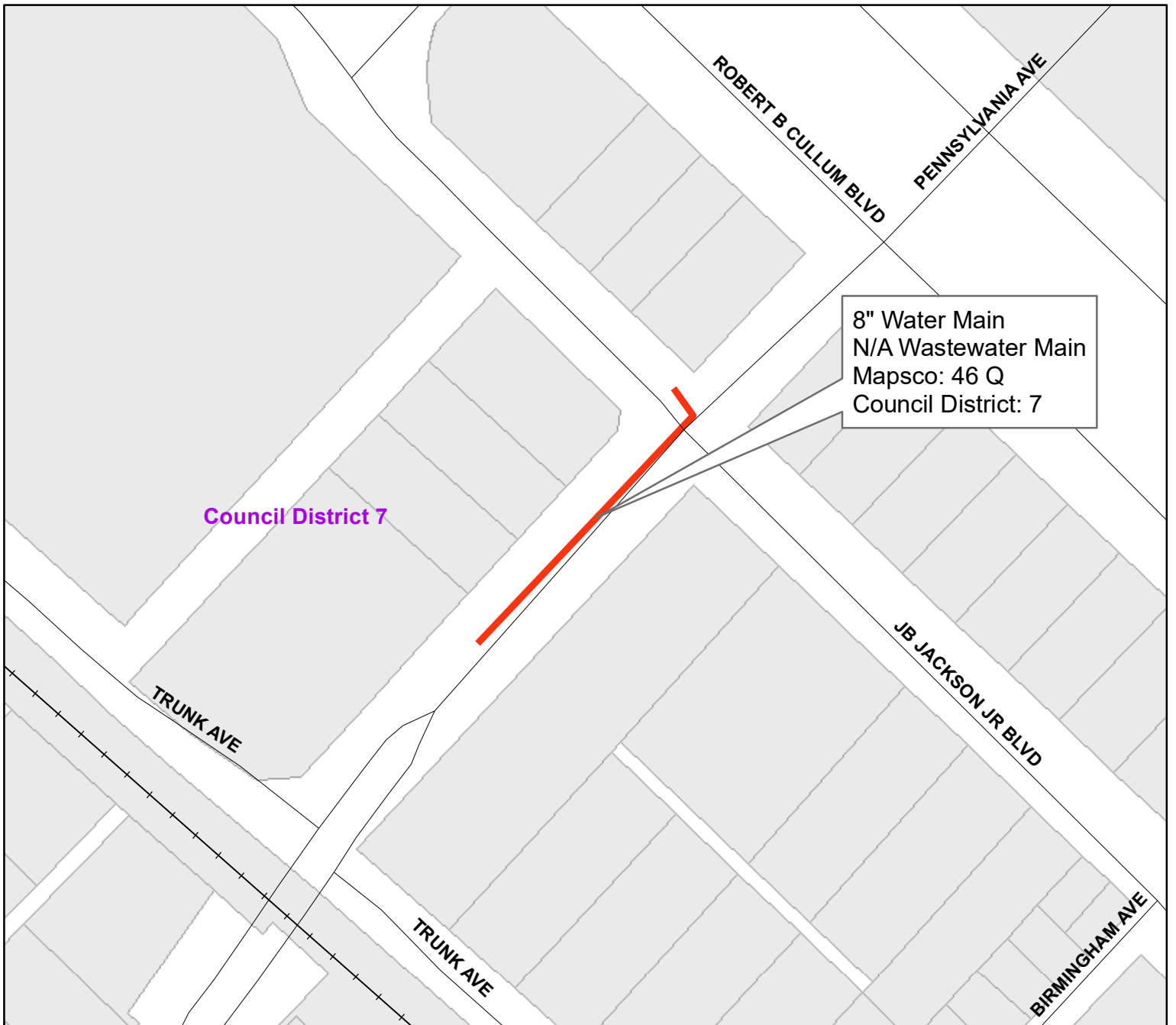
Martin Luther King Jr. Boulevard  
 from Malcolm X Boulevard to Meadow Street



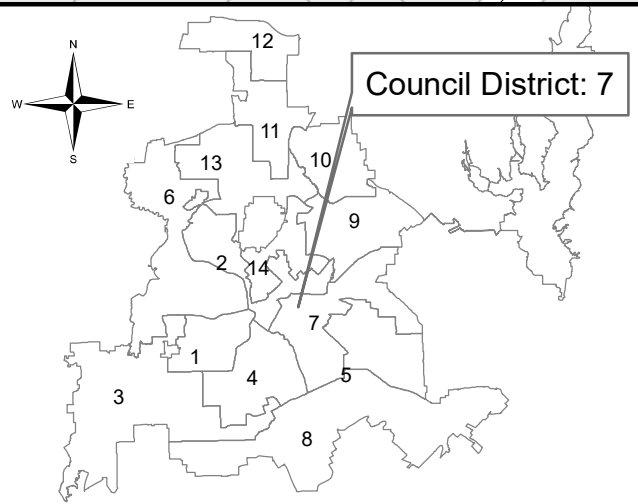
Council District: 7

**Dallas Water Utilities  
 Contract No. 17-159/160  
 Water and Wastewater Main Installations  
 at 29 Locations**

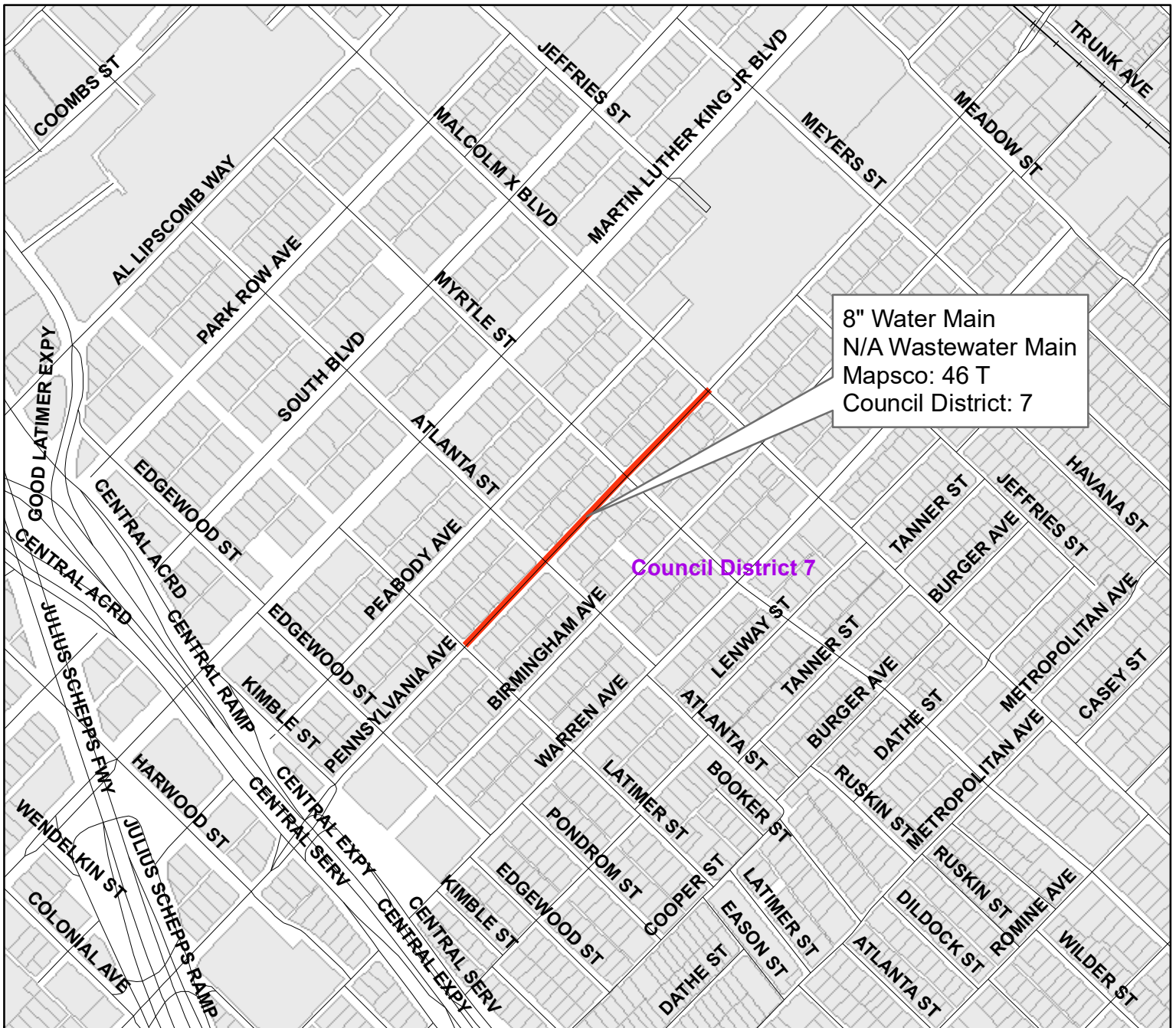




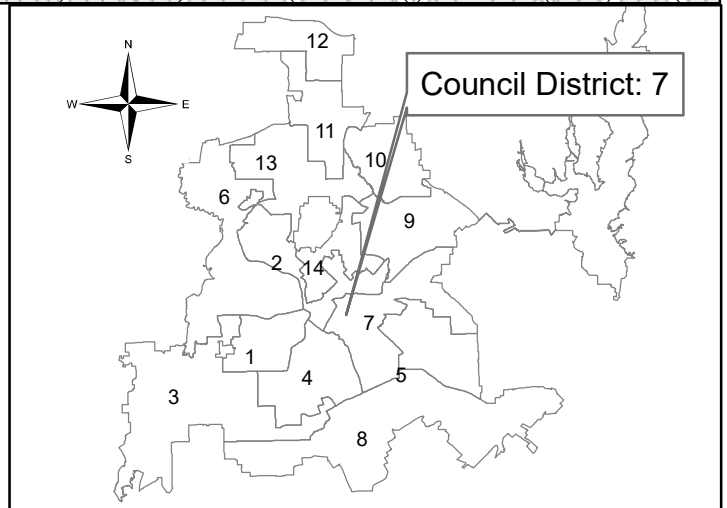
Pennsylvania Avenue  
 from JB Jackson Jr. Boulevard southwest



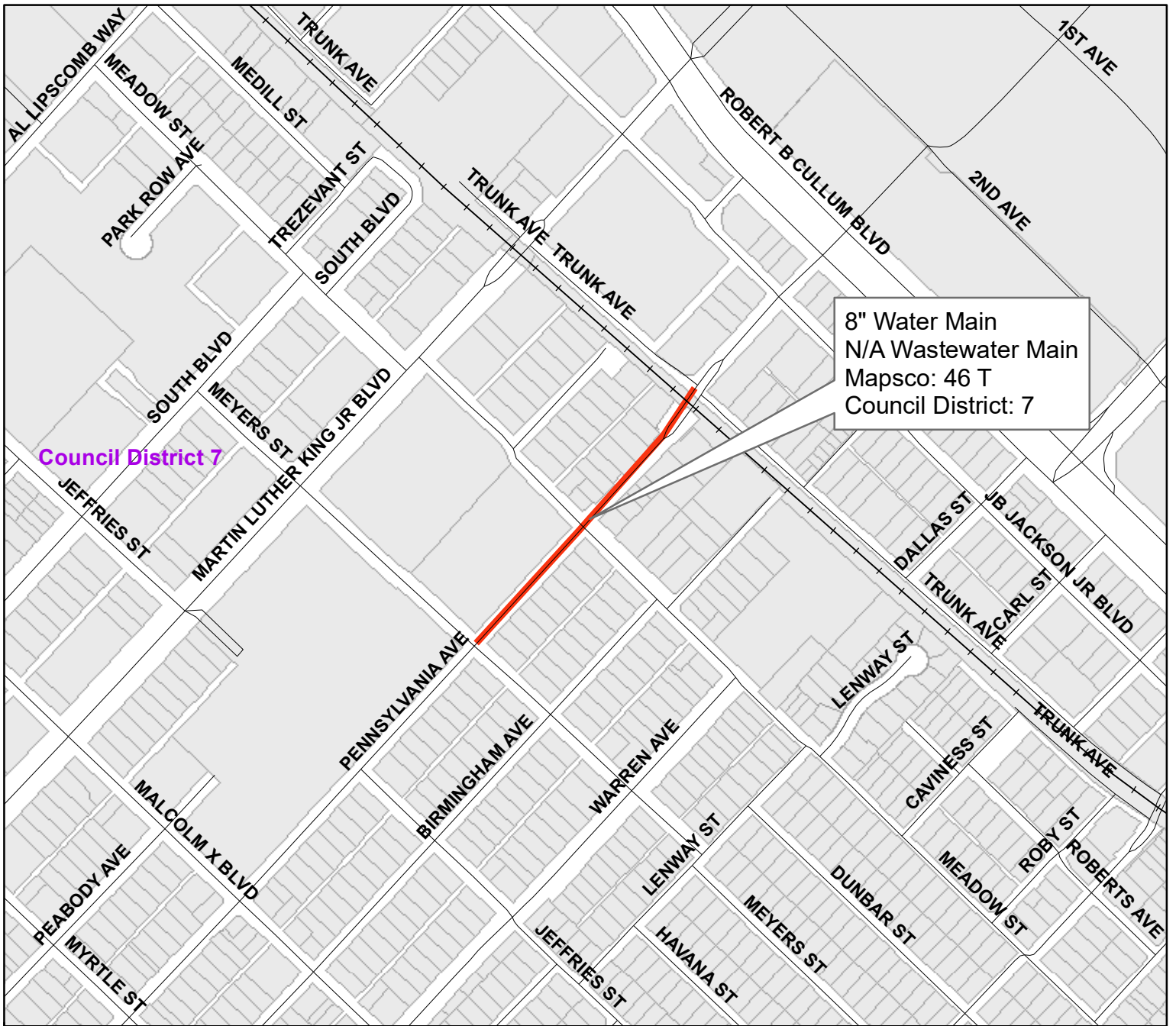
**Dallas Water Utilities  
 Contract No. 17-159/160  
 Water and Wastewater Main Installations  
 at 29 Locations**



Pennsylvania Avenue  
 from Latimer Street to Malcolm X Boulevard



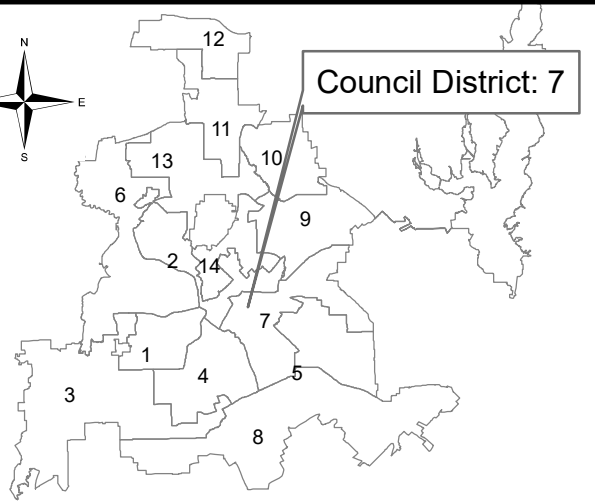
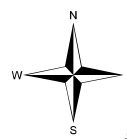
**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**



8" Water Main  
 N/A Wastewater Main  
 Mapsco: 46 T  
 Council District: 7

Council District 7

Pennsylvania Avenue  
 from Meyers Street to Trunk Avenue



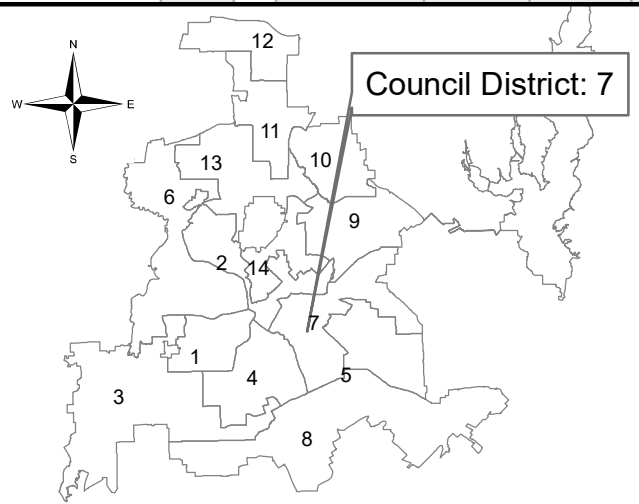
Council District: 7

**Dallas Water Utilities**  
**Contract No. 17-159/160**  
**Water and Wastewater Main Installations**  
**at 29 Locations**

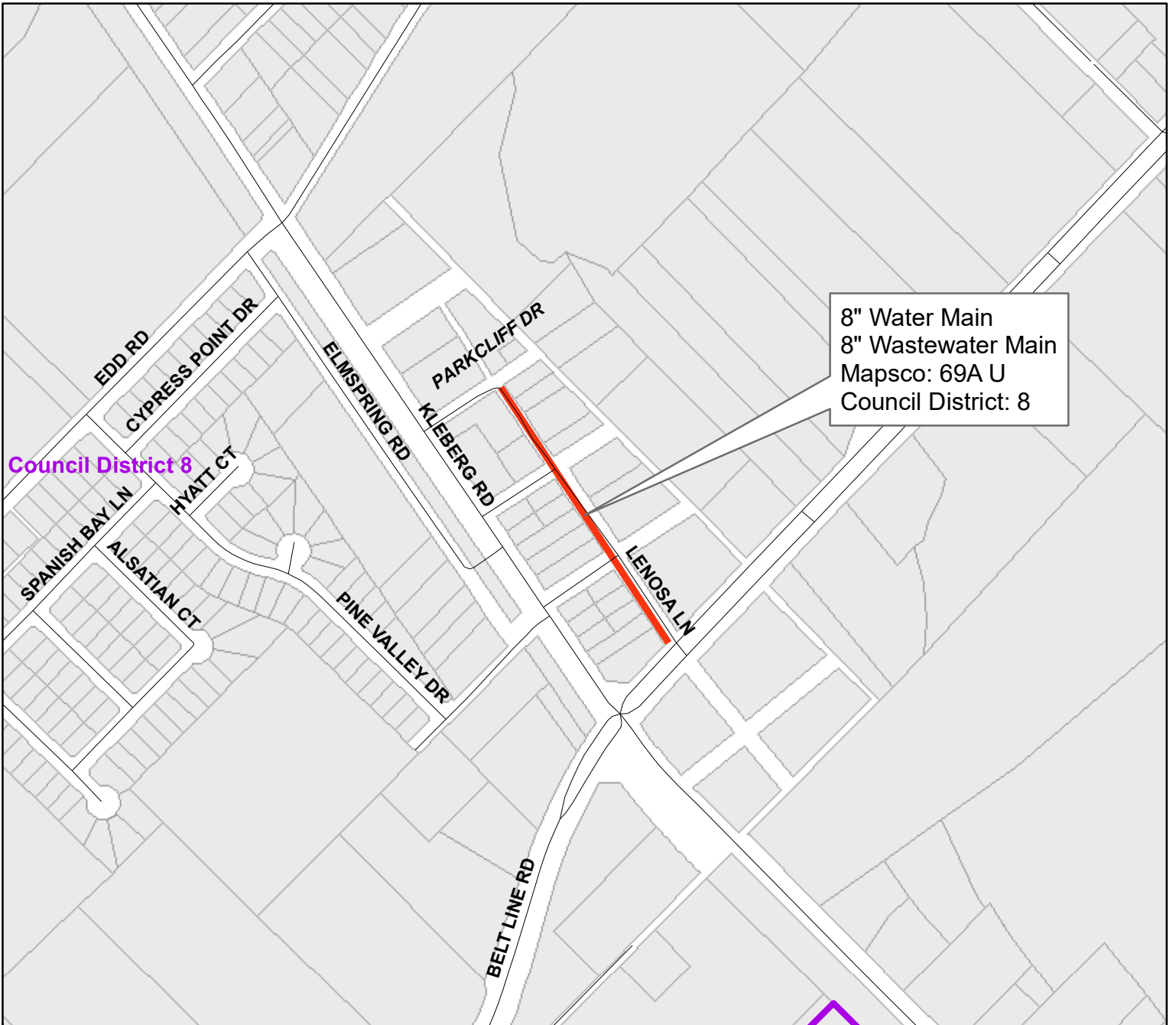




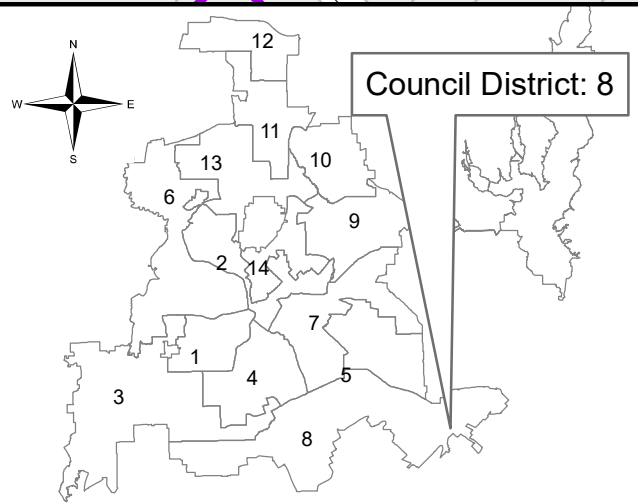
Stephenson Street  
from Bexar Street to Inez Street



**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**



Lenosa Lane  
from Parkcliff Drive to Belt Line Road

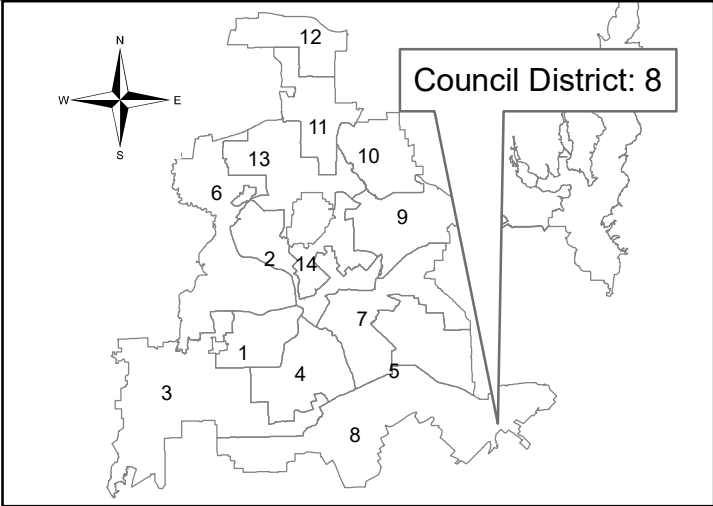


**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**

8" Water Main  
N/A Wastewater Main  
Mapsco: 69A U  
Council District: 8



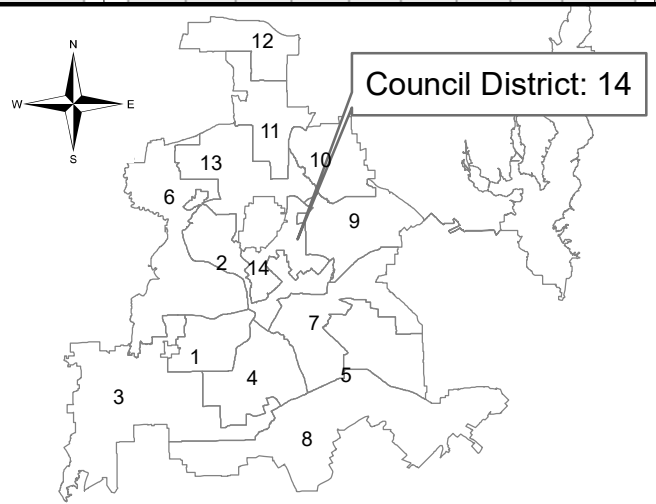
Parkcliff Drive  
from Kleberg Road to Lenosa Lane



**Dallas Water Utilities  
Contract No. 17-159/160  
Water and Wastewater Main Installations  
at 29 Locations**



Alley between Morningside Avenue and McCommas Boulevard from Skillman Street to Clements Street



**Dallas Water Utilities  
 Contract No. 17-159/160  
 Water and Wastewater Main Installations  
 at 29 Locations**





August 8, 2018

**WHEREAS**, on April 20, 2018, six bids were received for the installation of water and wastewater mains at 29 locations, Contract No. 17-159/160, listed as follows:

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
RKM Utility Services, Inc.	\$12,958,702.25
Atkins Brothers Equipment Company, Inc.	\$13,671,756.10
Camino Construction, L.P.	\$14,455,469.50
John Burns Construction Company of Texas, Inc.	\$14,958,036.00
Ark Contracting Services, LLC	\$15,262,347.00
SYB Construction Company, Inc.	\$16,679,799.50

**WHEREAS**, the bid submitted by RKM Utility Services, Inc., 2105 Waterview Parkway, Richardson, Texas 75080, in the amount of \$12,958,702.25, is the lowest and best of all bids received.

**Now, Therefore,**

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

**SECTION 1.** That the bid submitted by RKM Utility Services, Inc., in the amount of \$12,958,702.25, for doing the work covered by the plans, specifications, and contract documents, Contract No. 17-159/160, be accepted.

**SECTION 2.** That the City Manager is hereby authorized to sign a construction contract with RKM Utility Services, Inc., approved as to form by the City Attorney, for the installation of water and wastewater mains at 29 locations, in an amount not to exceed \$12,958,702.25.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$12,958,702.25 to RKM Utility Services, Inc., as follows:

Water Capital Improvement Fund Fund 2115, Department DWU, Unit PW40 Object 4550, Program 717159, Vendor VS0000026242 Encumbrance/Contract No. CX-DWU-2018-00006697	\$ 7,452,436.85
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------

Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS40 Object 4560, Program 717160, Vendor VS0000026242 Encumbrance/Contract No. CX-DWU-2018-00006697	\$ 5,183,480.90
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------

August 8, 2018

**SECTION 3.** (continued)

Street and Alley Improvement Fund  
Fund 0715, Department PBW, Unit W011, Activity STIM  
Object 4510, Program PBAL0001, Vendor VS0000026242  
Encumbrance/Contract No. CX-DWU-2018-00006697 \$ 242,573.25

Street and Alley Improvement Fund  
Fund 0715, Department PBW, Unit W011, Activity STIM  
Object 4510, Program PBAL0002, Vendor VS0000026242  
Encumbrance/Contract No. CX-DWU-2018-00006697 \$ 80,211.25

Total amount not to exceed \$12,958,702.25

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

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 9, 10

**DEPARTMENT:** Water Utilities Department

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 27Y 28V X Y Z 38C

---

**SUBJECT**

Authorize Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda and Brunz, LLC to provide additional engineering services to replace the Garland Road elevated water tank and associated water system improvements - Not to exceed \$2,180,290, from \$615,330 to \$2,795,620 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

On October 8, 2014, an engineering contract was awarded to evaluate options for rehabilitating or replacing the existing Garland Road elevated water storage tank. The engineering evaluation recommended replacement of the existing tank at a new site along with necessary water distribution system improvements. This item authorizes engineering services to prepare final design plans and specifications and provide construction administration services for a new elevated water tank and associated water system improvements.

The existing Garland Road elevated water storage tank was built in 1954 and provides potable water storage for the East High-Pressure Zone, which includes an area generally bounded by Northwest Highway, Lyndon B. Johnson Freeway, Scyene Road and White Rock Lake/East Grand Avenue. The Garland Road tank is the only elevated tank serving east Dallas and its continued service is important to the overall water delivery system. Construction of the new water tank, pipelines, and system improvements are anticipated to be complete by December 2021.

The condition of the existing tank was recently evaluated by a structural engineer and near term shoring improvements were recommended to ensure the tank's stability until a new tank is constructed and put in service. The contract for these shoring improvements was approved by council on June 27, 2018.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design Services	September 2018
Complete Design Services	October 2019
Begin Construction	May 2020
Complete Construction	December 2021

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

On October 8, 2014, City Council authorized a professional services contract with Arredondo, Zepeda and Brunz, LLC to provide engineering services to investigate rehabilitation or replacement of the Garland Road elevated concrete water storage tank by Resolution No. 14-1697.

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

**FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$2,180,289.15

Design	\$ 615,330.00
Supplemental Agreement No. 1 (this action)	<u>\$2,180,289.15</u>
Total Project Cost	\$2,795,619.15

<b><u>Council District</u></b>	<b><u>Amount</u></b>
9	\$1,655,950.33
10	<u>\$ 524,338.82</u>
Total	\$2,180,289.15

**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE%</u></b>	<b><u>M/WBE \$</u></b>
\$2,180,289.15	Architectural		25.66%	98.05%
\$2,137,781.15	& Engineering			

- Supplement Agreement No. 1 - 98.05% M/WBE participation
- This contract exceeds the M/WBE goal of 25.00%, and has a 95.12% Overall M/WBE participation

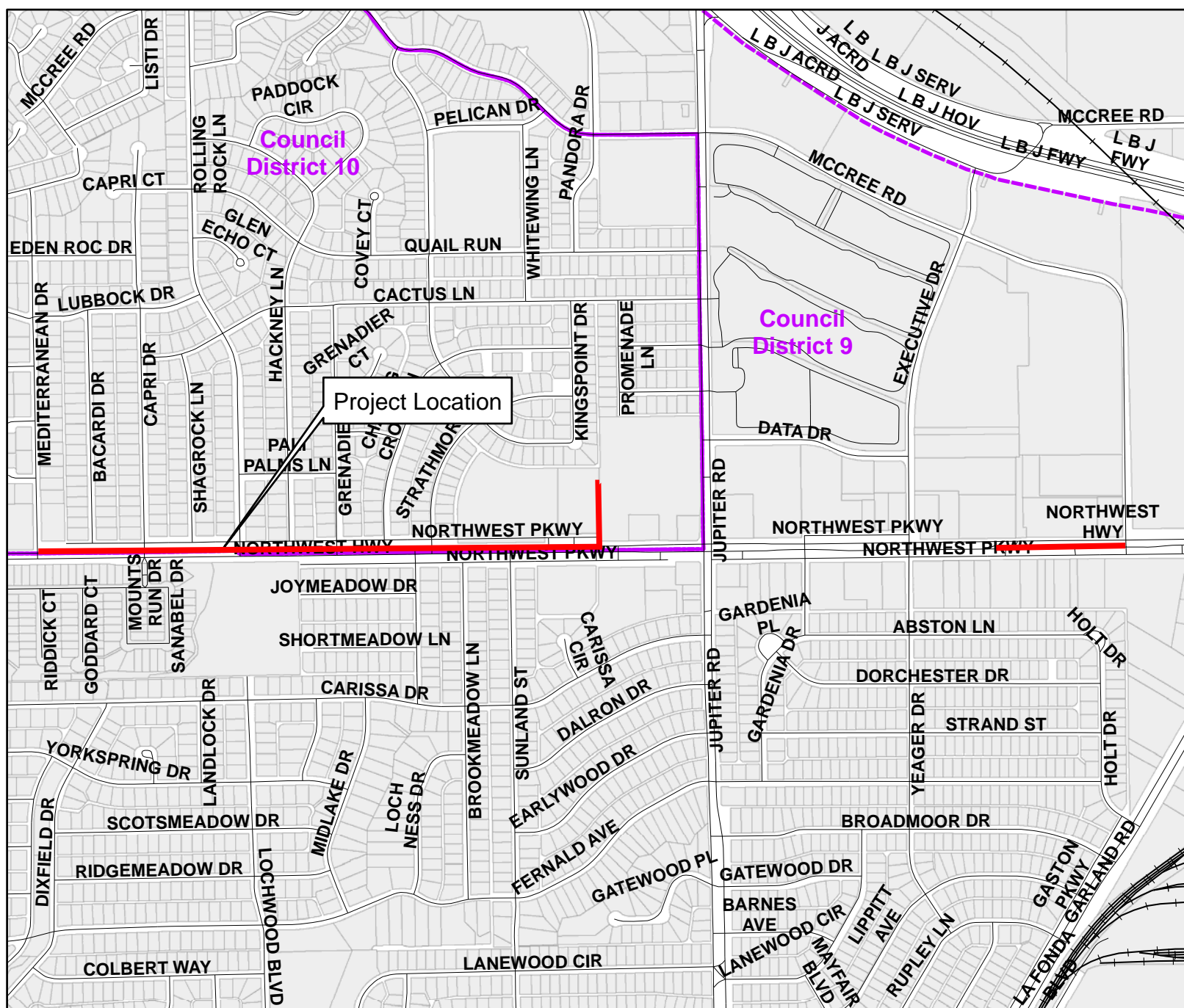
**OWNER**

**Arredondo, Zepeda and Brunz, LLC**

Alfonso P. Garza, President  
Roy R. Brunz, Vice President and Chief Financial Officer

**MAPS**

Attached

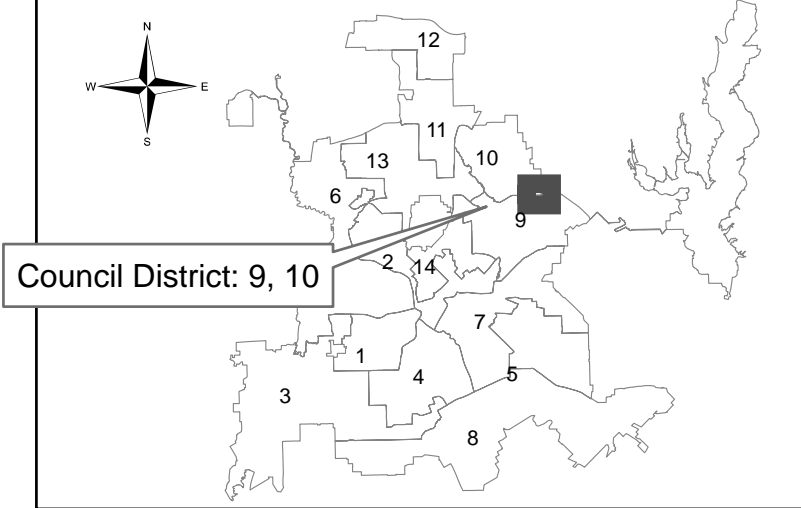
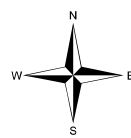


Project Location

Council District 10

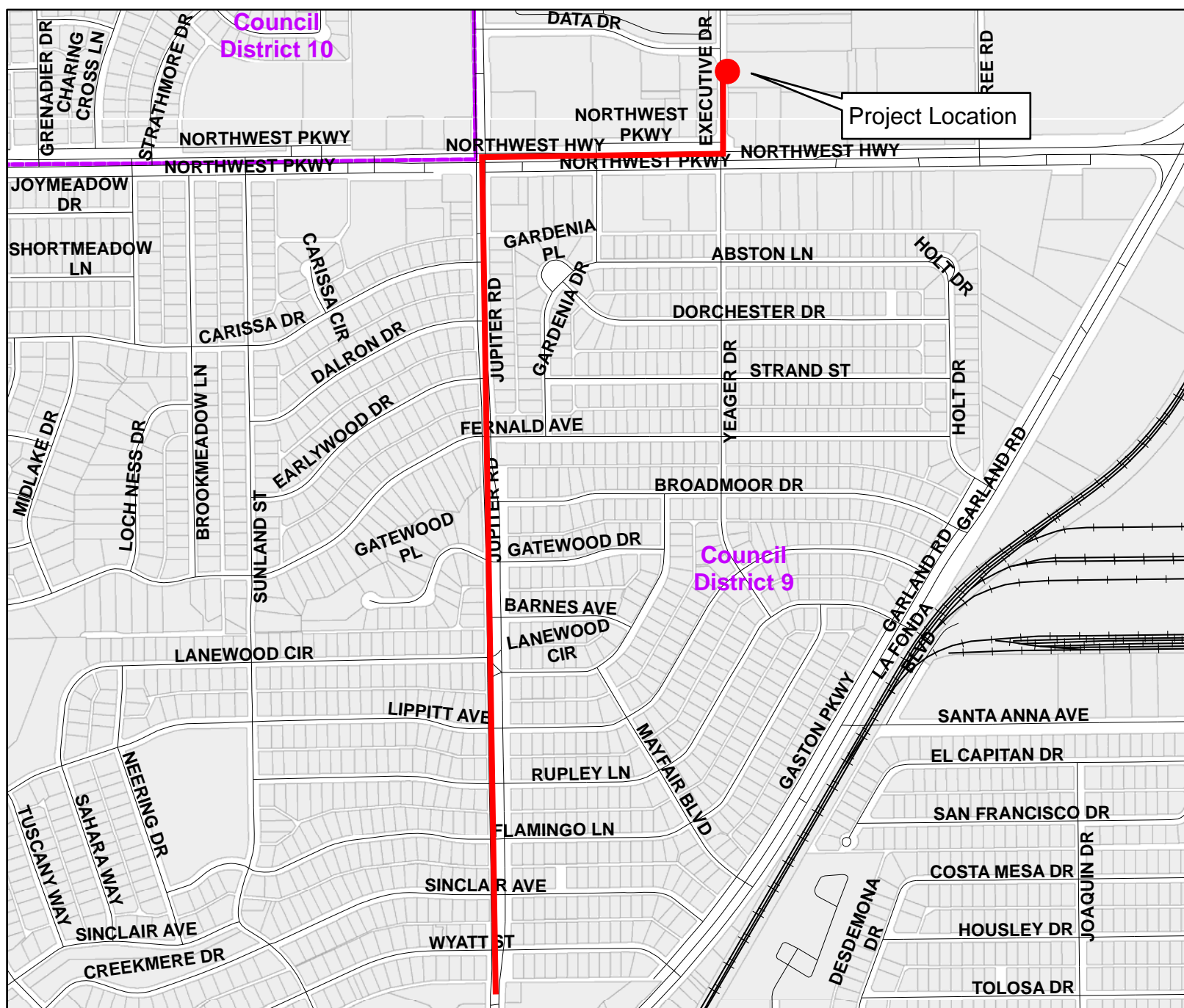
Council District 9

Mapsco: 28 X, Y, Z



**Dallas Water Utilities**  
**Contract No. 14-235E, Supplemental Agreement No. 1**  
**New Elevated Water Tank Construction**  
**and Water System Improvements for Garland Road Tank**  
**and the East High Pressure Zone**



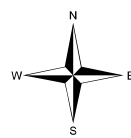


Project Location

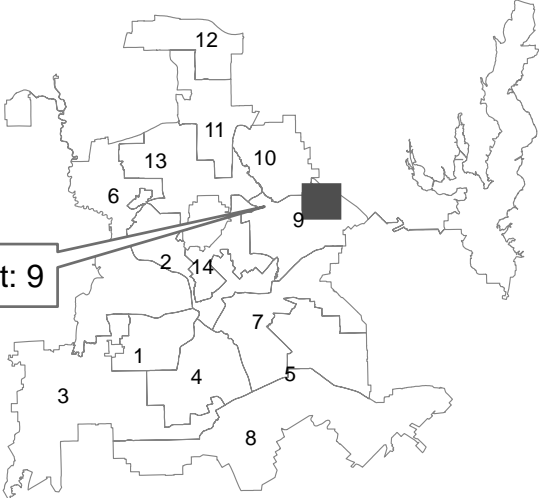
Council District 10

Council District 9

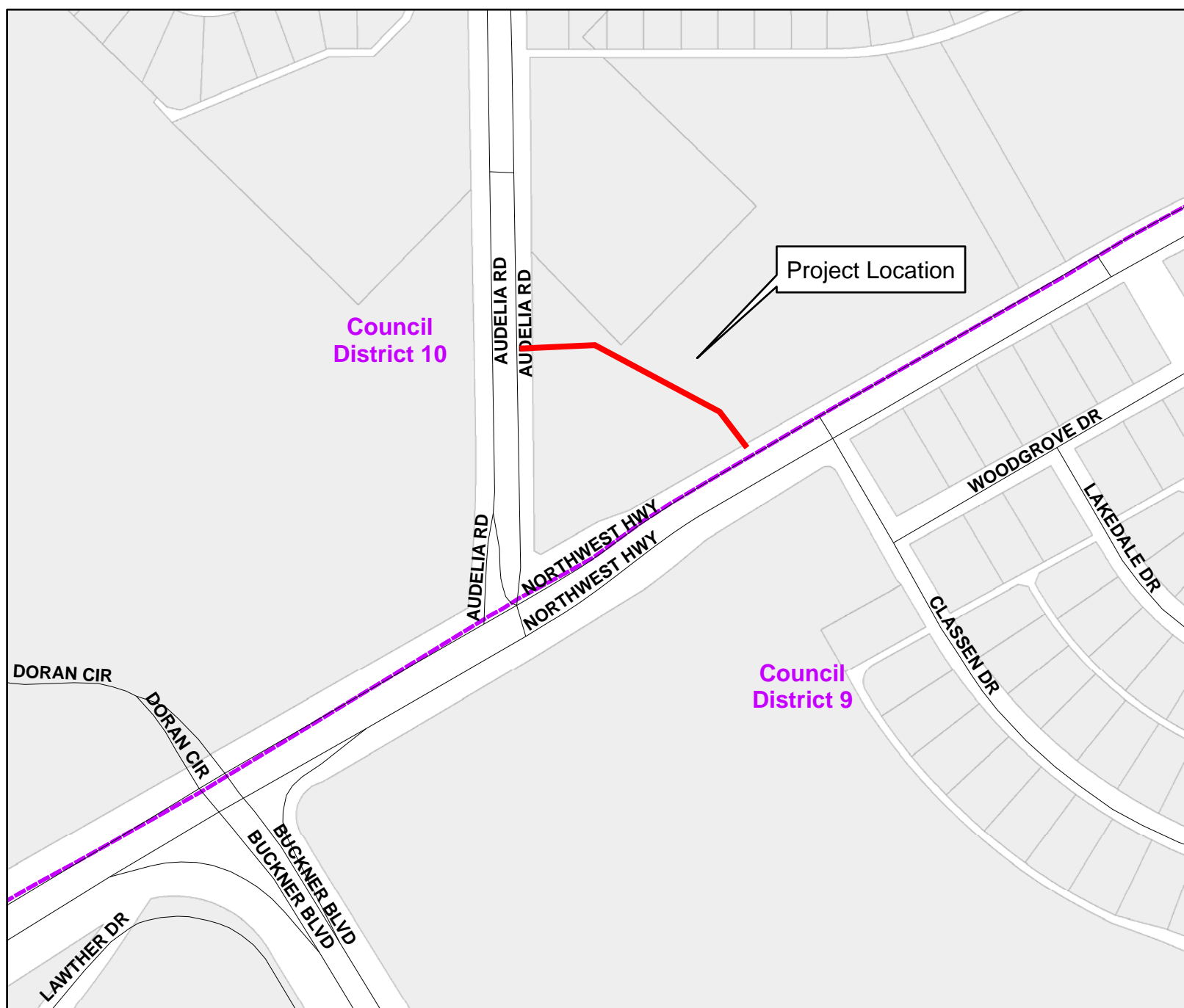
Mapsco: 28 V, X, Y, 38 C



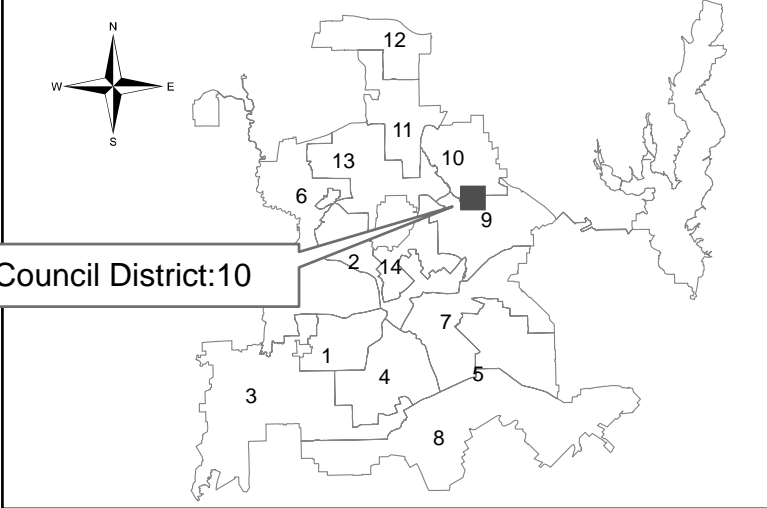
Council District: 9



**Dallas Water Utilities**  
**Contract No. 14-235E, Supplemental Agreement No. 1**  
**New Elevated Water Tank Construction**  
**and Water System Improvements for Garland Road Tank**  
**and the East High Pressure Zone**



Mapsc0: 27 Y



**Dallas Water Utilities**  
**Contract No. 14-235E, Supplemental Agreement No. 1**  
**New Elevated Water Tank Construction**  
**and Water System Improvements for Garland Road Tank**  
**and the East High Pressure Zone**

August 8, 2018

**WHEREAS,** on October 8, 2014, City Council authorized a professional services contract with Arredondo, Zepeda and Brunz, LLC to provide engineering services to investigate rehabilitation or replacement of the Garland Road elevated concrete water storage tank, in an amount not to exceed \$615,330.00, by Resolution No. 14-1697; and

**WHEREAS,** additional engineering services are required to prepare final design plans and specifications and provide construction administration services for a new elevated water tank and water system improvements; and

**WHEREAS,** Arredondo, Zepeda and Brunz, LLC, 11355 McCree Road, Dallas, Texas 75238, has submitted an acceptable proposal to provide these engineering services; and

**WHEREAS,** Dallas Water Utilities recommends that Contract No. 14-235E be increased by \$2,180,289.15, from \$615,330.00 to \$2,795,619.15.

**Now, Therefore,**

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

**SECTION 1.** That the proposed Supplemental Agreement No. 1 to the professional services contract be accepted and that Contract No. 14-235E with Arredondo, Zepeda and Brunz, LLC, be revised accordingly.

**SECTION 2.** That the City Manager is hereby authorized to sign Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda and Brunz, LLC, approved as to form by the City Attorney, to provide additional engineering services to replace the Garland Road elevated water tank and associated water system improvements, in an amount not to exceed \$2,180,289.15, increasing the contract amount from \$615,330.00 to \$2,795,619.15.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,180,289.15 to Arredondo, Zepeda and Brunz, LLC from the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit PW40, Object 4111, Program 714235, Encumbrance CT-DWU714235EA, Vendor 080851.

**SECTION 4.** That this contract is designated as Contract No. DWU-2017-00003503.

**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.



--

**CATEGORY:**

**DEPARTMENT:** City Secretary

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** N/A

---

**SUBJECT**

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



**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Park & Recreation Department  
Office of Economic Development

**CMO:** Willis Winters, 670-4071  
Raquel Favela, 670-3309

**MAPSCO:** 46 Q

---

**SUBJECT**

Authorize a Chapter 380 Economic Development Grant Agreement with ESPN Productions Inc. in consideration of bringing teams from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 pursuant to the City of Dallas Public/Private Partnership Program - Not to exceed \$300,000 - Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

The first Cotton Bowl collegiate game was held on January 1, 1937 at the Cotton Bowl Stadium with the Texas Christian University Horned Frogs defeating the Marquette Golden Avalanche, 16-6. A bowl game has been held at the Cotton Bowl Stadium each year since, except in 2010. The Cotton Bowl Stadium has hosted more bowl games than any other stadium in the United States, with the exception of the Rose Bowl.

On November 14, 2012, the City of Dallas (City) and the Heart of Dallas, a Texas non-profit corporation, entered into a Chapter 380 Economic Development Grant Agreement. Under the authority of Chapter 380 of the Texas Local Government Code (the "Act), the City has made grants of public money to: (1) promote local economic development; and (2) stimulate business and commercial activity in the City; more particularly within the South Dallas/Fair Park area. The City desired to provide an economic incentive to the Heart of Dallas to bring teams from the Big 10, Big 12, or Conference USA to play in an annual bowl game at Cotton Bowl Stadium which would also help promote development and diversification of the economy, elimination of unemployment and underemployment and development and expansion of commerce.



## **BACKGROUND** (continued)

The Heart of Dallas expressed a commitment to contract with the City to host bowl games with specified National Collegiate Athletic Association (NCAA) football conferences and in consideration for the completion and compliance of said functions, the City committed to make an economic development grant to the Heart of Dallas of \$400,000, renewed for up to five additional 12-month periods and subject to annual approval and appropriation by the City Council and continued statutory authorization of the incentive under the Act.

In 2013, ESPN Productions Inc. (ESPN) took over management and operation of the Plains Capital Heart of Dallas Bowl and in 2014 Zaxby's became the title sponsor. On December 26, 2017, the final bowl game was played under the Chapter 380 Economic Development Grant Agreement between the City and Heart of Dallas/ESPN.

According to Visit Dallas, the bowl game between Utah and West Virginia on December 26, 2017 had an economic impact of \$7,024,513. The bowl game between Army and North Texas on December 27, 2016 had a total economic impact of \$5,903,619 and the bowl game between Louisiana Tech and Illinois played on December 26, 2014 had an economic impact of \$14,890,630.

Via a separate agreement, the Heart of Dallas/ESPN has two years remaining in a six-year partnership agreement with the Big 12 (seventh selection), Big 10 (ninth selection) and Conference USA. Remaining matchups include Conference USA versus Big 10 in 2018 and Conference USA versus Big 12.

On November 2, 2017, the Park and Recreation Board was briefed on the history of the bowl games and future Chapter 380 Economic Development Grant Agreement funding options. Staff recommended that a new two-year funding agreement be pursued in an amount of \$800,000 (\$400,000 in 2018 and \$400,000 in 2019), as a shorter term would result in better aligning of City interests with contract terms of any new agreement between ESPN and the college conferences.

Information on the proposed two-year funding agreement with ESPN was provided to the Quality of Life, Arts and Culture Committee on February 26, 2018 and on February 28, 2018 City Council remanded the item to Quality of Life, Arts and Culture Committee to pursue alternative funding sources.

The Quality of Life, Arts and Culture Committee received a briefing on the bowl game history, attendance and economic impact on March 26, 2018 and were directed to partner with the Dallas Sports Commission and Visit Dallas to engage the Tourism Public Improvement District (TPID) Board as a potential funding source to help offset public support.

## **BACKGROUND** (continued)

On June 25, 2018, the Quality of Life, Arts and Culture Committee was briefed by memorandum that the TPID had agreed to provide a percentage of lodging revenues actualized up to \$200,000 annually which could increase or be reduced based on game attendance and lodging revenue.

The City of Dallas commitment was proposed at \$150,000 each year and the Quality of Life, Culture and Arts Committee recommended that City Council consider authorizing a Chapter 380 Economic Development Grant Agreement, not to exceed \$300,000.

The proposed Chapter 380 Economic Development Grant Agreement is subject to the following key terms:

1. The grant shall be payable in two installments of \$150,000 each in December 2018 and December 2019
  - The first installment will be payable in December 2018 upon completion and verification of ESPN bringing teams in from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park to promote with the City, and in particular within the South Dallas/Fair Park area that will promote development and diversification of the economy; elimination of unemployment and underemployment; and development and expansion of commerce
  - The second installment will be payable in December 2019 upon completion and verification of ESPN bringing teams in from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park to promote with the City, and in particularly within the South Dallas/Fair Park area that will promote development and diversification of the economy; elimination of unemployment and underemployment; and development and expansion of commerce
2. ESPN shall contract with the City to host bowl games at the Cotton Bowl Stadium with specified NCAA football conferences in 2018 and 2019
3. ESPN shall organize and manage advertising, broadcasting, news media, promotional activities and other such related game functions
4. The grant shall renew each year for up to one additional 12-month period, subject to approval and appropriation by the City Council
5. Continued statutory authorization of this incentive under the Act
6. ESPN shall host the annual bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019

## **BACKGROUND** (continued)

Pursuant to the City's Public/Private Partnership (PPP) Program, Guidelines and Criteria (effective for the period of January 1, 2018 through December 31, 2018) the project does not meet the minimum eligibility requirements for a non-target area. Notwithstanding, the project represents a unique economic development opportunity and, as such is considered a "Non-Conforming Project" pursuant to the PPP Program. As a Non-Conforming Project, the proposed Grant requires approval by a three-fourths vote of the City Council.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 14, 2012, City Council authorized an economic development grant agreement with The HOFD, Incorporated pursuant to the City's Public/Private Partnership Program for participating universities from the Big 10, Big 12 or Conference USA subject to the annual New Year's Day Bowl Game at the Cotton Bowl, by Resolution No. 12-2785.

On November 2, 2017, the Park and Recreation Board was briefed on the history of the bowl games and future Chapter 380 Economic Development Grant Agreement funding options.

On February 1, 2018, the Park and Recreation Board authorized staff to work with the Office of Economic Development to seek the reauthorization of a Chapter 380 Economic Development Grant Agreement with ESPN and for staff to seek additional match funding sources, specifically the Tourism Public Improvement District.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on February 26, 2018.

On February 28, 2018, City Council remanded this item to the Quality of Life, Arts and Culture Committee by Resolution No. 18-0376.

On March 26, 2018, the Quality of Life, Arts and Culture Committee was briefed on the Heart of Dallas Bowl. Staff was directed to partner with the Dallas Sports Commission and Visit Dallas to engage the Tourism Public Improvement District Board as a potential funding source to help offset public support.

On June 25, 2018, the Quality of Life, Arts and Culture Committee was briefed by memorandum and recommended that City Council consider authorizing a Chapter 380 Economic Development Grant Agreement, in an amount not to exceed \$300,000 (\$150,000 in 2018 and \$150,000 in 2019).

**FISCAL INFORMATION**

General Funds - \$300,000

FY 2018-19: \$150,000 (subject to annual appropriations)

FY 2019-20: \$150,000 (subject to annual appropriations)



August 8, 2018

**WHEREAS**, under the authority of Chapter 380 of the Texas Local Government Code, the City of Dallas has made grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas, and more particularly within the South Dallas/Fair Park area; and

**WHEREAS**, on November 14, 2012, City Council authorized an economic development grant with The HOFD, Incorporated to bring teams from the Big 10, Big 12 or Conference USA to play their annual New Year's Day bowl game at the Cotton Bowl Stadium in Fair Park by Resolution No. 12-2785; and

**WHEREAS**, holding the games at the Cotton Bowl Stadium, along with advertising, broadcasting, news media, and promotion activities related to the Heart of Dallas Bowl game, attracts tourists to the City and Fair Park, increases business opportunities throughout the City, and portrays the City in a positive fashion; and

**WHEREAS**, in 2013, ESPN Productions Inc. (ESPN) took over management and operation of the Plains Capital Bank Heart of Dallas Bowl and in 2014 Zaxby's became the title sponsor of the Bowl; and

**WHEREAS**, on December 14, 2016, City Council adopted a new Public/Private Partnership Program Guidelines and Criteria for the period of January 1, 2017 through December 31, 2018, unless new Guidelines to the Public/Private Partnership Program are adopted before such date pursuant to the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A., Tax Code Chapter 312) and other incentives intended to promote private investment, tax base growth and job creation by Resolution No. 16-1984; and

**WHEREAS**, according to Visit Dallas, the bowl game on December 26, 2017 between Utah and West Virginia had an economic impact of \$7,024,513, the bowl game on December 27, 2016 between Army and North Texas had a total economic impact of \$5,903,619; and the bowl game on December 26, 2014 between Louisiana Tech and Illinois had an economic impact of \$14,890,630; and

**WHEREAS**, ESPN has expressed a commitment to contract with the City of Dallas to host bowl games at the Cotton Bowl Stadium with specified football conferences in December 2018 and December 2019 in exchange for certain considerations.

**Now, Therefore,**

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

August 8, 2018

**SECTION 1.** That the City Manager is hereby authorized to sign a Chapter 380 Economic Development Grant Agreement with ESPN Productions Inc., approved as to form by the City Attorney, in consideration of bringing teams from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium at Fair Park in December 2018 and December 2019 pursuant to the City of Dallas' Public/Private Partnership Program.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a Chapter 380 Economic Development Grant Agreement with ESPN, approved as to form by the City Attorney.

**SECTION 3.** That the City Manager is hereby authorized to provide annual funding beginning in 2018 through 2019, in the amounts as set forth in SECTION 4 below, subject to the games being played at the Cotton Bowl Stadium and annual appropriation of funding by the City Council.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds to ESPN Productions Inc. in an amount not to exceed \$300,000 (\$150,000 in Fiscal Year 2018-19 and \$150,000 in Fiscal Year 2019-20) (subject to annual appropriations) from General Fund, Fund 0001, Department PKR, Unit 5208, Object 3016, Vendor VC18227.

**SECTION 5.** That this contract is designated as Contract No. PKR-2018-00005409.

**SECTION 6.** That the commitments for funding set forth in this resolution shall be terminated by the City Manager, without liability in the event of non-appropriation of such subsequent funding by the City Council; provided, however, the City Manager is hereby authorized to include such funding in the proposed budget submissions to the City Council.

**SECTION 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**AGENDA ITEM # 42**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Civil Service

**CMO:** T.C. Broadnax, 670-3297

**MAPSCO:** N/A

---

**SUBJECT**

Authorize a contract for a one-year corporate membership to LinkedIn Corporation – Not to exceed \$128,159 – Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)

**BACKGROUND**

This corporate membership will provide the city capabilities to continue improving recruitment efforts in support of the Hire Dallas initiative through the use of technology. Having access to LinkedIn’s 500 million members will give the City a unique opportunity to utilize LinkedIn’s extensive network of resources, online tools and talent solutions to accomplish extensive recruiting efforts such as posting current job openings, targeted outreach through membership database searches, specialized City branding through customizable company career pages and the ability to emphasize focus on hard-to-fill positions. Utilizing these unique tools and services offered under the corporate membership increases the number of qualified and highly skilled candidates informed about and possibly applying for City jobs while improving the perception and appeal of the City as a great place to work.

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

Information about this item will be provided to the Government Performance & Financial Management Committee on June 18, 2018.

On June 27, 2018, this item was deferred by Councilmember Philip T. Kingston.

**FISCAL INFORMATION**

General Funds - \$128,159 (subject to appropriations)

August 8, 2018

**WHEREAS**, arrangements with professional organizations provide the City of Dallas access to information of benefit to the City, enhanced communication with entities and persons interested in learning more about City job openings, opportunities for information exchange and professional development, as well as effective lobbying on matters of municipal interest; and

**WHEREAS**, the City of Dallas benefits through its relationships with the professional organizations.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a contract with LinkedIn Corporation (VC16071), approved as to form by the City Attorney, for a one-year corporate membership.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$128,159 (subject to appropriations) to LinkedIn Corporation from Master Agreement Service Contract No. CVS-2018-00006601, for payment of membership fees.

**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.

**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 2, 7

**DEPARTMENT:** Office of Procurement Services  
Office of Economic Development

**CMO:** Elizabeth Reich, 670-7804  
Raquel Favela, 670-3309

**MAPSCO:** N/A

---

**SUBJECT**

Authorize **(1)** the rejection of the proposals received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District; and **(2)** the re-advertisement for a new solicitation - Financing: No cost consideration to the City (This item was deferred on June 27, 2018)

**BACKGROUND**

This action will authorize the rejection of the proposals received for solicitation BYZ1812 for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District. The Office of Economic Development will review and modify the specifications before re-advertisement.

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

The Economic Development and Housing Committee was briefed by memorandum regarding this matter on June 18, 2018.

On June 27, 2018, this item was deferred by Councilmember Tennell Atkins.

The Government Performance & Financial Management Committee will receive this item for consideration on August 6, 2018.

**FISCAL INFORMATION**

No cost consideration to the City.

August 8, 2018

**WHEREAS**, it has been determined that it is in the best interest of the City of Dallas to reject the proposals that were received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District.

**Now, Therefore,**

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

**SECTION 1.** That the proposals received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District are hereby rejected and authorization to advertise a solicitation is granted.

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

**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 1, 2, 3, 4, 5, 6, 7, 8, 14

**DEPARTMENT:** Police Department

**CMO:** Jon Fortune, 670-1204

**MAPSCO:** N/A

---

**SUBJECT**

Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019 - Not to exceed \$1,200,000 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)

**BACKGROUND**

In January 2008, the Dallas County Sheriff's Office assumed primary freeway coverage responsibility in Southern Dallas County allowing Dallas Police Department to reallocate resources to focus more intently on neighborhoods, while the Dallas County Sheriff's Office provides a targeted regional response on the highways to achieve greater response times and enhanced response capabilities.

From the inception of the program in 2008 through FY 2010-11, the City did not contribute funding towards the operation of the program.

In FY 2011-12, the City of Dallas assisted Dallas County in meeting budgetary shortfalls for the Dallas County Highway Program by contributing \$1M in financing toward the program. In addition, the agreement modified the traffic management coverage areas for the Dallas Police Department and the Dallas County Sheriff's Office.

In addition to receiving a financial commitment from the City, the Regional Transportation Council through the North Central Texas Council of Governments has contributed funding towards this traffic safety partnership of approximately \$1M annually.

The program has had an operating deficit in prior years that was funded by Dallas County. In FY 2017-18 and FY 2018-19, the delta is estimated to be approximately \$6.8M. The estimated FY 2017-18 and FY 2018-19 program expenses are \$11.8M while the program revenues and funding contributions account for \$5M.

**BACKGROUND** (continued)

Below is a summary of funding contributions by the City:

During FY 2012-13 and FY 2013-14, highway coverage remained the same and the City contributed \$800,000 to program expenses in FY 2012-13 and \$600,000 in FY 2013-14.

During FY 2014-15 and FY 2015-16, highway coverage remained the same and the City contributed \$600,000 to cover program expenses.

For FY 2017-18 and FY 2018-19, highway coverage has and will remain the same and the City is being asked to contribute \$600,000 annually to cover program expenses.

Under this agreement, the Dallas County Sheriff's Office manages traffic coverage in the following locations:

<u>Loop 12</u>	Trinity River to Interstate Highway (IH) 35/Loop 12 (Walton Walker) split
<u>Woodall Rodgers Freeway</u>	from Central Expressway to Riverfront Boulevard
<u>U.S. Highway 175</u>	from IH 45 to City of Seagoville city limits
<u>Interstate Highway 45</u>	Woodall Rodgers Freeway to U.S. Highway 175
<u>Interstate Highway 30</u>	from the City of Irving city limits to the City of Mesquite city limits
<u>Interstate Highway 35</u>	from Woodall Rodgers Freeway to the city limits (North of IH 635) and from the IH 35/U.S. Highway 67 split to Woodall Rodgers Freeway
<u>Interstate Highway 20</u>	from the City of Balch Springs city limits to the City of Grand Prairie city limits

**BACKGROUND** (continued)

The below table represents metrics from the services provided by Dallas County under this agreement:

<b><u>Dallas County Sheriff</u></b>	<b><u>FY 2015-16</u></b>	<b><u>FY 2016-17</u></b>
Calls for Service	48,443	69,991
Traffic Accident Responses	6,588	5,833
Response Time (minutes)	9.03	9.9
Clearance Time (minutes)	21.8	21.7
Recovered Stolen Vehicles	94	69
Persons Arrested	1,231	1,203
Traffic Warning Issued	12,227	12,268
Speeding Tickets	3,828	8,498
DWI/DUI	253	211

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

On January 22, 2014, City Council authorized a payment to the Dallas County Sheriff's Office to reimburse Dallas County for program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2013 through September 30, 2014, by Resolution No. 14-0188.

On June 17, 2015, City Council authorized a payment to the Dallas County Sheriff's Office to reimburse Dallas County for program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2014 through September 30, 2015, by Resolution No. 15-1244.

On May 11, 2016, City Council authorized a payment to the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2015 through September 30, 2016, by Resolution No. 16-0731.

On June 14, 2017, City Council authorized a payment to the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2016 through September 30, 2017, by Resolution No. 17-0939.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on June 25, 2018.

On June 27, 2018, this item was deferred by Councilmember Adam McGough.



**FISCAL INFORMATION**

General Funds - \$1,200,000 (subject to appropriations)

FY 2017-18 \$600,000

FY 2018-19 \$600,000

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$ 133,332
2	\$ 133,332
3	\$ 133,332
4	\$ 133,334
5	\$ 133,334
6	\$ 133,334
7	\$ 133,334
8	\$ 133,334
14	<u>\$ 133,334</u>
Total	\$1,200,000

August 8, 2018

**WHEREAS**, Dallas County maintains a highway traffic program for limited-access facilities in portions of Dallas County Highway Traffic Program; and

**WHEREAS**, the Parties previously agreed upon a funding strategy for the Dallas County Highway Traffic Program to address an expected shortfall for FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018 and FY 2019; and

**WHEREAS**, given the success of the funding strategy for FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, and FY 2017, the Parties now desire to enter into an agreement concerning the funding for the Dallas County Highway Traffic Program for FY 2018 and FY 2019; and

**WHEREAS**, in consideration of these premises, Dallas County and the City of Dallas, agree to reimburse program expenses associated with the Dallas County Highway Traffic Program.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign an Interlocal Agreement with the Dallas County Sheriff's Office, approved as to form by the City Attorney, for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019, in an amount not to exceed \$1,200,000.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay the Dallas County Sheriff's Office (Vendor 014003), in an amount not to exceed \$1,200,000 (subject to appropriations) from General Fund, Fund 0001, Department DPD, Unit 2121, Object 3070, Encumbrance/Contract No. MASC-DPD-2018-00004999, Vendor 014003.

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



**AGENDA ITEM # 45**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 24 N

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 706 for a public school use on property zoned Planned Development District No. 706, on the northwest corner of Walnut Hill Lane and Gooding Drive

Recommendation of Staff and CPC: Approval, subject to a revised development plan, landscape plan, traffic management plan, and conditions  
Z178-150(SM)

**FILE NUMBER:** Z178-150(SM)

**DATE FILED:** December 12, 2017

**LOCATION:** Northwest corner of Walnut Hill Lane and Gooding Drive

**COUNCIL DISTRICT:** 13

**MAPSCO:** 24 N

**SIZE OF REQUEST:** Approx. 22.538 acres

**CENSUS TRACT:** 95.00

---

**APPLICANT/OWNER:** Dallas ISD

**REPRESENTATIVE:** Rob Baldwin

**REQUEST:** An application for an amendment to Planned Development District No. 706 for a public school use on property zoned Planned Development District No. 706.

**SUMMARY:** The applicant proposes to construct a new wing to the south side of the building for the relocation and expansion of the library and classrooms and to construct a storm shelter for DISD's Thomas Jefferson High School.

**CPC RECOMMENDATION:** Approval, subject to a revised development plan, landscape plan, traffic management plan, and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a revised development plan, landscape plan, traffic management plan, and conditions.

**BACKGROUND INFORMATION:**

- The existing two-story high school was originally constructed in 1956 with 206,471 square feet of floor area and received two building additions in 2005 and 2012 of 37,679 and 4,485 square feet of floor area, respectively, according to Dallas Central Appraisal District Records.
- On November 10, 2004, Council approved PDD No. 706 to allow the school to become conforming and accommodate the above listed building additions and expansions to the existing parking lot in the rear.
- The site currently contains 17 portable classroom buildings in the northeastern quadrant of the campus and two other portable buildings on the northwestern quadrant of campus which includes a weight room and a “quad portable”. The request proposes to remove the northernmost seven portable classroom buildings located in the northeastern quadrant of campus and to add 56 parking spaces in the location of the removed portable classroom buildings.
- In addition, the applicant proposes to construct a new wing to the south side of the building for the relocation and expansion of the library and classrooms and to construct a storm shelter for DISD’s Thomas Jefferson High School.
- Two updates are included in this report since the May 17<sup>th</sup> report: 1) a revised traffic management plan (TMP) and 2) revised landscape plan which shows additional landscaping. Both plans were submitted to staff on May 25, 2018

**Zoning History:** There has been one recent zoning case in the vicinity in the last five years.

1. **Z167-405:** On February 28, 2018, the City Council denied an application for a Specific Use Permit for a tower/antenna for cellular communication without prejudice.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Thoroughfare Dimension</b>
Walnut Hill Lane	Principal Arterial	Minimum-6 lanes-divided, 100' ROW
Gooding Drive	Local	60' ROW
Killion Drive	Local	60' ROW

**Traffic:**

The accompanying traffic management plan (TMP) with this application stated some findings and recommendations to improve the existing pick up and drop off operations of the school. The existing parent pick up activities occur on Walnut Hill Lane and on Gooding Drive. The primary recommendations from the TMP move parent pick up operations from the rights-of-way into the northern staff parking lot and dedicate the circular drive parallel to Walnut Hill Lane as a bus waiting/loading area. The Engineering Division of the Sustainable Development and Construction Department has reviewed the request, including the attached traffic management plan, and recommends approval of the recommendations described in the proposed traffic management plan.

**Comprehensive Plan:**

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

The request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

GOAL 1.1 Align land use strategies with economic development priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

**NEIGHBORHOOD PLUS**

Policy 4.2 Support and leverage emerging school quality and school choice programs.



**STAFF ANALYSIS**

**Surrounding Land Uses:**

<b>Location</b>	<b>Zoning</b>	<b>Land Use</b>
Site	PDD No.706	Public School
North	R-16(A)	Single Family
East	R-16(A); PDD No. 416	Single Family
South	R-10(A)	Single Family
West	PDD No. 724	Public School

**Land Use Compatibility:**

The site is located on the northwest corner of Walnut Hill Lane and Gooding Drive. A public middle school shares the western half of block with the area of request and single family uses surround the remainder of the area of request to the north, east, and south.

The school was originally opened in 1956 at the time that the surrounding neighborhood was being developed and approximately three years before the adjacent middle school was constructed, according to aerial photography and Dallas Central Appraisal District records. The applicant proposes to construct a new wing to the south side of the building for the relocation and expansion of the library and classrooms and to construct a storm shelter for DISD’s Thomas Jefferson High School. Because the addition is one story and is compatible in scale and similar to the existing school, it is compatible with the surrounding land uses.

**Parking:**

The Dallas Development Code derives the off-street parking requirement for a school using the following criteria: 1) the number of classrooms, and 2) the type of institution that serves the students (e.g., elementary, middle or high school). The Dallas Development Code requirement for off-street parking for a high school is nine and one-half spaces for each high school classroom.

The existing approved development plan allowed 83 high school classrooms which would have required 789 parking spaces. However, PDD No. 706 was approved on November 10, 2004, with a requirement to only provide 562 parking spaces. For comparison purposes, this reduced the parking requirement to approximately 6.77 spaces per classroom.

The proposed conditions eliminate the parking reduction granted in 2004 and therefore, parking requirements would revert to the minimum parking requirements of the Dallas Development Code. Because the proposed development plan specifies a total of 64 classrooms, a minimum of 608 spaces are required by the standard parking requirement of the Dallas Development Code. There will be 632 spaces provided on the proposed development plan once the seven existing portable buildings are removed. Therefore, after the seven portable buildings are removed and the parking area beneath is restored and striped, the request is providing an additional 24 parking spaces above the minimum number of spaces required by the Dallas Development Code.

**Landscaping:**

Landscaping is proposed as per the provided landscape plan. Since the school was originally constructed long before landscaping regulations were established, the majority of the site does not comply with Article X and therefore, the original PDD No. 706 allowed landscaping to comply with the landscaping shown on the original development plan.

While the proposed landscaping is not per Article X as shown below in the following comparison table that was provided by the representative, the arborist found the proposed landscape plan to be acceptable for the use. The noted changes to the attached landscape plan denote modifications from the current version of the landscape plan to previous versions.

**Prior CPC Action—April 19, 2018:**

**Motion:** In considering an application to amend Planned Development District No. 706 for a public school use on property zoned Planned Development District No. 706, on the northwest corner of Walnut Hill Lane and Gooding Drive, it was moved to **hold** this case under advisement until May 17, 2018.

Maker: Carpenter  
Second: Houston  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 145  
**Replies:** For: 10 Against: 5

**Speakers:** None

**Prior CPC Action—May 17, 2018:**

**Motion:** In considering an application to amend Planned Development District No. 706 for a public school use on property zoned Planned Development District No. 706, on the northwest corner of Walnut Hill Lane and Gooding Drive, it was moved to **hold** this case under advisement until June 7, 2018.

Maker: Murphy  
Second: Schultz  
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Schultz, Peadon,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Housewright  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 145  
**Replies:** For: 12 Against: 10

**Speakers:** For: None  
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

**Prior CPC Action—June 7, 2018:**

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development District No. 706 for a public school use, subject to a revised development plan, landscape plan, revised traffic management plan, and conditions (as briefed) to include the following modifications to the traffic management plan, (page 6), item #6: 1) strike language “Decommission Eastbound Left-Turn Lane” and 2) item #6 to read as: “Outbound only, during times that the school zones are in effect. Enforce one-way outbound only traffic operation at west driveway on Walnut Hill Lane while school zones are in effect.” on property zoned Planned Development District No. 706, on the northwest corner of Walnut Hill Lane and Gooding Drive.

Maker: Murphy  
Second: Ridley  
Result: Carried: 12 to 0

For: 12 - Rieves, Houston, Davis, Carpenter, Mack,  
Jung, Housewright, Schultz, Peadon, Murphy,  
Ridley, Tarpley

Against: 0  
Absent: 2 - West, Shidid  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 145  
**Replies:** For: 12 Against: 10

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

Article X Comparison  
 Thomas Jefferson High School  
 Original construction date: 1956

Article X Requirement	Required	Proposed
Site Trees (1:4,000 sf site area)	267	<b>115 (decrease due to added driveway on west, 4 additional ornamental trees to be provided) [<del>121</del>]</b>
Parking lot Trees	Every parking space must be within 120 ft of a large canopy tree	Complies
Street Trees: (1 per 50 ft frontage)	Killion Drive – 20 Gooding Drive – 23 Walnut Hill Lane - 20	Killion Drive – <del>23</del> <b>[24]</b> Gooding Drive – <del>14</del> <b>[13]</b> due to existing parking lot Walnut Hill Lane -5 due to drop-off lane
Residential Buffer and Buffer Planting	10 ft buffer with no hardscape in the buffer including parking lots, building, etc. Sidewalks allowed.	Killion Drive – Does not meet requirements. Need additional trees or shrubs. Min would be adding 60 10-gallon shrubs. Gooding Drive – Does not meet requirements. Need additional trees and shrubs. Min would be adding 39 shrubs and 10 shade trees. Walnut Hill Lane – Not required
Design Standards	Minimum 2 required from list of 10	<b><u>Two provided [None]</u></b> <ul style="list-style-type: none"> <li>o Enhanced Perimeter Buffer (15 ft) – Cannot comply due to existing sports and parking lots.</li> <li>o Street Buffer – Cannot comply due to existing sports field and parking lots.</li> <li>o Screening of Parking – Site does not meet full requirements due to existing paving. <b><u>Wind screen to be installed along Gooding Drive parking lot. Shrubs to screen parking lot on Walnut Hill Lane.</u></b></li> <li>o Enhanced Vehicular Pavement – Site does not meet full requirements due to existing paving.</li> <li>o Permeable Vehicular Pavement – Existing pavement.</li> <li>o Pedestrian Facilities – Cannot comply due to existing sports and parking lots to meet minimum 5% of lot area.</li> <li>o Foundation Planting Strip – [<del>Existing foundation planting does not meet minimum percentage of building width</del>]- <b><u>Additional shrubs will be provided to meet the intent of the foundation planting strip.</u></b></li> <li>o Understory Preservation – No existing understory to preserve.</li> <li>o Enhanced Pedestrian Walkways – Existing sidewalks do not meet enhanced material requirement.</li> </ul>

**List of Officers**

Dallas Independent School District

Board of Trustees

Dan Micciche

Edwin Flores

Audrey Pinkerton

Jaime Resendez

Dustin Marshall

Lew Blackburn

Joyce Foreman

Miguel Solis

Bernadette Nutall

**PROPOSED AMENDMENTS TO**

**ARTICLE 706.**

**PD 706.**

**SEC. 51P-706.101. LEGISLATIVE HISTORY.**

PD 706 was established by Ordinance No. 25803, passed by the Dallas City Council on November 10, 2004. (Ord. 25803)

**SEC. 51P-706.102. PROPERTY LOCATION AND SIZE.**

PD 706 is established on property located at the northwest corner of Walnut Hill Lane and Gooding Drive. The size of PD 706 is approximately 23 acres. (Ord. 25803)

**SEC. 51P-706.103. DEFINITIONS AND INTERPRETATIONS.**

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a residential zoning district. (Ord. 25803)

**SEC. 51P-706.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 706A: development plan.
- (2) Exhibit 706B: landscape plan.
- (3) Exhibit 706C: traffic management plan.

**SEC. 51P-706.104. DEVELOPMENT PLAN.**

- (a) For a public school use, development and use of the Property must comply with the development plan (Exhibit 706A). In the event of a conflict between the text of this article and the development plan, the text of this article controls.
- (b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. 25803)



**SEC. 51P-706.105. MAIN USES PERMITTED.**

The only main uses permitted in this district are:

(1) a public school other than open enrollment-charter school (permitted by right);  
and

(2) all other main uses permitted in the R-16(A) Single Family District, subject to the same conditions applicable in the R-16(A) Single Family District, as amended. For example, a use permitted in the R-16(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-16(A) Single Family District is subject to DIR in this district; etc. (Ord. 25803)

**SEC. 51P-706.106. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. 25803)

**SEC 51P-706.107. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as otherwise provided in this section, the yard, lot, and space regulations for the R-16(A) Single Family District apply in this district.

(b) Height. For a public school use, maximum structure height is 55 feet.

(c) Lot coverage. For a public school use, maximum lot coverage is 20 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not. (Ord. 25803)

**SEC. 51P-706.108. OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(b) For a public school use, off-street parking is allowed in the required yards.

(c) ~~For a public school use, a minimum of 562 parking spaces must be provided in the location shown on the development plan.~~

~~(d) For a public school use, a hedge consisting of evergreen plant materials (e.g. holly) capable of reaching three feet in height within three years must be provided to screen parking areas adjacent to residential uses as shown on the landscape [development] plan (Exhibit 706B).~~

~~(e)~~ For a public school use, if the expansion area is not developed with buildings or portable structures, it may be used to provide off-street parking. (Ord. 25803)

**SEC. 51P-706.109. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 25803)

**SEC. 51P-706.110. LANDSCAPING.**

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) For a public school use, landscaping must be provided as shown on the landscape [development] plan (Exhibit 706B).

~~(c) For a public school use, a hedge consisting of evergreen plant materials (e.g. holly) capable of reaching three feet in height within three years must be provided to screen parking areas along Walnut Hill Lane as shown on the landscape plan (Exhibit 706B). [For a public school use, street trees must be planted along the portion of the street within a 300 foot radius of any structure within the expansion area shown on the development plan. These street trees must be planted within 30 months after November 10, 2004 for an existing structure and within six months after issuance of a building permit for any new structure. The trees listed in Subsection (2), "Species," of Section 51A-10.134, "Replacement of Removed or Seriously Injured Trees," must be used. These trees must be a minimum of three caliper inches. Any trees required by this provision must be planted so that the spacing of trees along the street does not exceed 30 feet on center. Additional street trees do not need to be planted where street trees have already been provided pursuant to this provision.~~

~~(d)~~ All plant materials must be maintained in a healthy, growing condition. (Ord. 25803)

**SEC. 51P-706.111. SIGNS.**

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) For a public school use, signs must be provided as shown on the development plan.

(c) For a public school use, signs are allowed in required yards. (Ord. 25803)

**SEC. 51P-706.112. FENCES.**

For a public school use, fencing is permitted at the maximum heights and in the locations shown on the development plan. (Ord. 25803)

**SEC.51P-706.112.1 TRAFFIC MANAGEMENT PLAN.**

(a) In general. The operation of the uses must comply with the traffic management plan (Exhibit 706C).

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the Director by November 1, 2020. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by November 1st of each even-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the Director shall determine if the current traffic management plan is sufficient.

(A) If the Director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the Director determines that the current traffic management plan results in traffic hazards or traffic congestion, the Director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the Director shall notify the city plan commission.

(d) Amendment process.

(1) A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

**SEC. 51P-706.113. ADDITIONAL PROVISIONS.**

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. 25803)

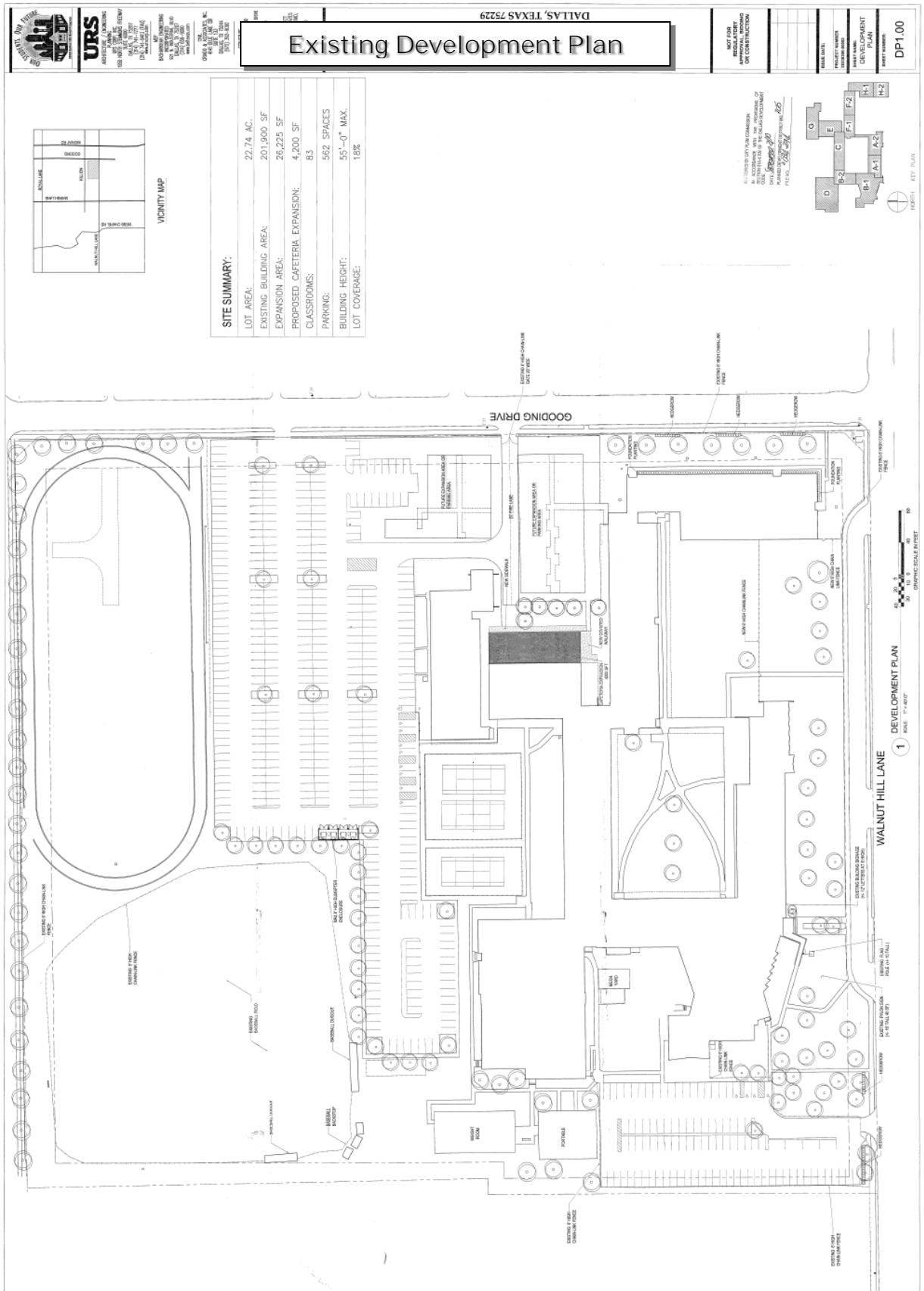
**SEC. 51P-706.114. COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 25803)

~~[SEC. 51P-706.115. ZONING MAP.~~

~~PD 706 is located on Zoning Map No. F-6. (Ord. 25803)]~~











**CPC Recommended  
Traffic Management Plan**

**June 13, 2018**  
PK# 2415-17.387  
**Z 178-150**

# TRAFFIC MANAGEMENT PLAN

Project:

**DISD Thomas Jefferson High School**  
*In Dallas, Texas*

Prepared for:

**City of Dallas**

On behalf of:

**Dallas Independent School District**

Prepared by:



Hunter W. Lemley, P.E.



7557 Rambler Road, Suite 1400  
Dallas, Texas 75231-2388  
(972) 235-3031 [www.pkce.com](http://www.pkce.com)  
TX. REG: ENGINEERING FIRM F-469  
TX. REG. SURVEYING FIRM LS-100080-00

June 13, 2018



**TRAFFIC MANAGEMENT PLAN**  
**DISD Thomas Jefferson High School**  
Dallas, Texas

**TABLE OF CONTENTS**

INTRODUCTION ..... 1  
    *Project Description*..... 1  
    *TMP Objectives* ..... 1  
    *Methodology*..... 3  
    *Expectations*..... 3  
    *Changes to TMP*..... 4  
Traffic Management Plan..... 5

Exhibit 1. Recommendations/Proposed Conditions

June 13, 2018



## INTRODUCTION

The services of **Pacheco Koch** (PK) were retained on behalf of **Dallas Independent School District**, to prepare a Traffic Management Plan (TMP) for the Thomas Jefferson High School (the "School") located at 4001 Walnut Hill Road in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

DISD is seeking amend the Planned Development District for the property from the City of Dallas (the "Approving Agency") to facilitate proposed site Improvements. Submittal of a TMP, prepared by a registered professional engineer experienced and skilled in the field of traffic/transportation engineering, is one of the requirements of Approving Agency's application process. This TMP was prepared by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, and other fields.

### **School Description**

The School consists of an existing public high school with grades 9<sup>th</sup> through 12<sup>th</sup>. Proposed site improvements include new classrooms and a library addition along with removal of portable buildings. Current enrollment is summarized below in Table 1. The School is not anticipating an increase enrollment as a result of the Project. School starts at 9:15 AM and ends at 4:15 PM. Calculations for vehicle accumulation and parking numbers are based from on-site dismissal observations conducted on Thursday, November 2<sup>nd</sup>, 2017.

*Table 1. Current Enrollment*

LEVEL	STUDENTS ENROLLED
9th Grade	534
10th Grade	457
11th Grade	373
12th Grade	350
TOTAL	1,714

\*Enrollment Data provided by DISD

Access to the campus is provided on Walnut Hill Lane and Gooding Drive. Walnut Hill Lane, a six-lane major arterial, intersects with Gooding Drive, a local street, at the southeast corner of the property. The school is located in a predominately residential area.

### **TMP Objectives**

A Traffic Management Plan (TMP) is a site- or area-specific plan of recommended actions and strategies to manage vehicular traffic and parking, pedestrian activity, and travel by all other modes during peak demand conditions for a planned event. The "Objectives" of a TMP are to:

June 13, 2018

1. Provide a safe environment for all Users on site and the travelling public in the vicinity of the site during the Event times;
2. Minimize (and maintain within reasonable levels) travel delays and traffic congestion on site and in the vicinity of the site during the Event;
3. Ensure reasonable access and circulation is maintained on the public street system in the vicinity of the site during the Event;
4. Provide appropriate information to the travelling public in the vicinity of the site to allow for proper awareness of anticipated traffic conditions during the Event; and,
5. Promote reasonable strategies to manage travel demand to and from the site, including use of alternative modes of travel (such as walk, bike, bus, transit, etc.), when practical.

DEFINITIONS:

Terms are used in this report:

“Event” – a planned event(s), recurring or non-recurring, for which this TMP is being prepared (i.e., “school day”)

“School” (a.k.a., “Event Organizer”) – the person, group, or organization responsible for the Event

“TMP Manager” – a person or persons designated by the School to implement the TMP (also see additional tasks in the *Expectations* section)

“Users” – guests/patrons attending the Event

“Analyst” – the person(s) preparing the TMP for the School

“Approving Agency” – the municipality or government agency requiring the Traffic Management Plan

“Traffic Department” – the department of the public agency responsible for traffic operations for a given right-of-way

“Site” – the property at which the Event is located (generally assumed to be occupied by the School)

“TMP Strategies” – actions recommended by the Analyst to be undertaken before, during, or after the Event in order to manage traffic on or off site

DISCLAIMERS:

A TMP should be developed by, or in concert with, an individual familiar with the general characteristics of the Event and the associated traffic/transportation needs. For this study, PK worked with School representatives to develop the proposed recommendations.



June 13, 2018

Recommended TMP Strategies should be based upon applicable engineering principles of traffic safety and traffic operations.

Any recommended TMP Strategies involving traffic control devices in the public right-of-way (including installation or removal of signs, pavement markings, etc.) are subject to the approval of, and must be implemented under direction of, the Traffic Department.

No private individual should perform, or attempt to perform, any act of traffic control within public right-of-way; only deputized officers of the law or other authorized representatives of the Traffic Department may manipulate traffic conditions within the public right-of-way.

The recommendations presented in this report reflect Pacheco Koch's assessment of current and projected traffic needs based on observations and professional judgment and incorporate feedback from DISD representatives. Pacheco Koch is not responsible for operations at the school; however, the recommendations have been presented to on-site school personnel with authority over implementation of the Plan (see **Exhibit 1** for on-site contact information). Pacheco Koch was not involved with site selection, site design, or the current operations for this project.

### **Methodology**

When feasible, the Analyst should conduct first-hand observations of existing event to develop an understanding of site-specific traffic/transportation characteristics, such as: drop-off/pick-up frequency, parking needs, alternative travel mode use, safety issues, queuing, traffic congestion, site access, current traffic management strategies in use, etc. When it is not feasible to conduct such observations, interviews with staff or personnel familiar with those items is desirable. When neither option is available, the Analyst may be required to rely upon published information and/or professional judgment and experience.

Once the base information is assembled, the Analyst should estimate the projected traffic/transportation characteristics generated by the proposed Event. Next, the Analyst should inventory the attributes and resources of the subject site and determine how the site can best accommodate those projected conditions. Based upon that assessment, the recommended TMP Strategies shall be developed to optimally achieve the basic TMP Objectives. The recommended TMP Strategies should be reviewed by the School (ideally, the TMP Manager) for refinement and approval before formal submittal to the Approving Agency.

### **Expectations**

*NOTE TO SCHOOL: By submittal of a TMP to the Approving Agency, the School is implicitly agreeing to implement, maintain, and comply with the recommended actions presented herein subject to acceptance by Approving Agency and any associated conditions Approving Agency may impose. It is also inferred that the School agrees to be self-accountable for these actions until and unless Approving Agency deems further measures are appropriate or the TMP is no longer required.*

June 13, 2018

Recommended TMP Strategies may include one-time measures to be implemented before the Event and/or ongoing actions to be performed before, during, or after the Event. Recommended TMP Strategies involving on-site measures or actions are generally considered to be the responsibility of the School.

To ensure appropriate compliance and consistent implementation of the TMP, it is recommended that the School appoint a TMP "Manager". In general, a Manager should be a qualified and capable individual or group of individuals assigned to take responsibility of the TMP and be accountable for successful implementation in order to achieve the Objectives described earlier (see "**Exhibit 1**"). Other specific duties of the Manager include:

- Monitor effectiveness of TMP strategies and make prudent adjustments, as needed, to more effectively accomplish the TMP Objectives
- Maintain an awareness of readily-available alternative transportation modes serving the site and facilitate and promote their use during the Event when practical
- Serve as a liaison to the Approving Agency(-ies), when needed
- When applicable, provide training and direction to other personnel assigned to implement the TMP measures
- Provide instruction to Users on how to comply with the intent of the TMP

Recommended TMP Strategies were developed specifically for the period(s) of peak traffic demand and are depicted in the respective exhibit. For periods of less intense traffic demand, recommended TMP Strategies may be utilized, in part or in whole, as needed to realize the TMP Objectives.

### ***Changes to TMP***

Informal changes to any recommended TMP Strategies presented herein to improve efficiency or effectiveness may be implemented at the discretion of the School if those changes are prudent and do not compromise the TMP Objectives. It is recommended that changes implemented under such circumstances be documented and retained by the School for future reference or upon request. At the discretion of the Approving Agency, submittal of a formally revised TMP report/document or a validation study may be required on a predetermined or as-needed basis.



June 25, 2018

## TRAFFIC MANAGEMENT PLAN

*NOTE: Recommended TMP Strategies contained herein are based upon the best data, site-specific information, and analytical processes readily available at the time of the study. However, specific quantities related to traffic congestion at peak periods (e.g., duration, length of queue, etc.) are estimated values. Actual quantities may vary due to unknown or unquantifiable variables and other operational factors that may occur. In the event that actual, future conditions generate undue burden on Users and/or the travelling public, modifications to the TMP should be considered. (See preceding NOTE for guidance on implementing changes to the TMP.) However, in extreme conditions, TMP actions may not be capable of mitigating all traffic conditions, and it may be incumbent on the School to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.*

A summary of existing conditions is provided below:

- Parent pick-up activity currently occurs on Walnut Hill Lane and Gooding Drive. School buses load and unload students in the back parking lot.

A graphical summary of specific recommendations and proposed conditions is provided below and depicted in **Exhibit 1**:

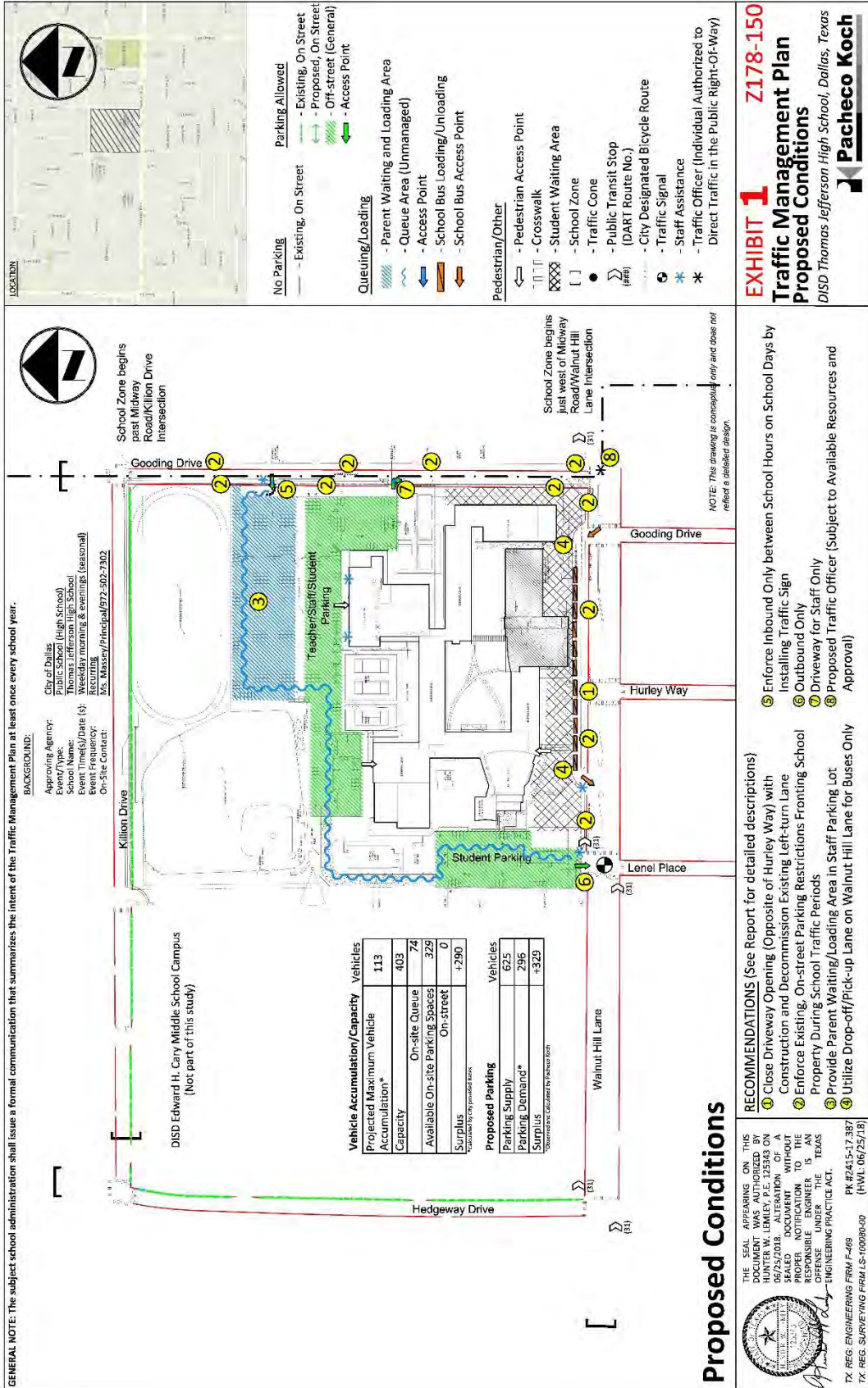
1. **Close Driveway Opening (Opposite of Hurley Way) with Construction and Decommission Existing Left-turn Lane** – Close driveway opening on Walnut Hill Lane (opposite of Hurley Way) with construction and decommission existing eastbound left-turn lane on Walnut Hill Lane servicing this driveway.
2. **Enforce Existing, On-street Parking Restrictions Fronting School Property During School Traffic Periods** – Enforce existing, on-street parking restrictions along westbound Walnut Hill Lane and northbound Gooding Drive adjacent to school during school traffic periods. [Intent: to minimize traffic congestion on thoroughfares.]
3. **Provide Parent Waiting/Loading Area in Staff Lot** – Provide parent waiting/loading area in existing staff parking lot located behind the school building. The school is to only release students to the back of the building and not to the front of the school building.
4. **Utilize Drop-off/Pick-up Lane on Walnut Hill Lane for Buses Only** – Utilize drop-off/pick-up lane located in the front of the school building on Walnut Hill Lane for buses only.
5. **Enforce Inbound Only between School hours on School Days by Installing Traffic Sign** – Enforce one-way inbound only traffic operation at north driveway on Gooding Drive between school hours on school days by installing traffic sign.
6. **Outbound only** – Enforce one-way outbound only traffic operation at west driveway on Walnut Hill Lane.



June 25, 2018

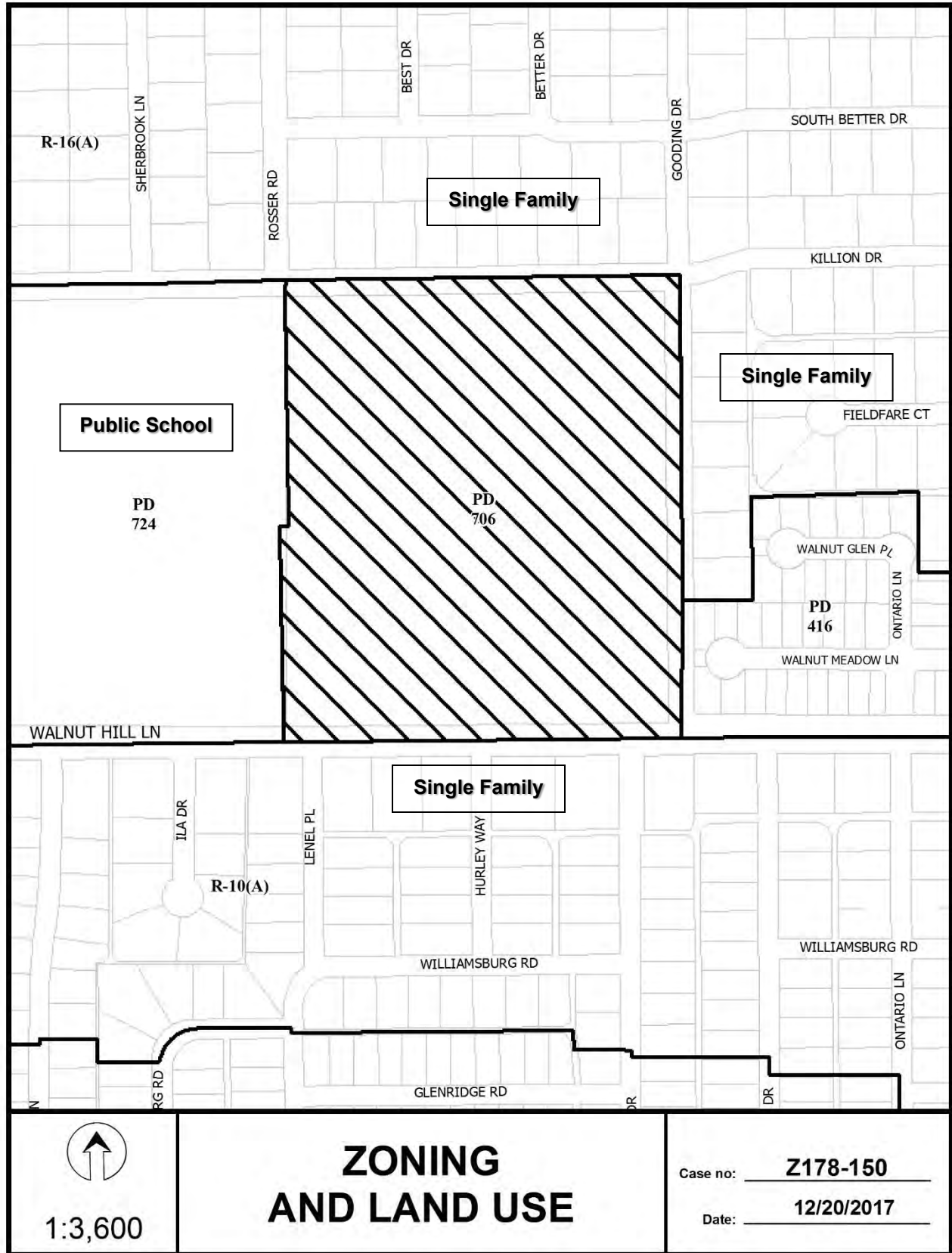
7. **Driveway for Staff Only** -- Utilize south driveway on Gooding Drive for staff access only.
8. **Proposed Traffic Officer (Subject to Available Resources and Approval)** -- Proposed traffic officer (subject to available resources and approval) at the intersection of Walnut Hill Lane and Gooding Drive to facilitate pedestrian crossings and eastbound left turns onto Gooding Drive.

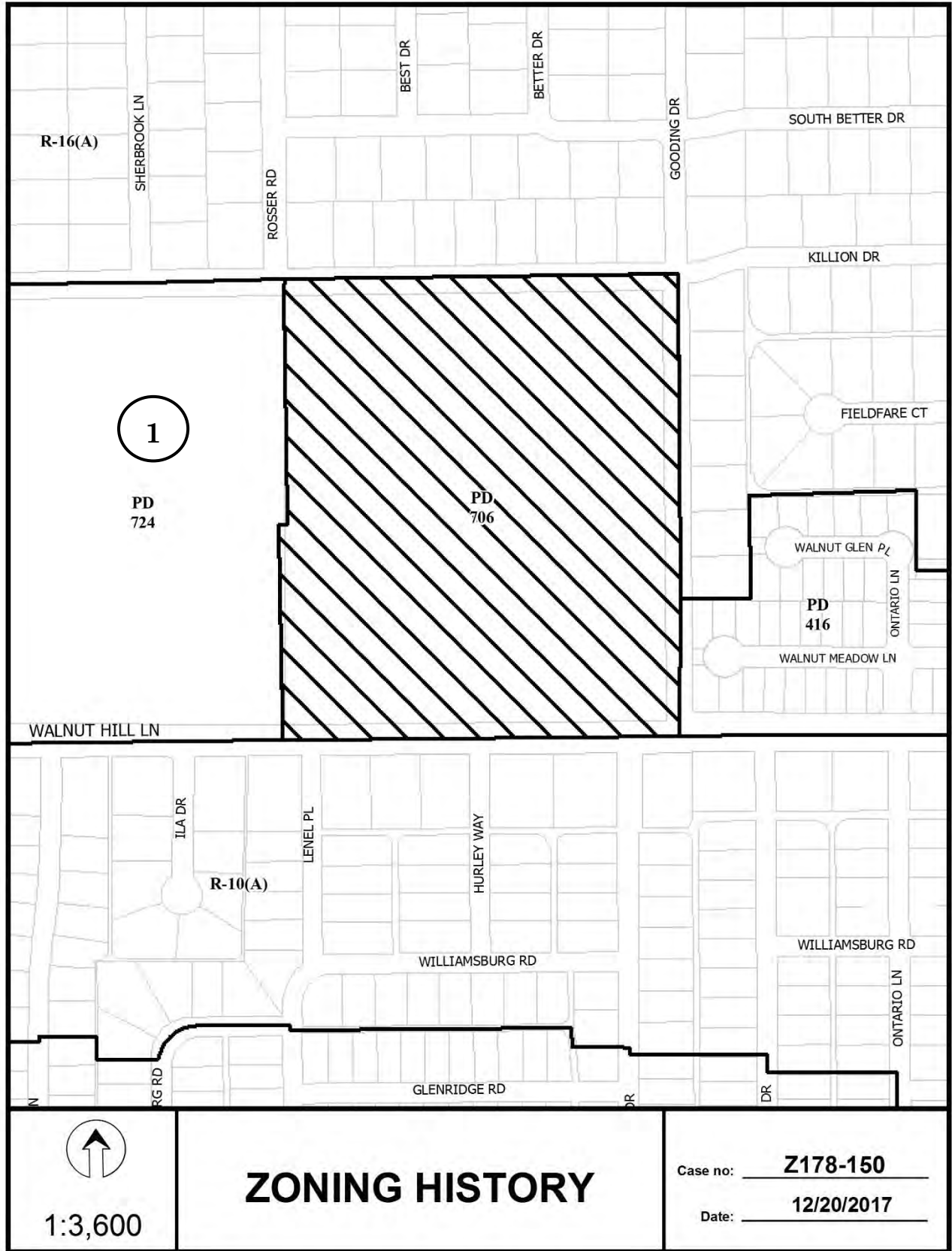
END OF MEMO



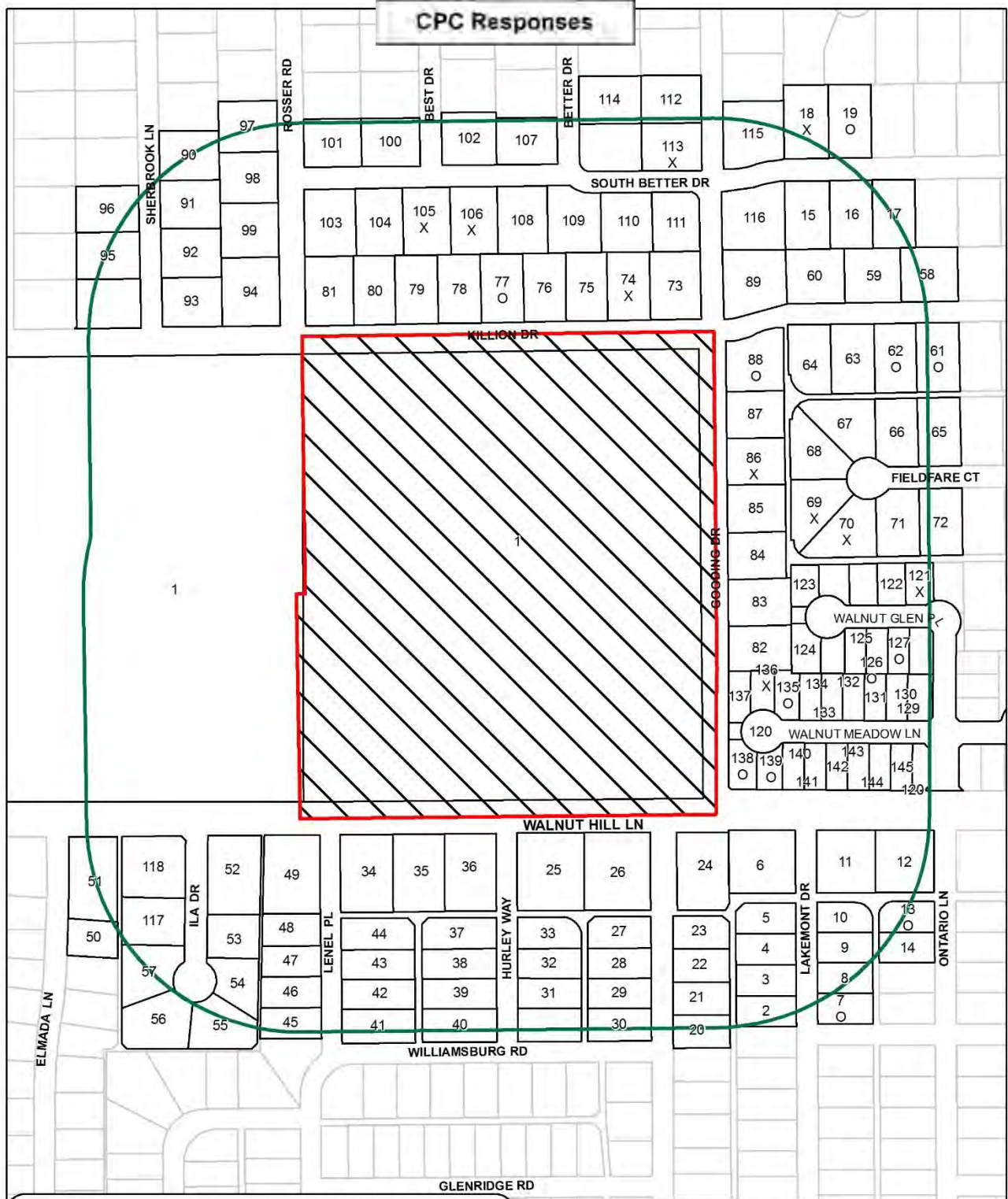












<b>145</b>	Property Owners Notified (154 parcels)
<b>12</b>	Replies in Favor (12 parcels)
<b>10</b>	Replies in Opposition (10 parcels)
<b>500'</b>	Area of Notification
<b>6/7/2018</b>	Date

**Z178-150**  
**CPC**



1:3,600

06/06/2018

***Reply List of Property Owners******Z178-150******145 Property Owners Notified******12 Property Owners in Favor******10 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	3978 KILLION DR	Dallas ISD
	2	9933 LAKEMONT DR	HUSTON PATRICK
	3	9939 LAKEMONT DR	MILLAR SUSAN P
	4	9943 LAKEMONT DR	SHORT MURPHY ELLIS
	5	9951 LAKEMONT DR	WALKER DONALD B & CHRISTINA M
	6	4080 WALNUT HILL LN	FLORES JAVIER &
O	7	9930 LAKEMONT DR	ZOLTEK LAUREN & THOMAS J
	8	9936 LAKEMONT DR	THOMAS SCOTT
	9	9942 LAKEMONT DR	JONES VIRGINIA L
	10	9948 LAKEMONT DR	BEST CURTIS ALLEN
	11	4106 WALNUT HILL LN	JENNINGS CATHERINE
	12	4116 WALNUT HILL LN	WALSH KEVIN G
O	13	9949 ONTARIO LN	BLUMBERG DONNA
	14	9945 ONTARIO LN	OHEARN LOUIS DAN & ANN
	15	4058 S BETTER DR	MUFTI ARJMAND
	16	4066 S BETTER DR	EADES TED M &
	17	4074 S BETTER DR	KALLASSY CHARLES A &
X	18	4059 S BETTER DR	SZUCS DORA AMANDA
O	19	4067 S BETTER DR	BEST RANDOLPH B JR &
	20	9926 GOODING DR	PALIT ANINDYA
	21	9934 GOODING DR	TROTMAN TERESA & CRAIG
	22	9938 GOODING DR	OGDEN CHRISTOPHER ANDREW & JENNIFER SPOHN
	23	9946 GOODING DR	PERRENOT SUSAN P
	24	4070 WALNUT HILL LN	WEBSTER ROBERT L
	25	4042 WALNUT HILL LN	RAVE ROBERT C JR
	26	4054 WALNUT HILL LN	FASSIHNIA INVESTMENTS GROUP INC



06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	9947	GOODING DR	GROVER GROUP LLC
28	9941	GOODING DR	MCCOMB FAMILY REVOCABLE LIVING TRUST
29	9935	GOODING DR	TITUS MONTGOMERY &
30	9929	GOODING DR	MONK BRADLEY A
31	9910	HURLEY WAY	NEWBERRY RYAN J & DIANA
32	9914	HURLEY WAY	COLLINS CYNTHIA D &
33	9922	HURLEY WAY	GARCIA PEDRO RAMIREZ &
34	4006	WALNUT HILL LN	BOUMAN GUIDO
35	4016	WALNUT HILL LN	GUERRERO ANTONIA
36	4026	WALNUT HILL LN	JOHNSON WILLIAM E
37	9923	HURLEY WAY	DOWD RONALD R
38	9915	HURLEY WAY	SYLVESTER A H
39	9911	HURLEY WAY	GALLAGHER WILLIAM A
40	9905	HURLEY WAY	KERNODLE ROBERT M
41	9918	LENEL PL	IMPASTATO SALVADOR & LORI
42	9922	LENEL PL	GONDOLF ELINORE C
43	9926	LENEL PL	CARPENTER BLAIR W &
44	9934	LENEL PL	VASQUEZ MARTHA DORA
45	9917	LENEL PL	WEST SHARON VIRGINIA
46	9923	LENEL PL	SALEWSKE RICHARD A &
47	9927	LENEL PL	S D HOME DESIGN LLC SERIES B
48	9935	LENEL PL	SMITH MERIT L
49	3950	WALNUT HILL LN	PISKIOULIS LAMBRINI &
50	9968	ELMADA LN	WIJEWEERA MAUREEN
51	3930	WALNUT HILL LN	SMIRNIS STEFANOS & BEVERLY
52	3948	WALNUT HILL LN	PHAM KHANH &
53	9918	ILA DR	MCQUAIDE JOSEPH J
54	9910	ILA DR	EQUITY VENTURE GROUP LLC
55	9904	ILA DR	BARRONTON ALLEN EDWARD
56	9903	ILA DR	QUINTANILLA MARIO & LISA
57	9911	ILA DR	TURNAGE THOMAS A &

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4091 KILLION DR	POMATTO CHARLES V
	59	4081 KILLION DR	RUBIO AUGUSTIN C &
	60	4071 KILLION DR	BUTLER WILLIAM M
O	61	4094 KILLION DR	JONES CASEY L & TORI LYN
O	62	4086 KILLION DR	CLARK BRIAN & MICHELLE
	63	4078 KILLION DR	ROMINE THOMAS G
	64	4070 KILLION DR	EKIRIWANG JAMES & NANCY J
	65	10153 FIELDFARE CT	MOUNT FRANK W &
	66	10149 FIELDFARE CT	GARCIA RAGAN R &
	67	10147 FIELDFARE CT	GRIFFIN RILEY R JR &
	68	10143 FIELDFARE CT	WOLFORD EDNA
X	69	10141 FIELDFARE CT	GRIFFITH PAUL
X	70	10137 FIELDFARE CT	FIGEL PAUL R
	71	10133 FIELDFARE CT	PADIAN JOHN P
	72	10129 FIELDFARE CT	BENNETT GEORGE A
	73	4059 KILLION DR	TODD PEGGY L
X	74	4051 KILLION DR	WENNER MARY BETH
	75	4045 KILLION DR	NEWMAN MICHAEL L &
	76	4039 KILLION DR	CROTHERS COURTNEY KENNEDY & KYLE EDWARD
O	77	4033 KILLION DR	ICE COLLIN L & RICHARD B CASS
	78	4027 KILLION DR	BRYANT DAVID H
	79	4021 KILLION DR	ARROYO NELSON W &
	80	4015 KILLION DR	BEVILL BRAD W
	81	4007 KILLION DR	MCDERMOTT HELEN Z
	82	10030 GOODING DR	VIVERO GENE E
	83	10040 GOODING DR	NORTH POINT HOMES LLC
	84	10050 GOODING DR	HILL BILLY J JR & LESA J
	85	10060 GOODING DR	NGO DZUNG KIM
X	86	10070 GOODING DR	VACA ELVIRA
	87	10112 GOODING DR	LOHR C B JR
O	88	10122 GOODING DR	VALENTI SHARON DIANE

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	10142 GOODING DR	INTERRANTE JASPER &
	90	10232 SHERBROOK LN	VALENTINO SCOTT A
	91	10224 SHERBROOK LN	STRANGE WILLIAM B IV &
	92	10216 SHERBROOK LN	CAIN JAMES WRIGHT &
	93	10206 SHERBROOK LN	COATES GARRET J & JESSICA L
	94	10141 ROSSER RD	NGHIEM QUANG NGO FAMILY TRUST
	95	10217 SHERBROOK LN	RAVE DENA S
	96	10225 SHERBROOK LN	DAVIS SHANNON L
	97	10219 ROSSER RD	OLENICZAK JASON M &
	98	10209 ROSSER RD	EMANUEL BRANDON NICHOLAS
	99	10151 ROSSER RD	FELCH ALAN R
	100	10207 BEST DR	RABUSE KEITH RICHARD &
	101	10212 ROSSER RD	TOMPKINS TOMMY LEE
	102	10206 BEST DR	DUGAS JASON & MICHELLE
	103	3950 S BETTER DR	FECK DAVID & KIM
	104	3958 S BETTER DR	CHAPUIS MATT L &
X	105	3966 S BETTER DR	BANNA RAMZI N & ERIN MICHELLE
X	106	3974 S BETTER DR	PECK RICHARD M & GAIL M
	107	10223 BETTER DR	BROWN GORDON & GERI
	108	3982 S BETTER DR	BLAKELEY STACY L
	109	4016 S BETTER DR	TAYLOR LISA M
	110	4022 S BETTER DR	BEAZLEY KATHLEEN
	111	4030 S BETTER DR	ZAMUDIO LILA CATALDO
	112	10215 GOODING DR	LEGACY MICHAEL J &
X	113	10207 GOODING DR	FISHLOCK BRUCE A &
	114	10230 BETTER DR	ALBUS DEREK M & SARAH E
	115	10210 GOODING DR	GOLDENBAUM MICHAEL &
	116	10152 GOODING DR	COURSEY RAYMOND A
	117	9919 ILA DR	ARCUCCI DIDIER
	118	9929 ILA DR	SHILLING RALPH F JR &
	119	4112 WALNUT GLEN PL	WOODMERE PROPERTIES INC

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	4110 WALNUT MEADOW LN	WALNUT MEADOWS JV I
X	121	4143 WALNUT GLEN PL	HOFFER TEMPLE P
	122	4137 WALNUT GLEN PL	YEN PEDRO R &
	123	4119 WALNUT GLEN PL	CACOPARDO FRANK W
	124	4118 WALNUT GLEN PL	BIZZELL JAMES EUSTACE II
	125	4130 WALNUT GLEN PL	ANSLEY WILLIAM F
O	126	4136 WALNUT GLEN PL	MINTON GEORGE V
O	127	4142 WALNUT GLEN PL	REDDY ANIL K &
	128	4148 WALNUT GLEN PL	HTA LIVING TR
	129	4153 WALNUT MEADOW LN	SCHICK ELIZABETH R
	130	4147 WALNUT MEADOW LN	CACOPARDO KAREN
	131	4141 WALNUT MEADOW LN	MALVEAUX MARK &
	132	4135 WALNUT MEADOW LN	PITTMAN ROXANNE S FAMILY TRUST
	133	4129 WALNUT MEADOW LN	ADAMS CRAIG H & SHERRI A
	134	4123 WALNUT MEADOW LN	SMITH RANDALL R & PAULA
O	135	4117 WALNUT MEADOW LN	ELKINS WILLIAM N JR
X	136	4111 WALNUT MEADOW LN	TALEGHANI SINA
	137	4105 WALNUT MEADOW LN	TEJAN JOSEPH M &
O	138	4104 WALNUT MEADOW LN	FRAZAR RICHARD D & BARBARA K
O	139	4110 WALNUT MEADOW LN	KUEHNE ASHLEY GOLD
	140	4116 WALNUT MEADOW LN	GOLEMON JAMES S & GLENDA M
	141	4122 WALNUT MEADOW LN	CAITHNESS ANTIONETTE G &
	142	4128 WALNUT MEADOW LN	TANNER MAX H JR & SALLY A TRUSTEES
	143	4134 WALNUT MEADOW LN	CREEKMORE JOSEPH M & SUSAN F
	144	4140 WALNUT MEADOW LN	SHAMOUN JOE & PHYLLIS
	145	4146 WALNUT MEADOW LN	RANDALL CHRISTOPHER P & DEBORAH G

**AGENDA ITEM # 46**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 58 R

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District, on the southeast corner of Holcomb Road and Odom Drive

Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan, and conditions  
Z178-197(JM)



**FILE NUMBER:** Z178-197(JM)

**DATE FILED:** February 12, 2018

**LOCATION:** Southeast corner of Holcomb Road and Odom Drive

**COUNCIL DISTRICT:** 5

**MAPSCO:** 58 R

**SIZE OF REQUEST:** ±9.45 acres

**CENSUS TRACT:** 92.02

**APPLICANT/OWNER:** Dallas Independent School District

**REPRESENTATIVE:** Rob Baldwin, Baldwin and Associates

**REQUEST:** An application for a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The purpose of this request is to allow for a classroom addition, administration addition, and renovation of parking for B.H. Macon Elementary School located on the west side of the property, along the eastern frontage of Holcomb Road. The regulations requested for amendment include: **1)** to allow a public school other than an open-enrollment charter school use by right; **2)** to allow parking in the required front yards; **3)** to allow mechanical equipment to encroach into the front yard; and, **4)** to provide for additional screening of all parking and mechanical areas.

**STAFF RECOMMENDATION:** Approval, subject to a development plan, traffic management plan, and conditions.

**CPC RECOMMENDATION:** Approval, subject to a development plan, traffic management plan, and conditions.



**BACKGROUND INFORMATION:**

- The existing public school [B.H. Macon Elementary School], was developed in 1952 and contains 33 classrooms and 41,129 square feet of floor area.
- The purpose of this request is to allow for a 21,428-square-foot addition to provide 14 new classrooms to replace 15 existing portable classrooms, administrative offices, and renovation of an existing parking lot on the west side of the property, along the southern frontage of Holcomb Road, and within the required 25-foot front yard. The portable building may remain on-site for storage or auxiliary uses. There will be a maximum of 35 classrooms.
- The proposed PD would be for R-7.5(A) District uses and a public school other than open enrollment charter school and provide for the following modifications:
  - 1) to allow a public school other than an open-enrollment charter school use by right;
  - 2) to allow parking in the required front yards;
  - 3) to allow mechanical equipment and buildings to encroach into the required front yard up to 10 feet; and,
  - 4) to provide for additional screening of all parking and mechanical areas.

**Zoning History:** There has been one zoning case in the area over the past five years.

1. **Z167-232:** On August 23, 2017, the City Council approved an application to amend and expand Specific Use Permit No. 80 for a Salvation Army Community Center on property zoned an R-7.5(A) Single Family District, located on the north line of Elam Road, west of Holcomb Road.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>	<b>Proposed ROW</b>
Holcomb Road	Local	60 feet	60 feet
Odom Drive	Local	60 feet	60 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. A traffic management plan was provided and will allow for periodic updates, as required. The TMP indicates that queuing will continue along Holcomb Road with recommended signage restricting traffic during school pick-up/drop-off times.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-7.5(A) Single Family	Public School
<b>North</b>	R-7.5(A) Single Family	Single Family
<b>East</b>	R-7.5(A) Single Family	Single Family
<b>South</b>	R-7.5(A) Single Family	Single Family
<b>West</b>	R-7.5(A) Single Family	Single Family

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics. Acknowledge the importance of neighborhoods to the city’s long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools.

**Land Use Compatibility:**

Surrounding land uses consist of single family to the north, south, east, and west. The school has been serving the community for over 60 years. The use continues to be compatible with surrounding residential uses in the area.

The school currently has 33 home room classrooms including 15 portable buildings. The classroom addition would add 14 new classrooms, yet there is not an expected increase in enrollment from the total of 528 students. The classroom addition serves to relocate and separate existing classes from the portable buildings. The portable structures were kept on the development plan as auxiliary buildings, with a limit of 35 total homeroom classes overall.

Proposed provisions amend conditions for a public school other than an open-enrollment charter school use, but not for other allowable uses. This protects the neighborhood in the event of a possible replat or change of use in the property. The amendments requested include

- 1) to allow a public school other than an open-enrollment charter school use by right;

The school has operated within the community for a substantial period. The use is compatible with the surrounding single-family neighborhood. Allowing the use by right will remove the periodic public hearing requirement. Tying the site to PD conditions and a Traffic Management Plan requiring periodic update will ensure the operation runs optimally over the years.

- 2) to allow parking in the required front yards;

This request is made to remedy the existing parking lots within required front yards on both Holcomb Road and Odom Drive. The horseshoe parking lot along the south side of the site facing Holcomb Road will be renovated. This provision will provide consistency between the new parking lot and the existing layout/area.

- 3) to allow mechanical equipment and structures to encroach into the required front yard up to 10 feet; and,

A building which houses mechanical equipment exists within the south parking lot along Holcomb Road, within the required front yard. Additional mechanical structures exist on the northeast side of the site, along Odom Drive. Expansion of the area along Odom Drive will add to the mechanical structures located in the required front yard. These items all encroach a maximum of 10 feet into the required 25-foot front yards along both street.

- 4) to provide for additional screening of all parking and mechanical areas.

While many of the infringements of parking and structures for mechanical equipment into the required front yards currently exist, modifying zoning allows the opportunity to rectify these issues. Staff supports the continued use of front yard areas with appropriate screening. Section 51A-10.126(c) states that screening must be at least three-feet-in-height. This provision will help reduce existing vehicle head-light glare for residents across the street, as well as for those passing through the area. Finally, the screening of all existing and proposed mechanical areas and structures will help improve the overall view from surrounding areas, into the school property.

**Development Standards:**

District	Setbacks		Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear				
<b>Existing:</b> R-7.5(A)	25'	5' single family 10' others	30'	45% res. 25% nonres.	RPS	Single Family
<b>Proposed:</b> PD	25' Mechanical equip. & bldg.. 15' min.	5' single family 10' others	30'	45% res. 25% nonres.	RPS	Public school & R-7.5(A) uses

**Parking:**

The addition will allow for a total of 35 homeroom classes. The Dallas Development Code requires one and a half parking spaces per classroom for an elementary school use. The use is required to provide 53 parking spaces. According to the development plan, the site will have 70 parking spaces, thereby surpassing the requirement.

**Landscaping:**

The new development on the property will require landscaping per Article X of the Dallas Development Code, as amended. Additionally, a screening provision will offer dense shrubbery, with a minimum of three-feet-in-height, along the existing and proposed (renovated) parking lots.

**CPC Action  
June 7, 2018**

**Motion:** It was moved to recommend **approval** of a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school, subject to a development plan, traffic management plan, and conditions on property zoned an R-7.5(A) Single Family District, on the southeast corner of Holcomb Road and Odom Drive.

Maker: Houston  
Second: Carpenter  
Result: Carried: 12 to 0

For: 12 - Rieves, Houston, Davis, Carpenter, Mack, Jung,  
Housewright\*, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 2 - West, Shidid  
Vacancy: 1 - District 8

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 182  
**Replies:** For: 8 Against: 5

**Speakers:** For: None  
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

**List of Officers**

Dallas Independent School District

Board of Trustees

Dan Micciche

Edwin Flores

Audrey Pinkerton

Jaime Resendez

Dustin Marshall

Lew Blackburn

Joyce Foreman

Miguel Solis

Bernadette Nutall

Z178-197

CPC Recommended Conditions

**“ARTICLE \_\_\_\_\_.**

**PD \_\_\_\_\_.**

**SEC. 51P-\_\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No.\_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. 51P- \_\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property located at the southwest corner of Holcomb Road and Odom Street. The size of PD \_\_\_\_\_ is approximately 9.45 acres.

**SEC. 51P- \_\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

**SEC. 51P- \_\_\_\_\_.104. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit \_\_A: development plan.
- (2) Exhibit \_\_B: traffic management plan.

**SEC. 51P- \_\_\_\_\_.106. DEVELOPMENT PLAN.**

(a) For a public school other than an open-enrollment charter school, development and use of the Property must comply with the development plan (Exhibit \_\_\_\_). If there is a conflict between the text of this article and the development plan, the text of this article controls.



(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

**SEC. 51P- \_\_\_\_\_.107. MAIN USES PERMITTED.**

(a) Except as provided, the only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district; etc.

(b) The following main use is permitted by right:

--Public school other than an open-enrollment charter school.

**SEC. 51P- \_\_\_\_\_.108. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P- \_\_\_\_\_.109. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Public school other than an open-enrollment charter school.

(1) Front yard. Minimum front yard 25 feet except mechanical equipment and buildings may encroach a maximum of 15 feet. Parking may be located within a required front yard.

**SEC. 51P- \_\_\_\_\_.110. OFF-STREET PARKING AND LOADING.**

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

**SEC. 51P- \_\_\_\_ .111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_ .112. LANDSCAPING.**

(a) In general. Landscaping must be provided in accordance with Article X, except as provided in this section.

(b) Screening.

(1) Screening of off-street parking. Screening must be provided in accordance with Section 51A-10.126 for street frontages of the parking lot on the southeast corner of Holcomb Road and Odom Street. This screening may count as a design standard.

(2) Screening of mechanical equipment and buildings. All mechanical equipment located within a required yard must be screened in accordance with Section 51A-4.602(b).

(c) Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P-- \_\_\_\_ .114. TRAFFIC MANAGEMENT PLAN.**

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit \_\_ B).

(b) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by **DATE**. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1 of each **even-numbered year**.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(c) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

**SEC. 51P- \_\_\_\_ .113. SIGNS.**

Signs must comply with the provisions for non-business zoning districts in Article VII.

**SEC. 51P- \_\_\_\_ .114. ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

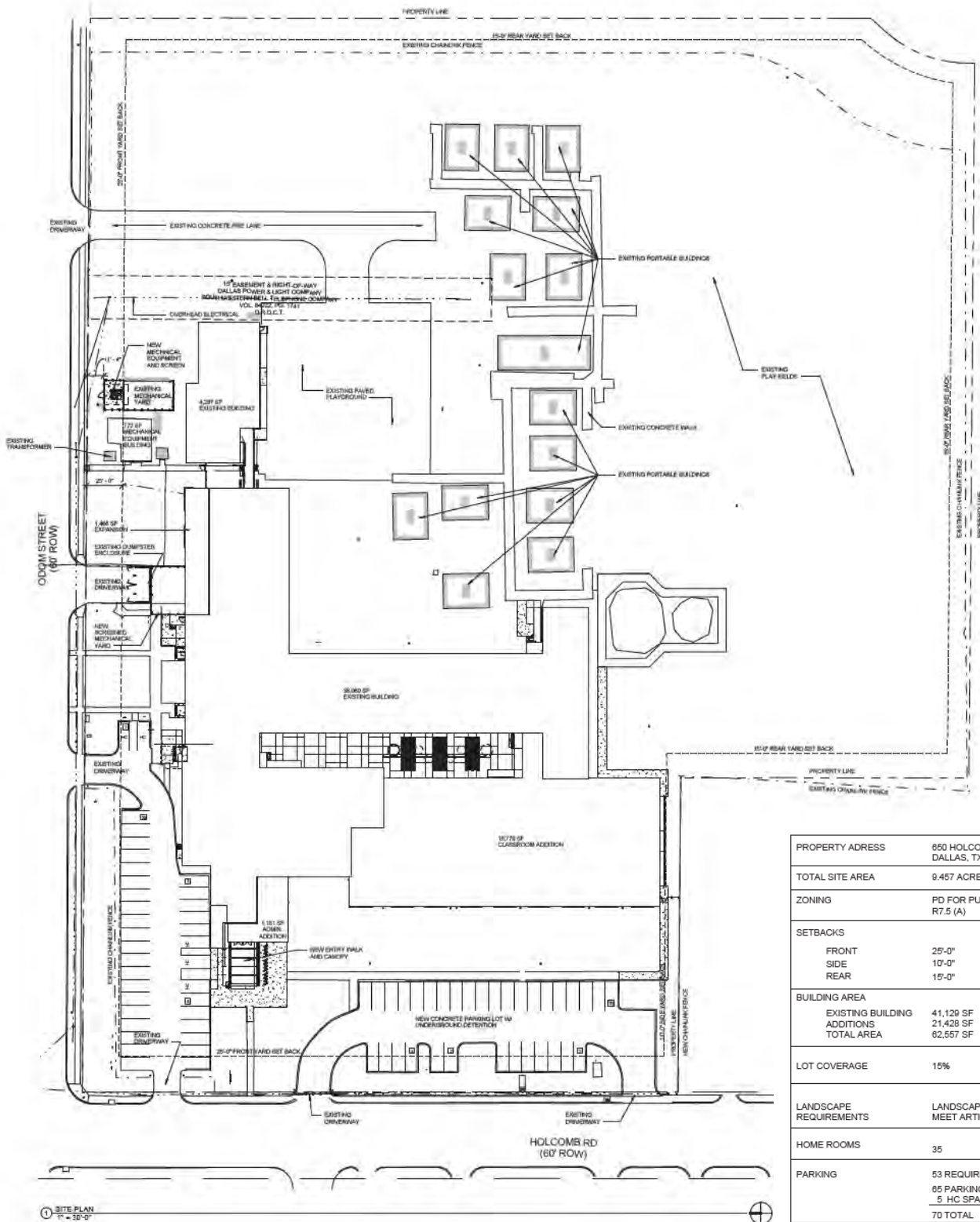
**SEC. 51P- \_\_\_\_ .115. COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance

with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

**Proposed Development Plan**



PROPERTY ADDRESS	650 HOLCOMB RD. DALLAS, TX 75217
TOTAL SITE AREA	9.457 ACRES - 411,984 SF
ZONING	PD FOR PUBLIC SCHOOL R7.5 (A)
SETBACKS	FRONT 25'-0" SIDE 10'-0" REAR 15'-0"
BUILDING AREA	EXISTING BUILDING 41,129 SF ADDITIONS 21,428 SF TOTAL AREA 62,557 SF
LOT COVERAGE	15%
LANDSCAPE REQUIREMENTS	LANDSCAPING SHALL MEET ARTICLE 10
HOME ROOMS	35
PARKING	53 REQUIRED 65 PARKING SPACES 5 HC SPACES 70 TOTAL

1 SITE PLAN  
1" = 50'-0"

## Traffic Management Plan

April 30, 2018



### TRAFFIC MANAGEMENT PLAN

*NOTE: Recommended TMP Strategies contained herein are based upon the best data, site-specific information, and analytical processes readily available at the time of the study. However, specific quantities related to traffic congestion at peak periods (e.g., duration, length of queue, etc.) are estimated values. Actual quantities may vary due to unknown or unquantifiable variables and other operational factors that may occur. In the event that actual, future conditions generate undue burden on Users and/or the travelling public, modifications to the TMP should be considered. (See preceding NOTE for guidance on implementing changes to the TMP.) However, in extreme conditions, TMP actions may not be capable of mitigating all traffic conditions, and it may be incumbent on the School to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.*

Graphical summaries of recommendations and proposed conditions are depicted in **Exhibit 1**.

A summary of existing conditions is provided below:

- The school operates with an unmanaged queue protocol (no staff assistance). Parent pick-up in the afternoon occurs within the site, two queue lines form in the pick-up/drop-off recessed area in front of the school building.
- Additionally, parent pick-up in the afternoon occurs on both curbside shoulders of Odom Drive and both curbside shoulders of Holcomb Road.

*NOTE: Parent drop-off activity in the morning peak has a similar protocol as the parent pick-up in the afternoon. Parent drop-off in the morning peak occurs at the pick-up/drop-off recessed area on-site in front of the school building and has negligible impact to traffic and pedestrian operations off-site. Generally, excessive traffic delays and queuing were not evident during school morning peak.*

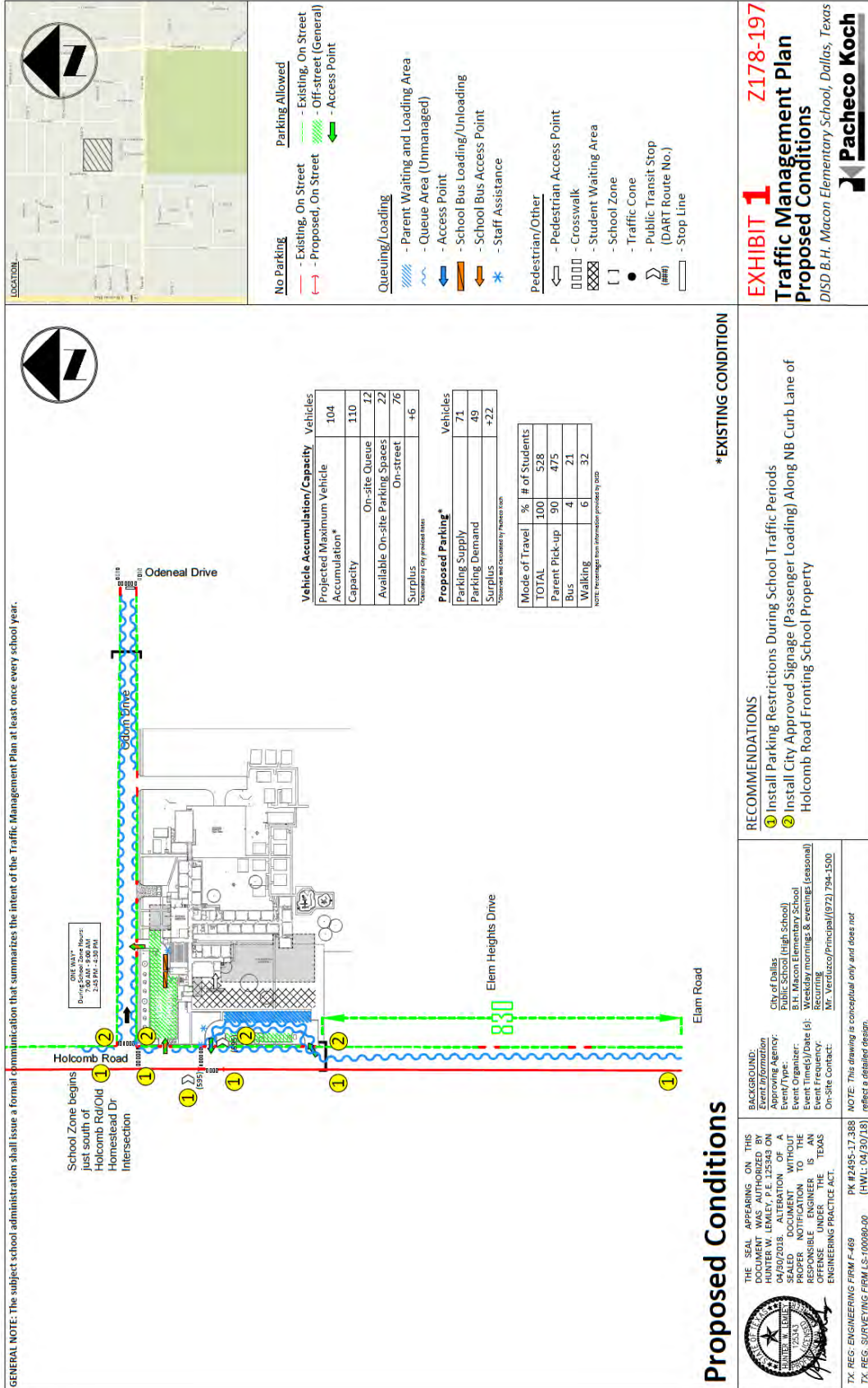
- Odom Drive, between Holcomb Road and Odeneal Street, currently is a part-time, one-way, eastbound operation during school hours. The part-time, one-way operation has not prompted any known reoccurring accident history or any consistent traffic violations. In general, other than the inherent unconventional nature of the part-time one-way operations, the functionality of one-way traffic flow is statistically safer and more efficient.
- The school currently has two busses in operation. Bussing operations at the school are reserved for special education students.
- Along with marked crosswalks, a crossing guard is stationed at the east leg crosswalk at the intersection of Holcomb Road and Odom Drive. It was observed that a high compliance rate of crossing was at the crosswalk.

*April 30, 2018*

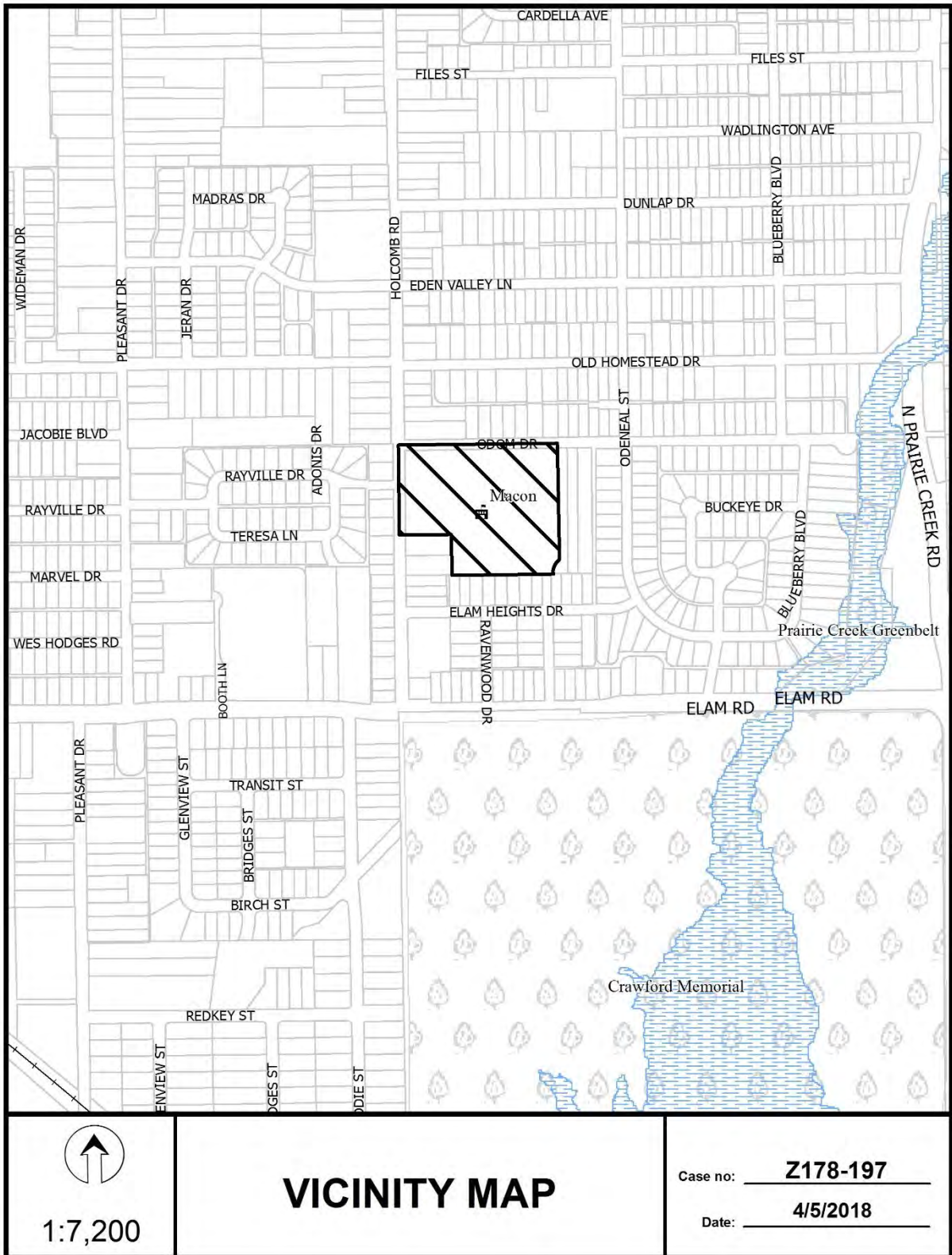
A summary of specific recommendations is provided below:

1. Install parking restrictions during school traffic periods.
2. Install city approved signage (Passenger Loading) along northbound curb lane of Holcomb Road fronting school property.

END OF MEMO



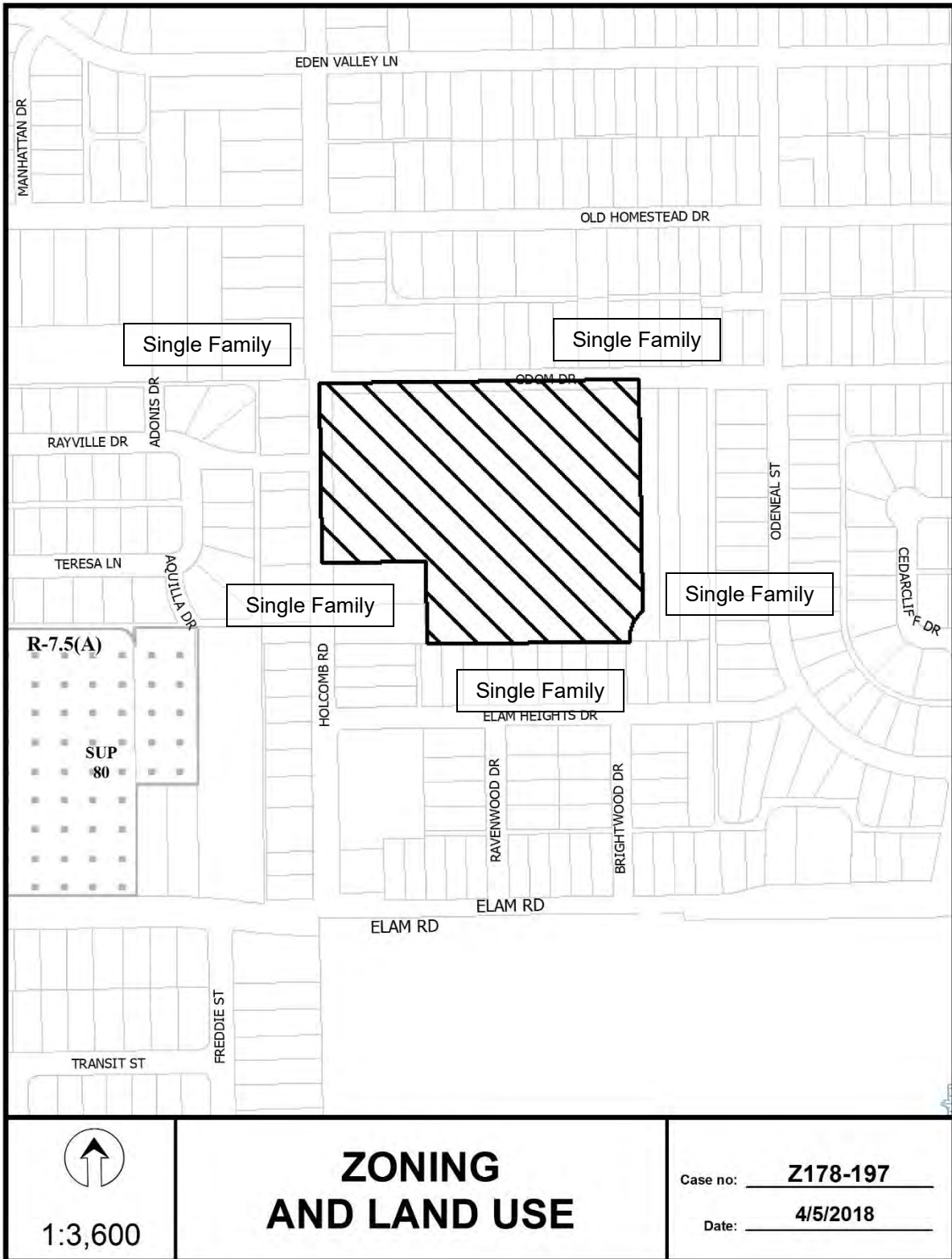






 1:3,600	<h1>AERIAL MAP</h1>	Case no: <u>    Z178-197    </u> Date: <u>    4/5/2018    </u>
------------------------------------------------------------------------------------------------	---------------------	-------------------------------------------------------------------







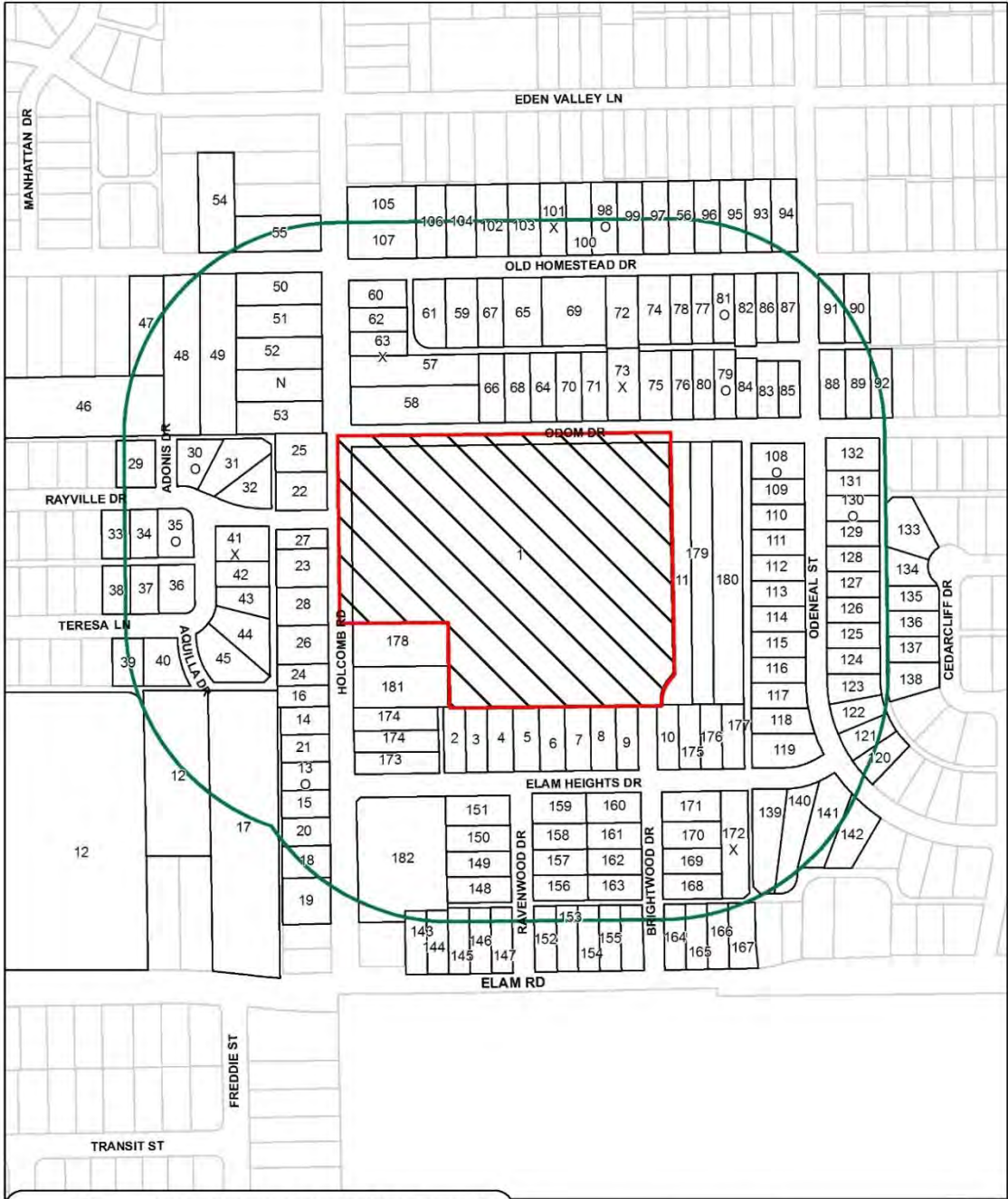
1:3,600

# ZONING HISTORY

Case no: Z178-197

Date: 4/5/2018

CPC RESPONSES



<u>182</u>	Property Owners Notified (186 parcels)
<u>8</u>	Replies in Favor (8 parcels)
<u>5</u>	Replies in Opposition (5 parcels)
<u>500'</u>	Area of Notification
<u>6/7/2018</u>	Date

**Z178-197**  
**CPC**



1:3,600

06/06/2018

***Reply List of Property Owners******Z178-197******182 Property Owners Notified******8 Property Owners in Favor******5 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	650 HOLCOMB RD	Dallas ISD
	2	8519 ELAM HEIGHTS DR	ESTRADA JULIO & EVANGELINA
	3	8523 ELAM HEIGHTS DR	ARAIZA SERGIO
	4	8527 ELAM HEIGHTS DR	ARAIZA MARIA ANGELICA
	5	8535 ELAM HEIGHTS DR	MURILLO REFUGIO J
	6	8537 ELAM HEIGHTS DR	MEDELLIN MICHAEL &
	7	8543 ELAM HEIGHTS DR	PEREZ ANTONIO A &
	8	8547 ELAM HEIGHTS DR	BERNAL HERACLIO &
	9	8551 ELAM HEIGHTS DR	OLIVA MARTHA
	10	8603 ELAM HEIGHTS DR	GUERRERO MARTIN & JOSEFINA
	11	8614 ODOM DR	PINA SERGIO
	12	8401 ELAM RD	SALVATION ARMY
O	13	539 HOLCOMB RD	REED PHILIP D
	14	611 HOLCOMB RD	BAYSON CHARLES J
	15	531 HOLCOMB RD	ESCOVAR JOSE R &
	16	615 HOLCOMB RD	ALVARADO FRANCISCO & ANA CECILIA
	17	8425 ELAM RD	CHAVEZ EFRAIN & MARIA
	18	523 HOLCOMB RD	PANIAGUA MARTIN R
	19	509 HOLCOMB RD	RODRIGUEZ ANTHONY
	20	527 HOLCOMB RD	PANIAGUA MARIA REFUGIO
	21	607 HOLCOMB RD	REHKOP FAYE WHITTINGTON
	22	649 HOLCOMB RD	STOVALL SHON P
	23	639 HOLCOMB RD	RAMIREZ JUAN
	24	617 HOLCOMB RD	GAMEZ DAMIAN
	25	659 HOLCOMB RD	ALONZO LEANDRO
	26	623 HOLCOMB RD	FRANCO MARIA
	27	643 HOLCOMB RD	CARBAJAL JORGE R &
	28	627 HOLCOMB RD	LOPEZ OFELIA &

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	29	8367 RAYVILLE DR	ROCHA SALVADOR &
O	30	8403 RAYVILLE DR	ROCHA ROBERTO &
	31	8407 RAYVILLE DR	WILLIAMS YOLANDA
	32	8411 RAYVILLE DR	HODGE MARIDECIA &
	33	8362 RAYVILLE DR	MORALES BERNARDO &
	34	8368 RAYVILLE DR	HAWKINS ELBERT D
O	35	8372 RAYVILLE DR	MCCLUSKY J G
	36	8355 TERESA LN	PULASKI GEORGE
	37	8351 TERESA LN	BROWN MABLE LOUISE &
	38	8347 TERESA LN	RANGEL DOMINGO & BEATRIZ
	39	8348 TERESA LN	ORTIZ EDIVINO
	40	8352 TERESA LN	ZAVALA ANGELICA G
X	41	8372 TERESA LN	REED RONALD JAMES &
	42	8368 TERESA LN	MUNOZ ALFREDO
	43	8364 TERESA LN	BENCH DAN CARROLL
	44	8360 TERESA LN	LOERA ANTONIO ETAL
	45	8356 TERESA LN	RODRIGUEZ BLANCA GRISELDA
	46	702 PLEASANT DR	CHIHUAHUA JOSE M
	47	8418 OLD HOMESTEAD DR	GAMEZ DORA MARIA & SERGIO ALBERTO MEDRANO
	48	8424 OLD HOMESTEAD DR	US BANK NATL ASSO
	49	8432 OLD HOMESTEAD DR	ESCAMILLA CECILIO &
	50	727 HOLCOMB RD	MONSIVAIS GUILERMO &
	51	721 HOLCOMB RD	CRAYTON MONICA R & LESLIE
	52	715 HOLCOMB RD	PEREZ JESUS VASQUEZ &
	53	703 HOLCOMB RD	RAOUPUR SAADAT
	54	8433 OLD HOMESTEAD DR	STEGALL JACQUELINE
	55	735 HOLCOMB RD	PARRA ANEL
	56	8613 OLD HOMESTEAD DR	ESCAMILLA EZEQUIEL &
	57	708 HOLCOMB RD	PERRY HARVEY T
	58	702 HOLCOMB RD	MARTINEZ NOE RANGEL &
	59	8520 OLD HOMESTEAD DR	CONCHE COSME A



06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	60	728 HOLCOMB RD	GLOBAL PEAK LLC
	61	8514 OLD HOMESTEAD DR	MEZA ELIO & MARIA OLIVET
	62	724 HOLCOMB RD	SAENZ JUAN A
X	63	718 HOLCOMB RD	SANCHEZ HELEN NAJERA
	64	8541 ODOM DR	S D HOME DESIGN LLC SERIES C
	65	8530 OLD HOMESTEAD DR	MELANDEZ JOSE CRUZ &
	66	8529 ODOM DR	HOOD HELEN RUTH
	67	8524 OLD HOMESTEAD DR	OLIVARES VICTOR M &
	68	8535 ODOM DR	HUERTA DIANA JOSEFINA SANTILAN &
	69	8540 OLD HOMESTEAD DR	CUNNINGHAM CECIL M &
	70	8547 ODOM DR	THOMPSON STEVEN R &
	71	8553 ODOM DR	EUDABE ANTONIO & NORMA
	72	8606 OLD HOMESTEAD DR	SMITH CEDRICK L
X	73	8605 ODOM DR	HOLLAND R B
	74	8608 OLD HOMESTEAD DR	MORALES ALFONSO M &
	75	8611 ODOM DR	CERVANTES LORENA GARZA
	76	8615 ODOM DR	MA ST PARTNERS 5
	77	8618 OLD HOMESTEAD DR	MORALES ALFONSO &
	78	8616 OLD HOMESTEAD DR	MORALES ALFONSO
O	79	8619 ODOM DR	SOTO ALBERTO LOMAS &
	80	8617 ODOM DR	LEON MARIA E &
O	81	8620 OLD HOMESTEAD DR	MONROY ANA MARIA
	82	8624 OLD HOMESTEAD DR	MATN PARTNERS 3
	83	8625 ODOM DR	ESPINOZA JORGE &
	84	8621 ODOM DR	PEREZ ROBERT
	85	8629 ODOM DR	ESPINOZA JORGE & GUADALUPE
	86	8628 OLD HOMESTEAD DR	PEREZ SANTIAGO M
	87	8632 OLD HOMESTEAD DR	TAYLOR T R, INC
	88	8701 ODOM DR	WINDSOR MARITZA
	89	8707 ODOM DR	ROMAN NAIN &
	90	8706 OLD HOMESTEAD DR	GUTIERREZ FRANCISCO &

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	91	8702 OLD HOMESTEAD DR	ZUNIGA LOUISA O
	92	8711 ODOM DR	HARRIS TABITHA
	93	8627 OLD HOMESTEAD DR	PEREZ SYLVIA
	94	8631 OLD HOMESTEAD DR	PEREZ SANTIAGO M ETAL
	95	8623 OLD HOMESTEAD DR	VILLEGAS JESUS
	96	8617 OLD HOMESTEAD DR	BENNETT CAROLE JANEAN
	97	8609 OLD HOMESTEAD DR	ESCAMILLA NAJERA EZEQUIEL
O	98	8545 OLD HOMESTEAD DR	CASTILLO BALDOMERO &
	99	8603 OLD HOMESTEAD DR	FAVELA MARCELO & AURORA
	100	8541 OLD HOMESTEAD DR	GUTIERREZ FRANCISCO
X	101	8535 OLD HOMESTEAD DR	SUTTON BETTY
	102	8525 OLD HOMESTEAD DR	DUENAS HECTOR JAVIER &
	103	8531 OLD HOMESTEAD DR	OLIVARES MARIA LOURDES
	104	8515 OLD HOMESTEAD DR	OLIVARES VICTOR M
	105	742 HOLCOMB RD	BARRON ALBERTO
	106	8519 OLD HOMESTEAD DR	FRAGOSO HORTENCIA &
	107	734 HOLCOMB RD	LOPEZ EPIFANIO
O	108	661 ODENEAL ST	FILLMORE LYNNE
	109	657 ODENEAL ST	RODRIGUEZ RIGOBERTO
	110	651 ODENEAL ST	COLLAZO ROSA & RICARDO
	111	647 ODENEAL ST	SHAW SHARON
	112	641 ODENEAL ST	VILLANUEVA MARTIN & SONIA
	113	637 ODENEAL ST	MONTES CARLOS & MARIA L
	114	631 ODENEAL ST	MORALES OMAR & CLAUIDA
	115	627 ODENEAL ST	HUDSON CAROLYN
	116	621 ODENEAL ST	MATA J PAZ
	117	617 ODENEAL ST	SHANKLIN BETTY ANN
	118	611 ODENEAL ST	MURILLO BERTHA R
	119	607 ODENEAL ST	BLAIR LORAIN
	120	528 ODENEAL ST	CAZARES JUAN MANUEL
	121	606 ODENEAL ST	MADRIGALES JAVIER

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	122	610 ODENEAL ST	RAMIREZ ERNESTO
	123	616 ODENEAL ST	PUEBLA HENDREY H
	124	622 ODENEAL ST	PAYNE LINDA
	125	628 ODENEAL ST	BRYANT ALONZA &
	126	632 ODENEAL ST	GURROLA ISIDRO C
	127	638 ODENEAL ST	ALLEN JAMES H &
	128	642 ODENEAL ST	MENDEZ REMBERTO ANTONIO
	129	648 ODENEAL ST	DUDIK WILLIAM R
O	130	652 ODENEAL ST	CASEBOLT ELMER E
	131	658 ODENEAL ST	RODRIGUEZ ISMAEL HERNANDEZ &
	132	662 ODENEAL ST	LOPEZ JOSE C &
	133	671 CEDARCLIFF DR	WHATLEY CHARLIE DOYLE EST OF &
	134	669 CEDARCLIFF DR	DAVIS ROBERT L
	135	665 CEDARCLIFF DR	BOONE WILLIE MAE
	136	661 CEDARCLIFF DR	ROBLES LIDIA
	137	657 CEDARCLIFF DR	AHTEN ALICE
	138	653 CEDARCLIFF DR	ESPINOZA MARIA D
	139	8622 ELAM HEIGHTS DR	PEREZ GUADALUPE & SOCORRO
	140	8628 ELAM HEIGHTS DR	CAZARES JUAN & ELIDA
	141	529 ODENEAL ST	GILES GREG
	142	525 ODENEAL ST	MENDOZA MANUEL
	143	8511 ELAM RD	DELTORO FRANCISCO &
	144	8515 ELAM RD	VIVANCO PLATON CASTELLANOS &
	145	8519 ELAM RD	DELATORRE JUAN
	146	8523 ELAM RD	DAVIS VIRGIL RAY
	147	8527 ELAM RD	1G CAPITAL LLC
	148	511 RAVENWOOD DR	DAVIS VIRGIL R
	149	519 RAVENWOOD DR	FLORES ROGELIO B &
	150	527 RAVENWOOD DR	MOTA MARIA L ESTATE OF
	151	533 RAVENWOOD DR	JONES CHERE
	152	8601 ELAM RD	SOLIS CESAR

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	153	8605 ELAM RD	ENRIQUEZ BERTHA A
	154	8609 ELAM RD	MCGUIRE DANNY RAY
	155	8613 ELAM RD	SOLIS ISIDRO A
	156	512 RAVENWOOD DR	RUIZ VICTOR
	157	520 RAVENWOOD DR	CARDOSO RAFAEL
	158	528 RAVENWOOD DR	MARTINEZ ROBERT L
	159	534 RAVENWOOD DR	WOOTEN PEARL
	160	535 BRIGHTWOOD DR	ARMENDARIZ MARIA DELCARMEN
	161	527 BRIGHTWOOD DR	MENDOZA DANIEL VELASCO
	162	519 BRIGHTWOOD DR	RODRIGUEZ ERNESTO &
	163	511 BRIGHTWOOD DR	MORAL ERIKA CASAS DEL
	164	8703 ELAM RD	ALTAMIRANO MANUEL A
	165	8707 ELAM RD	ZUNIGA ERNESTO
	166	8709 ELAM RD	GUERRERO MA DE LA LUZ
	167	8715 ELAM RD	SOLIS JAVIER
	168	512 BRIGHTWOOD DR	BARRIOS LUIS E
	169	520 BRIGHTWOOD DR	REYESDIAZ ESTHER
	170	528 BRIGHTWOOD DR	CRUZ MYRIAM MORENO &
	171	534 BRIGHTWOOD DR	JESJOR TX INC
X	172	8614 ELAM HEIGHTS DR	LE THI THANH
	173	602 HOLCOMB RD	DELGADO RAUL &
	174	606 HOLCOMB RD	ALVARADO FRANCISCO & ANA
	175	8607 ELAM HEIGHTS DR	PEREZ ARNALDO
	176	8611 ELAM HEIGHTS DR	MCGARVEY WILLIAM R LIFE ESTATE
	177	8615 ELAM HEIGHTS DR	ANDERSON DONNA KAYE
	178	622 HOLCOMB RD	OLIVARES VICTOR MANUEL
	179	8616 ODOM DR	CASARRUBIAS SERGIO H
	180	8618 ODOM DR	RIOS RUBEN & BEATRIZ
	181	614 HOLCOMB RD	FAVELA CATARINO & ORALIA
	182	522 HOLCOMB RD	WINGS OF DELIVERANCE TABERNACLE INC

**AGENDA ITEM # 47**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 3  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 52 P

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 435 for a public school use on property zoned Planned Development District No. 435, on the northwest corner of Duncanville Road and Illinois Avenue

Recommendation of Staff and CPC: Approval, subject to a revised development plan, revised landscape plan, traffic management plan, and conditions  
Z178-198(MB/JM)

**FILE NUMBER:** Z178-198(MB/JM)      **DATE FILED:** March 2, 2018

**LOCATION:** Northwest corner of Duncanville Road and Illinois Avenue

**COUNCIL DISTRICT:** 3      **MAPSCO:** 52 P

**SIZE OF REQUEST:** Approx. 64.88 acres      **CENSUS TRACT:** 107.4

---

**APPLICANT/OWNER:** Dallas Independent School District

**REPRESENTATIVE:** Karl A. Crawley, Masterplan Consultants

**REQUEST:** An application to amend Planned Development District No. 435 for a public school use on property zoned Planned Development District No. 435.

**SUMMARY:** The applicant is proposing to expand the existing public school facility (Molina High School) by constructing a new 38,802-square-foot classroom addition. The proposed two-story addition will contain 16 classrooms to replace 16 existing portable classrooms. The applicant has asserted that there will be no change to the student enrollment based on this request.

**STAFF RECOMMENDATION:** Approval, subject to a revised development plan, revised landscape plan, traffic management plan and conditions.

**CPC RECOMMENDATION:** Approval, subject to a revised development plan, revised landscape plan, traffic management plan, and conditions.

**BACKGROUND INFORMATION:**

- On March 13, 1996, the City Council approved the creation of PD No. 435 for a Public School and certain R-7.5 (A) Single Family District uses on property zoned an R-7.5(A) Single Family District.
- The subject site is developed with approximately 64.88 acres.
- The purpose of this request is to construct new 38,802 square foot two story building will containing 16 classrooms and replaces 16 existing portable classrooms.

**Zoning History:** There have been no zoning cases in the area over the past five years.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>
Illinois Avenue	Principal Arterial	Variable right-of-way
Duncanville Road	Principal Arterial	Variable right-of-way

**Traffic:**

The applicant has submitted a Traffic Management Plan that shows that the school will provide no queuing on the City right-of-way and ensure the safety of the students at the drop-off and pick-up times. The site plan as shown on Exhibit 1 of the TMP, reveals two School Bus access points; one on the east side of the site off Duncanville Road and one on the south side off Illinois Avenue.

With respect to traffic queue operations, the TMP stipulates that parents picking up students should enter the parking lot east of the school building via Duncanville Road (see Exhibit 1).

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that, based on the technical support provided in the Traffic Management Plan and Transportation Assessment and Parking Analysis, it will not significantly impact the surrounding roadway system.



**Land Use:**

	Zoning	Land Use
<b>Site</b>	PDD No.435	Public School
<b>North</b>	SUP 1253 and PDD 247 Tract 4	Multi Family and Public School
<b>East</b>	SUP 472	Community Collage
<b>South</b>	R-5(A)	Single Family Dwelling
<b>West</b>	A(A) and SUP 2023	Undeveloped Land and Privet School

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

**LAND USE ELEMENT**

GOAL 1.4 COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT

Policy 1.4.1 Coordinate development and planning activities.

**ECONOMIC ELEMENT**

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas’ quality of life.

**Neighborhood Plus**

Policy 4.2 Support and leverage emerging school quality and school choice programs.

**Land Use Compatibility:**

Surrounding land uses consist of public school and multifamily to the north, community college to the east, personal service, retail, and restaurant to the southeast, single family to the south, and Privet school and undeveloped land to the west.

Built in 1996, the Moises E. Molina High School has Grade 9 through 12 and has a current enrollment of 2,198 student. The applicant is proposing to remove 16 portable class room and to construct a new 38,802 square foot two story building comprised of 16 classrooms.

The applicant is not seeking any changes to the existing PD conditions.

**Off-Street Parking:** there will be no change to the parking requirement and parking will be provided as shown on the development plan.

**Landscaping:**

The applicant proposes to provide landscaping per the proposed landscape plan.

Z178-198(MB/JM)

**CPC Action  
June 21, 2018**

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development District No. 435 for a public school use, subject to a revised development plan, revised landscape plan, traffic management plan (dated May 15, 2018), and conditions on property zoned Planned Development District No. 435, on the northwest corner of Illinois Avenue and Duncanville Road.

Maker: Shidid  
Second: Davis  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy

Against: 0  
Absent: 2 - Ridley, Tarpley  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 143  
**Replies:** For: 2 Against: 2

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: None

**CPC Action  
June 7, 2018**

**Motion:** In considering an application for an application to amend Planned Development District No. 435 for a public school use on property zoned Planned Development District No. 435, on the northwest corner of Illinois Avenue and Duncanville Road, it was moved to **hold** this case under advisement until June 21, 2018.

Maker: Houston  
Second: Carpenter  
Result: Carried: 12 to 0

For: 12 - Rieves, Houston, Davis, Carpenter, Mack, Jung, Housewright, Schultz, Peadon\*, Murphy, Ridley, Tarpley

Against: 0  
Absent: 2 - West, Shidid  
Vacancy: 1 - District 8

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 143  
**Replies:** For: 1 Against: 1

**Speakers:** For: None  
Against: None  
Against (Did not speak): Niceforo Manzanera, 5150 Mimi Ct., Dallas, TX, 75211

**List of Officers**

DALLAS INDEPENDENT SCHOOL DISTRICT.

BOARD OF TRUSTEES.

- District 1 Edwin Flores, 1<sup>st</sup> Vice President
- District 2 Dustin Marshall
- District 3 Dan Micciche, President
- District 4 Jamie Resendez
- District 5 Lew Blackburn, Ph.D
- District 6 Joyce Foreman, 2<sup>nd</sup> Vice President
- District 7 Audrey Pinkerton, Board Secretary
- District 8 Miguel Solis
- District 9 Bernadette Nutall

**PROPOSED CONDITIONS.**

**ARTICLE 435.**

**PD 435.**

**SEC. 51P-435.101. LEGISLATIVE HISTORY.**

PD 435 was established by Ordinance No. 22702, passed by the Dallas City Council on March 13, 1996. Ordinance No. 22702 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 22702 was amended by Ordinance No. 23295, passed by the Dallas City Council on October 8, 1997, and Ordinance No. 23681, passed by the Dallas City Council on October 14, 1998. (Ord. Nos. 19455; 22702; 23295; 23681; 26042)

**SEC. 51P-435.102. PROPERTY LOCATION AND SIZE.**

PD 435 is established on property generally located at the northwest corner of Illinois Avenue and Duncanville Road. The size of PD 435 is approximately 64.88 acres. (Ord. Nos. 22702; 26042)

**SEC. 51P-435.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations contained in Chapter 51A apply.

(b) In this article, MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(d) This district is considered to be a residential zoning district. (Ord. Nos. 22702; 23295; 26042)

**SEC. 51P-435.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 435A: development plan.
- (2) Exhibit 435B: landscape plan.
- (3) Exhibit 435C: traffic management plan.

**SEC. 51P-435.104. DEVELOPMENT PLAN.**

(e) For a public school use, development and use of the Property must comply with the development plan (Exhibit 435A). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control.

(f) For all other permitted uses, Paragraph 51A-4.702(c)(2) through Subsection 51A-4.702(i), governing the requirements of a site plan, a development plan, and amendments to a landscape plan, do not apply. (Ord. Nos. 22702; 23681; 26042)

**SEC. 51P-435.105. MAIN USES PERMITTED.**

(a) Agricultural uses.

-- Crop production.

(b) Commercial and business service uses.

-- None permitted.

(g) Industrial uses.

-- None permitted.

(h) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [SUP]
- Church.
- College, university, or seminary. [SUP]
- Community service center. [SUP]
- Convent or monastery. [SUP]
- Foster home. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school.

(i) Lodging uses.

-- None permitted.

(j) Miscellaneous uses.

-- None permitted.

(k) Office uses.

-- None permitted.

(l) Recreation uses.

- Country club with private membership. [SUP]
- Private recreation center, club, or area. [SUP]

-- Public park, playground, or golf course.

(m) Residential uses.

-- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*

-- Single family.

(n) Retail and personal service uses.

-- None permitted.

(o) Transportation uses.

-- Private street or alley. *[SUP]*

-- Transit passenger shelter.

-- Transit passenger station or transfer center. *[SUP]*

(l) Utility and public service uses.

-- Electrical substation. *[SUP]*

-- Local utilities.

-- Police or fire station. *[SUP]*

-- Radio, television, or microwave tower. *[SUP]*

-- Tower/antenna for cellular communication. *[As permitted in the R-7.5(A) Single Family District, see Section 51A-4.212(10.1).]*

-- Utility or government installation other than listed. *[SUP]*

(p) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. *[As permitted in the R-7.5(A) Single Family District, see Section 51A-4.213(11.2).]*

-- Recycling drop-off for special occasion collection. *[As permitted in the R-7.5(A)*

*Single Family District, see Section 51A-4.213(11.3).]*

(Ord. Nos. 22702; 26042)

**SEC. 51P-435.106. ACCESSORY USES.**

(q) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(r) The following accessory uses are not permitted in this district:

-- Accessory helistop.

-- Accessory medical/infectious waste incinerator.

-- Accessory outside display of merchandise.

-- Accessory outside sales.

-- Accessory pathological waste incinerator.



(s) The “accessory community center (private)” use is permitted by SUP only. (Ord. Nos. 22702; 26042)

**SEC. 51P-435.107. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

- (t) Front yard. Minimum front yard is 25 feet.
- (u) Side and rear yard.
  - (1) For single family structures, minimum side and rear yard is five feet.
  - (2) For all other permitted uses, minimum side yard is 10 feet and minimum rear yard is 15 feet.
- (c) Density. No maximum dwelling unit density.
- (d) Floor area. Maximum floor area for a public school use is 330,000 square feet.
- (e) Floor area ratio. For all uses other than a public school use, no maximum floor area ratio.
- (f) Height.
  - (1) For a public school use, maximum structure height is 80 feet.
  - (2) For all other permitted uses, maximum structure height is 30 feet.
- (g) Lot coverage.
  - (3) Maximum lot coverage is 45 percent for residential structures and 25 percent for nonresidential structures.
  - (4) Surface parking lots and underground parking structures are not included in lot coverage calculations.
- (h) Lot size.
  - (5) For a public school use, no minimum lot size.
  - (6) For all other permitted uses, minimum lot size is 7,500 square feet.
- (i) Stories. No maximum number of stories. (Ord. Nos. 22702; 26042)

**SEC. 51P-435.108. OFF-STREET PARKING AND LOADING.**

Z178-198(MB/JM)

(a) For a public school use, off-street parking must be provided as shown on the development plan. Parking may be provided in the required yards.

(b) For all other permitted uses, off-street parking must be provided in accordance with Division 51A-4.300 et seq. (Ord. Nos. 22702; 26042)

**SEC. 51P-435.109. FENCING.**

For a public school use, fencing must be provided as shown on the development plan. Fencing may be provided in the required yards. (Ord. Nos. 22702; 26042)

**SEC. 51P-435.110. ENVIRONMENTAL PERFORMANCE**

**STANDARDS.** See Article VI. (Ord. Nos. 22702; 26042)

**SEC. 51P-435.111. LANDSCAPING.**

(v) For a public school use, landscaping must be provided as shown on the landscape plan (Exhibit 435B) prior to the issuance of a certificate of occupancy.

(w) Landscaping for all other permitted uses must be provided in accordance with Article X.

(x) Plant materials must be maintained in a healthy, growing condition. (Ord. Nos. 22702; 26042)

**SEC. 51P-435.112. SIGNS.**

(y) Except as provided in Subsection (b) below, signs must comply with the provisions for non-business zoning districts contained in Article VII.

(z) One monument sign, a maximum of 224 square feet in effective area with a maximum height of nine feet, is permitted on the Property and located as shown on the development plan. (Ord. Nos. 23295; 26042)

**SEC.51P-435.112.1 TRAFFIC MANAGEMENT PLAN.**

(a) In general. The operation of the uses must comply with the traffic management plan (Exhibit 706C).

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the Director by November 1, 2020. After the initial traffic study, the Property

owner or operator shall submit annual updates of the traffic study to the director by November 1st of each even-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the Director shall determine if the current traffic management plan is sufficient.

(A) If the Director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the Director determines that the current traffic management plan results in traffic hazards or traffic congestion, the Director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the Director shall notify the city plan commission.

(d) Amendment process.

(1) A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

**SEC. 51P-435.113. ADDITIONAL PROVISIONS.**

(a) Electrical service for single family uses. In this PD, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception

Z178-198(MB/JM)

to authorize more than one electrical utility service and more than one electrical meter on a lot in this PD when, in the opinion of the board, the special exception will:

- (7) not be contrary to the public interest;
- (8) not adversely affect neighboring properties; and
- (9) not be used to conduct a use not permitted in this district.

(b) Maintenance. The entire Property must be properly maintained in a state of good repair and neat appearance.

(c) Compliance with laws. Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 22702; 26042)

**SEC. 51P-435.114. GENERAL REQUIREMENTS.**

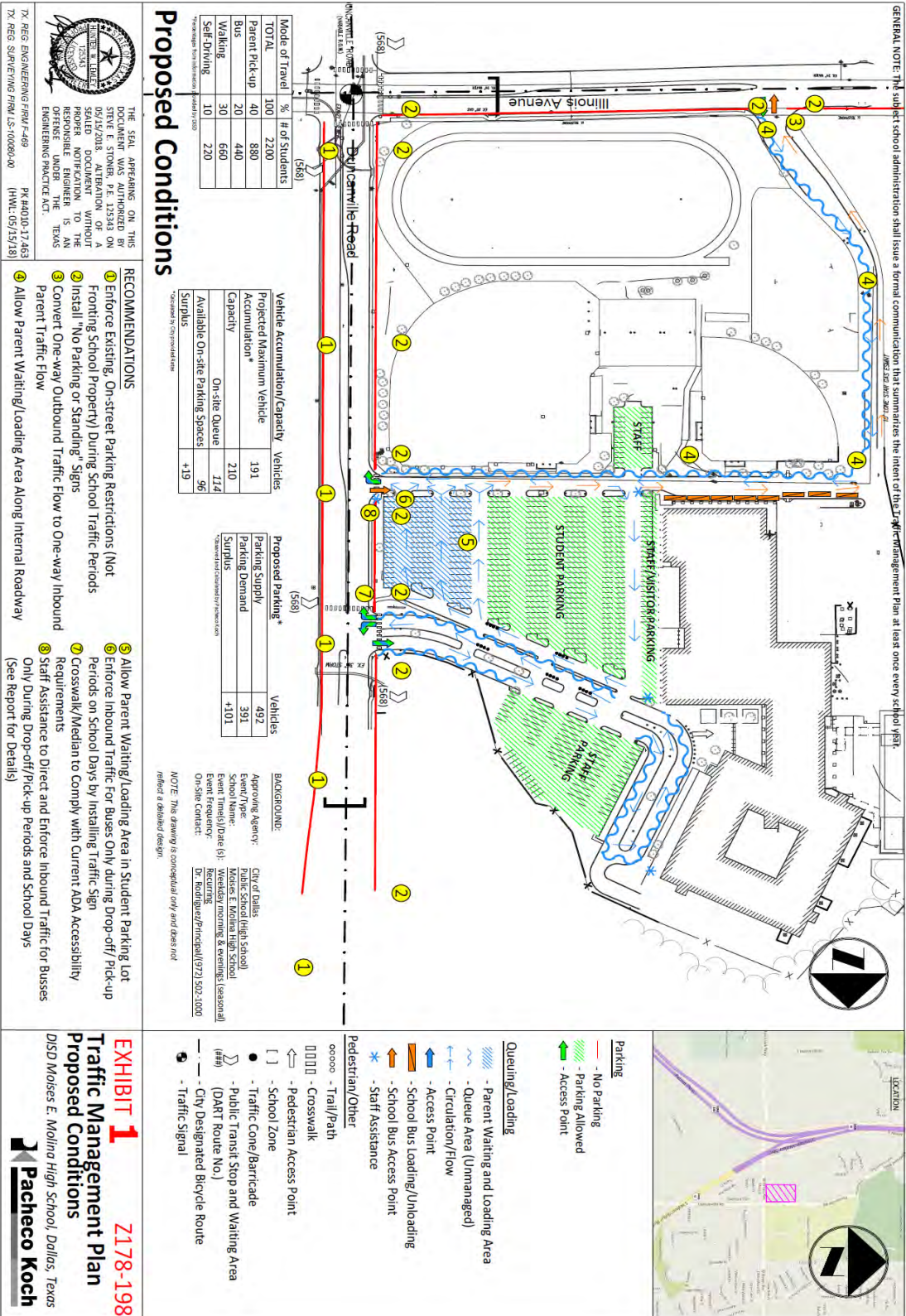
(aa) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(bb) The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 22702; 26042)

**SEC. 51P-435.115. ZONING MAP.**

PD 435 is located on Zoning Map No. M-4. (Ord. Nos. 22702; 26042)

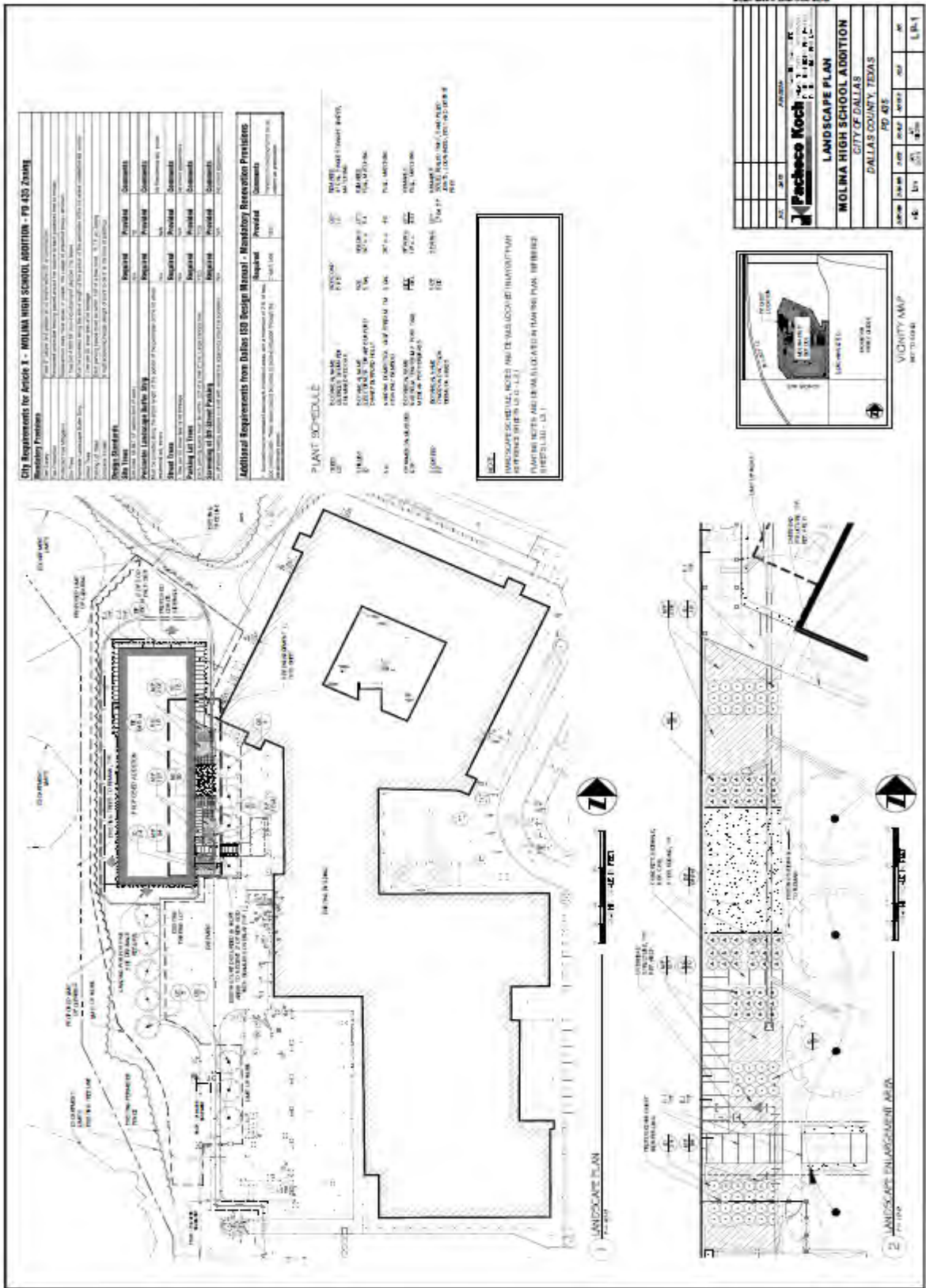
# Proposed Traffic Management Plan



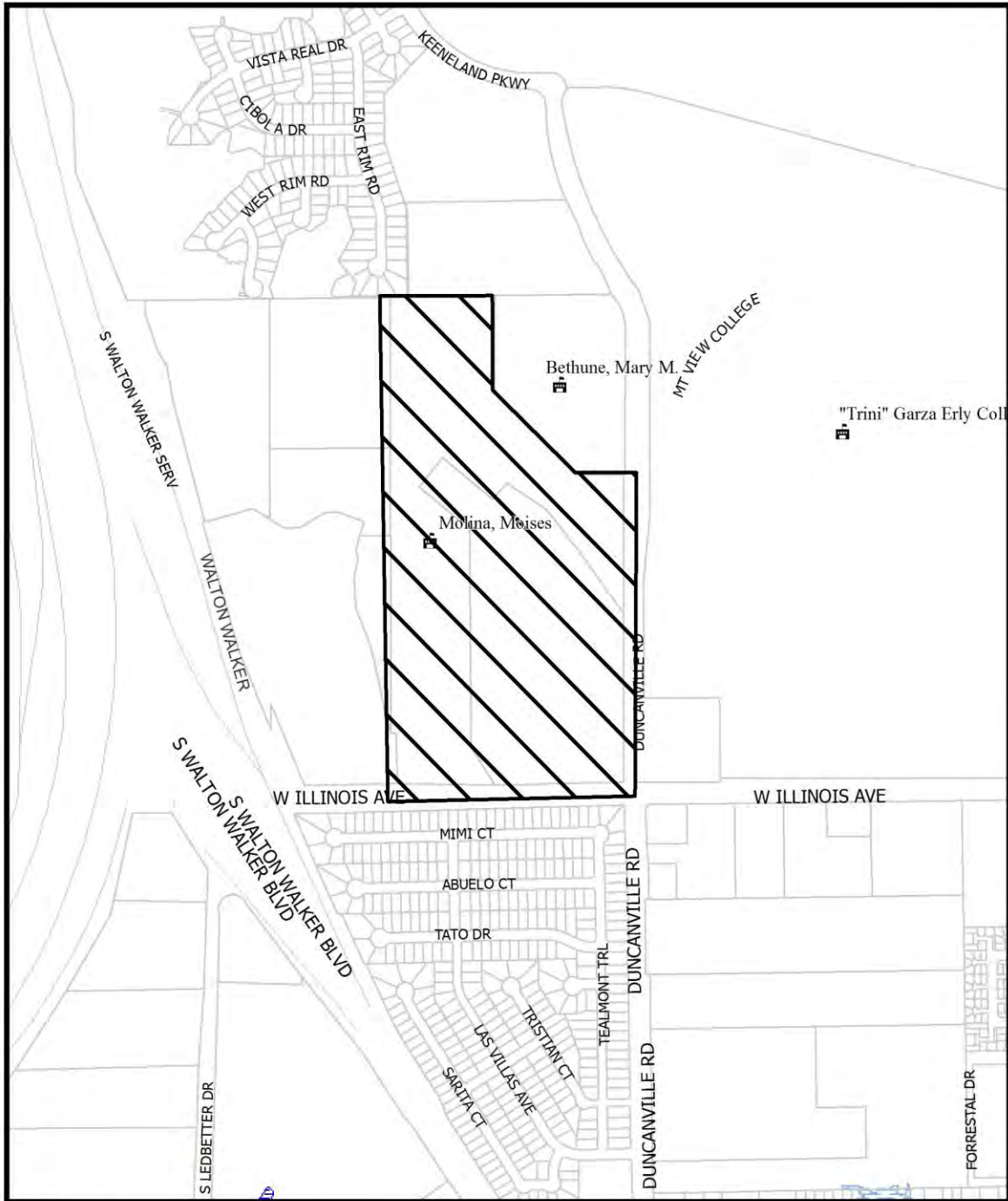




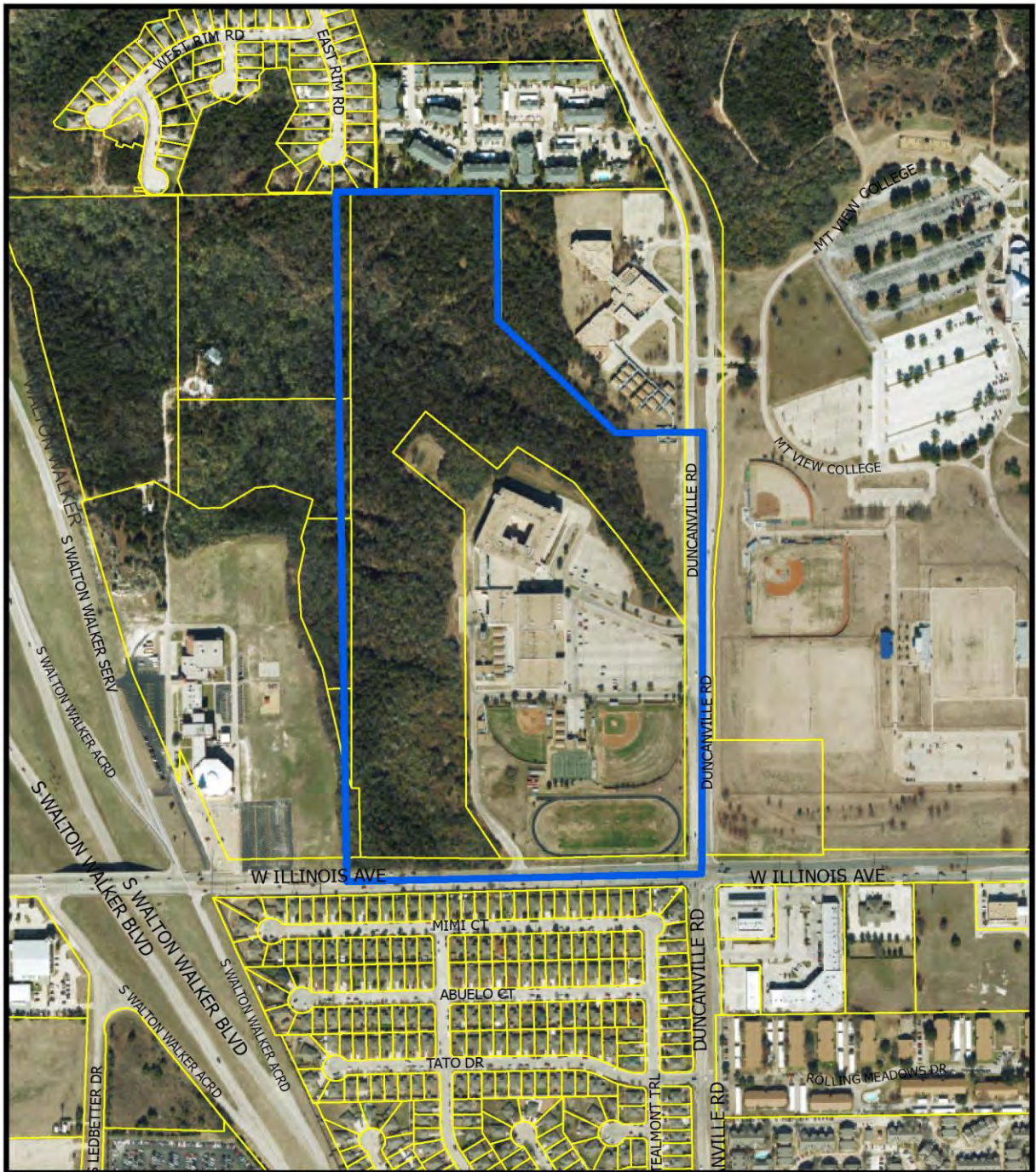
Proposed Landscape Plan







 1:8,400	<b>VICINITY MAP</b>	Case no: <u>    Z178-198    </u> Date: <u>    3/20/2018    </u>
------------------------------------------------------------------------------------------------	---------------------	--------------------------------------------------------------------



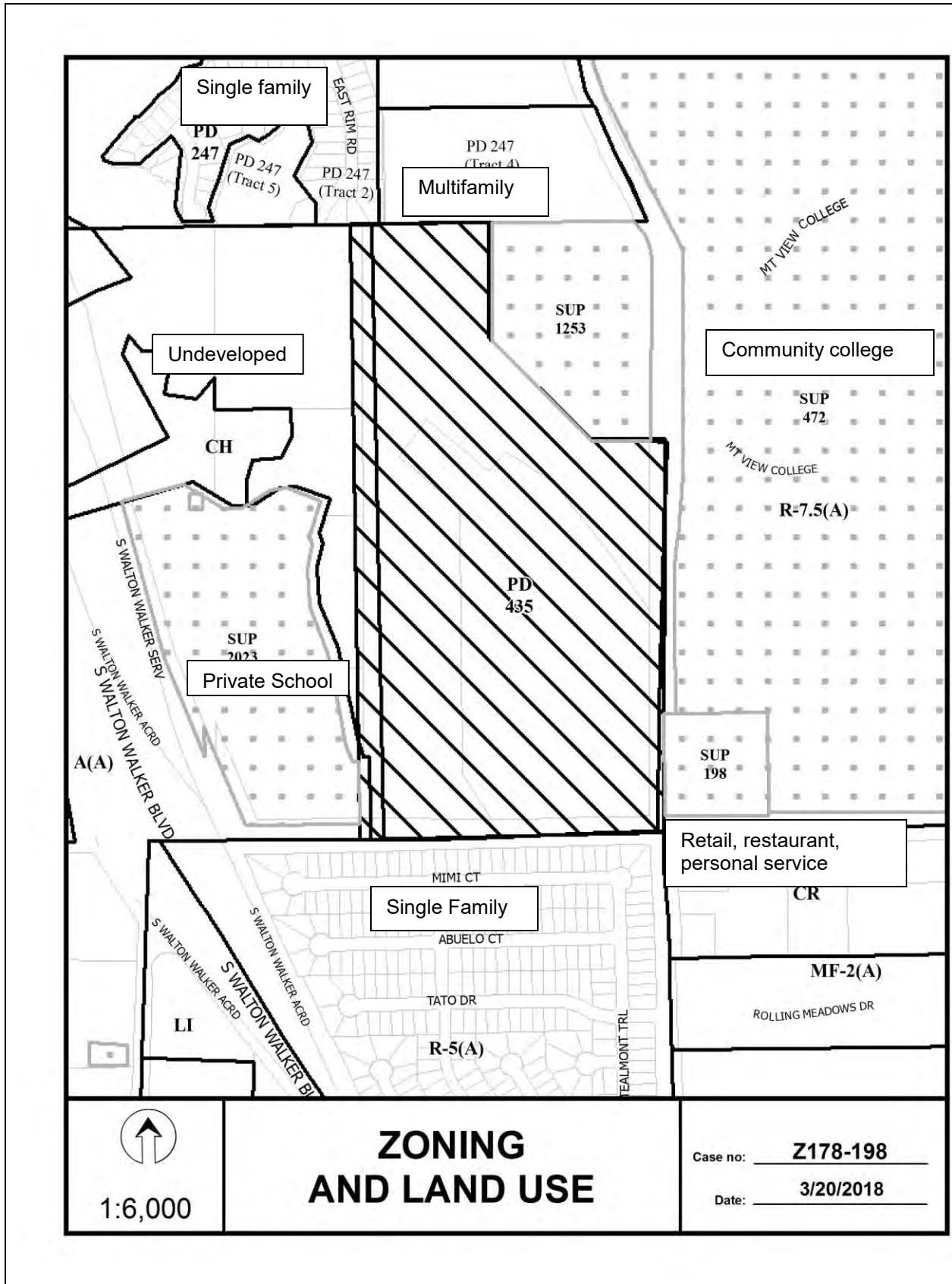
1:6,000

## AERIAL MAP

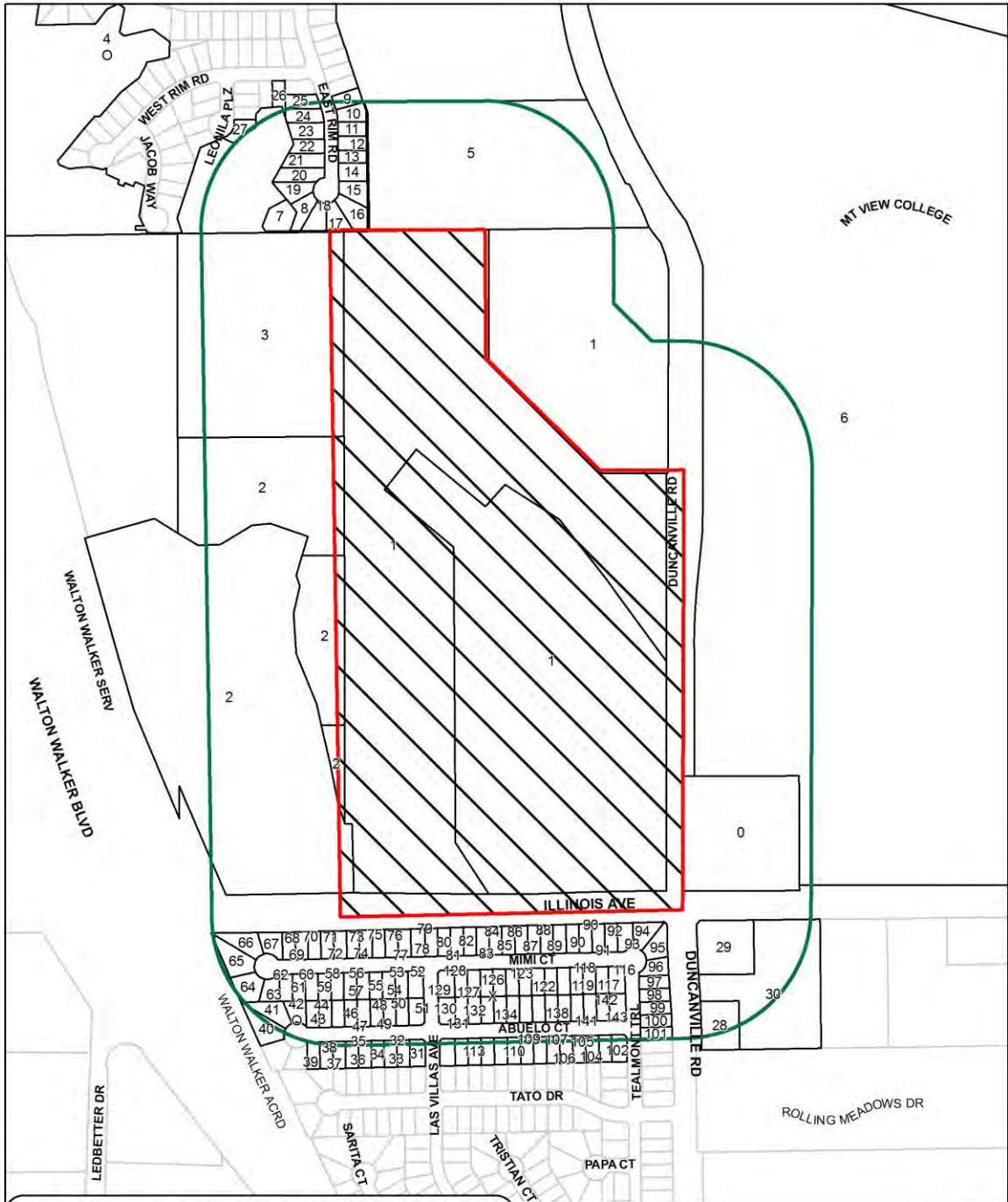
Case no: Z178-198

Date: 3/20/2018





CPC RESPONSES



<b>143</b>	Property Owners Notified (150 parcels)
<b>2</b>	Replies in Favor (2 parcels)
<b>2</b>	Replies in Opposition (2 parcels)
<b>500'</b>	Area of Notification
<b>6/21/2018</b>	Date

**Z178-198**  
**CPC**



1:6,000

06/20/2018

***Reply List of Property Owners******Z178-198******143 Property Owners Notified******2 Property Owners in Favor******2 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2355 DUNCANVILLE RD	Dallas ISD
	2	5355 W ILLINOIS AVE	GOSPEL LIGHTHOUSE CHURCH THE
	3	5555 W ILLINOIS AVE	YAQUINTO ROBERT JR &
O	4	2200 S WALTON WALKER BLVD	CAMBRIDGE CAPITAL CORP ASSOCIATION INC
	5	1531 DUNCANVILLE RD	ATLAS MARIPOSA VILLAS LLC
	6	4849 W ILLINOIS AVE	DALLAS COUNTY COMMUNITY
	7	11 EAST RIM RD	VISTA REAL SUBDIVISION
	8	1 EAST RIM RD	VISTA REAL SUBDIVISION OWNERS
	9	5042 EAST RIM RD	GRACIANO EMMANUEL &
	10	5038 EAST RIM RD	PINTO SERGIO JR &
	11	5034 EAST RIM RD	MALDONADO PABLO &
	12	5030 EAST RIM RD	WEBB DON M & NORMA P
	13	5026 EAST RIM RD	LARY TERRI G &
	14	5022 EAST RIM RD	ROQUE CARLOS
	15	5018 EAST RIM RD	GUTIERREZ REYNALDO &
	16	5014 EAST RIM RD	ARUGETA JOSE & ADRIANA
	17	5010 EAST RIM RD	PESCADOR SEVERIANO &
	18	5013 EAST RIM RD	GURUSQUIETA EZEQUIEL
	19	5021 EAST RIM RD	HUD
	20	5025 EAST RIM RD	LOPEZ PERLA R
	21	5029 EAST RIM RD	ALFONSO MANUEL A &
	22	5033 EAST RIM RD	RUIZ JONATHAN L & MARTA L
	23	5037 EAST RIM RD	RAMOS ELIAS
	24	5041 EAST RIM RD	SANCHEZ JOSE & GUADALUPE
	25	5045 EAST RIM RD	GUTIERREZ LAURA
	26	1408 WEST RIM RD	ALMANZA ARTURO

06/20/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	5030 LEONILA PLAZA	IBARRA GRACIELA
	28	2410 DUNCANVILLE RD	DALLAS ALISHAH
	29	4970 W ILLINOIS AVE	KA INVESTMENT INC
	30	4950 W ILLINOIS AVE	KULSOOM ENTERPRISES INC
	31	5210 ABUELO CT	CASTRO MIGUEL A
	32	5214 ABUELO CT	ECHEVERRIA MARTHA &
	33	5218 ABUELO CT	CEVALLOS JOSE A &
	34	5222 ABUELO CT	LOERA ANA TERESA
	35	5226 ABUELO CT	RODRIGUEZ JUAN J &
	36	5230 ABUELO CT	GAMEZ RICARDO ELIAS
	37	5234 ABUELO CT	VALENCIA ALEJANDRO
	38	5238 ABUELO CT	RUBIO YESENIA
	39	5242 ABUELO CT	DIAZ JOSE &
	40	5257 ABUELO CT	MATTHEWS RANDALL R &
	41	5253 ABUELO CT	VALENZUELA OLIVIA C &
O	42	5249 ABUELO CT	CARDONA WANDA
	43	5245 ABUELO CT	GOMEZ JESUS R
	44	5241 ABUELO CT	ELORZA THEODORA DELFINA & GABINO ELORZA ZUNIGA
	45	5237 ABUELO CT	CASTILLO MARIA
	46	5233 ABUELO CT	SALDANAGUTIERREZ ROGELIO &
	47	5229 ABUELO CT	SANDOVALLOPEZ ABRAHAM
	48	5225 ABUELO CT	YASSIN FERNANDO
	49	5221 ABUELO CT	QUINTANA JOSE P &
	50	5217 ABUELO CT	BARBOZA ANTONIO FLORES
	51	5213 ABUELO CT	VEGA VERONICA G &
	52	5208 MIMI CT	SUAREZ MARTINIANO FELIX
	53	5212 MIMI CT	RAMIREZ EFRAIN
	54	5216 MIMI CT	HASTINGS DONALD S & CONSUELO
	55	5220 MIMI CT	MORENO DAVID V
	56	5224 MIMI CT	LARA JUAN
	57	5228 MIMI CT	RIVAS ANDRES & MARIA S

06/20/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	5232 MIMI CT	DURAN FRANCISCO & LETICIA
	59	5236 MIMI CT	AGUIRRE CELSO &
	60	5240 MIMI CT	MONTEMAYOR MARIA CRISTINA
	61	5244 MIMI CT	TANNER EVA E
	62	5248 MIMI CT	VALENCIA ALEJANDRO
	63	5252 MIMI CT	MUNOS MARTHA E
	64	5256 MIMI CT	LOERA MARTIN &
	65	5257 MIMI CT	MALDONADOTORRES ALMA A &
	66	5253 MIMI CT	NIETO JOSE L
	67	5249 MIMI CT	RUBIO NOEL ANTONIO
	68	5245 MIMI CT	DELEON ROBERTO & MAYRA V
	69	5241 MIMI CT	BURCIAGA BERTHA
	70	5237 MIMI CT	HOWARD TAMEKA
	71	5233 MIMI CT	AVILA JOSE H &
	72	5229 MIMI CT	MILLER JEANELL B
	73	5225 MIMI CT	BENAVIDEZ JOSE
	74	5221 MIMI CT	HERNANDEZ MARIA P
	75	5217 MIMI CT	PINEDA JOSE &
	76	5213 MIMI CT	CENICEROS SANDRA E
	77	5209 MIMI CT	SANCHEZ JUAN FRANCISCO & KATHERINE PUERTA
	78	5205 MIMI CT	PICHE ELMER A
	79	5165 MIMI CT	CAMPOS RENE
	80	5161 MIMI CT	RIVERA NICOLAS Y
	81	5157 MIMI CT	BARRERA JOSE
	82	5153 MIMI CT	HERRERA FERNANDO I &
	83	5149 MIMI CT	VIGIL NEHEMIAS &
	84	5145 MIMI CT	MONREAL RAFAEL JR
	85	5141 MIMI CT	LOPEZ CARLOS E
	86	5137 MIMI CT	CASAS RICARDO M & LORENA
	87	5133 MIMI CT	RIVAS GERARDO & RAFAELA
	88	5129 MIMI CT	ZACARIAS MARCO A & LAURA P



06/20/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	5125 MIMI CT	SIGALA EFRAIN
	90	5121 MIMI CT	TORRES JOSE VALENCIA
	91	5115 MIMI CT	ZHANG HAOYANG &
	92	5111 MIMI CT	VASQUEZ MIKE R &
	93	5107 MIMI CT	ZELAYA JOSE H
	94	5103 MIMI CT	PADILLA ZULEMA
	95	2508 TEALMONT TRL	GARCIA SALVADOR & MARTHA A
	96	2512 TEALMONT TRL	PINEDA FLOR
	97	2516 TEALMONT TRL	FLORES ODILIA E
	98	2520 TEALMONT TRL	RODRIGUEZ WILLIAM
	99	2524 TEALMONT TRL	PERSON GLENN L
	100	2528 TEALMONT TRL	MORENO MARISELA
	101	2532 TEALMONT TRL	ECHEVERRIA JUAN
	102	5112 ABUELO CT	QUEZADA HILDA A
	103	5116 ABUELO CT	DORADO JAVIER B &
	104	5120 ABUELO CT	ORELLANA JOSE PEDRO &
	105	5124 ABUELO CT	BRITO PEDRO M
	106	5128 ABUELO CT	AVALOS JOSE DE JESUS &
	107	5132 ABUELO CT	CABRERA DELORES H &
	108	5136 ABUELO CT	DAVILA FREDY
	109	5140 ABUELO CT	MARTINEZ LAZARO &
	110	5144 ABUELO CT	MAYBERRY JOSEPH
	111	5148 ABUELO CT	GONZALEZ JOSE DE J
	112	5152 ABUELO CT	GONZALES FAMILY TRUST
	113	5156 ABUELO CT	ROSALES MANUEL
	114	5160 ABUELO CT	ROBLES ROMUALDO G
	115	5164 ABUELO CT	SILVA JOSE M & IRMA I
	116	5110 MIMI CT	REYES FIDEL A
	117	5114 MIMI CT	THAVYSAY HAU
	118	5118 MIMI CT	PALACIOS JULIO ENRIQUE
	119	5122 MIMI CT	RAMIREZ RAUL & OLGA

06/20/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	5126 MIMI CT	BARRIENTOS MARIA O &
	121	5130 MIMI CT	BRAVO JUAN M &
	122	5134 MIMI CT	RODRIGUEZ ISAAC
	123	5138 MIMI CT	MARISCAL ALEJANDRO R
	124	5142 MIMI CT	LOPEZ MARIO
X	125	5146 MIMI CT	REYES JUAN P &
X	126	5150 MIMI CT	MANZANERA NICEFORO M &
	127	5154 MIMI CT	JACOBO JUAN A &
	128	5160 MIMI CT	VALDES JUAN CARLOS &
	129	5164 MIMI CT	PEREZ JUAN FRANCISCO
	130	5163 ABUELO CT	GOMEZ HILARIO &
	131	5159 ABUELO CT	PERDOMO BLANCA ROSA
	132	5155 ABUELO CT	ALVARADO PEDRO H
	133	5151 ABUELO CT	BARRIENTOS ELADIA
	134	5147 ABUELO CT	HERNANDEZ CARLOS A
	135	5143 ABUELO CT	LARA JUAN MIGUEL
	136	5139 ABUELO CT	RAMIREZ NOE
	137	5135 ABUELO CT	RAMIREZ ALEXANDER &
	138	5131 ABUELO CT	UGARTE VICTOR
	139	5127 ABUELO CT	TORRES ALMA MALDONADO & JHANY ORTIZ
	140	5123 ABUELO CT	ALBA CRYSTAL
	141	5119 ABUELO CT	RODRIGUEZ ALFONSO & ANNA M
	142	5115 ABUELO CT	WOOD DAVID WAYNE
	143	5111 ABUELO CT	RAMIREZ ELVIA

**AGENDA ITEM # 48**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 45 M

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northeast corner of Main Street and North Crowds Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z178-233(JM)

**FILE NUMBER:** Z178-233(JM)

**DATE FILED:** April 11, 2018

**LOCATION:** Northeast corner of Main Street and North Crowds Street

**COUNCIL DISTRICT:** 2

**MAPSCO:** 45 M

**SIZE OF REQUEST:** ±10,000 square-feet

**CENSUS TRACT:** 204.00

**APPLICANT:** Billy/Brooke LLC

**OWNER:** AP Deep Ellum, LLC

**REPRESENTATIVE:** Roger Albright

**REQUEST:** An application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

**SUMMARY:** The purpose of this request is to allow a bar, lounge, or tavern in an existing 2,942-square-foot suite within a one-story, 9,670-square-foot structure in the Deep Ellum District.

**STAFF RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**CPC RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- On April 29, 1987, City Council approved Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, containing approximately 273 acres.
- PD No. 269 contains three tracts. The subject site is located within Tract A, where an alcoholic beverage establishment including a bar, lounge, or tavern use requires a specific use permit.
- The site contains a 9,670-square-foot one-story structure with three suites. One suite remains vacant and one has a restaurant use. The third suite is for the proposed bar, lounge, or tavern use. The suite contains 2,942 square feet of floor area including a 442 square-foot covered patio with direct access to the sidewalk. An existing rooftop patio is not a part of this request.
- According to PD No. 269, no off-street parking spaces are required for the first 2,500 square feet of floor area in a ground level use that has a separate Certificate of Occupancy if the use is located in an original building. Additionally, if an outdoor seating area with a non-permeable cover is within 20 feet of, and has direct access to a street, sidewalk, or publicly accessible open space, the outdoor seating area is not included in the parking requirement calculations for up to 25 percent of the size of the interior floor area.

**Zoning History:** There have been 22 zoning requests at 17 locations in the surrounding area in the past five years:

1. **Z134-222:** On August 13, 2014, the City Council approved the renewal of Specific Use Permit No. 1757 for an alcoholic beverage establishment use limited to a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the north of Elm Street and west of North Crowds Street.
2. **Z145-121:** On February 11, 2016, the City Council approved the renewal of Specific Use Permit No. 1783 for a bar, lounge or tavern on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side District, located on the south line of Elm Street, west of Crowds Street.
3. **Z156-303:** On September 2, 2016, Specific Use Permit No. 1651 for a tattoo & body piercing studio was automatically renewed for an additional five-year period on property zoned Planned Development District No. 269, the Deep Ellum Special Purpose District, located on the south side of Main Street, east of Good Latimer Expressway.
4. **Z167-154 & Z134-224:** On December 10, 2014, the City Council approved Specific Use Permit No. 2122 for a bar, lounge or tavern use on property zoned

Tract A within Planned Development District No. 269 Tract A, located on the south side of Elm Street, west of North Crowdus Street. *Renewed on 9/27/17.*

5. **Z167-274 & Z145-160:** On April 22, 2015, the City Council approved a Specific Use Permit No. 2144 for a bar, lounge, or tavern on property zoned Tract A within Planned Development No. 269, the Deep Ellum/Near East Side District located on the north side of Main Street, west of North Crowdus Street. *Renewed on 8/09/17.*
6. **Z167-275 & Z145-249:** On August 12, 2015, and August 9, 2017, the City Council approved the renewal of Specific Use Permit No. 2050 for an alcoholic beverage establishment use limited to a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, located on the south line of Elm Street, west of Crowdus Street.
7. **Z167-277:** On August 9, 2017, the City Council approved Specific Use Permit No. 2252 for an alcoholic beverage establishment use limited to a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the north side of Elm Street, west of North Crowdus Street.
8. **Z167-328 & Z134-307:** On December 13, 2014, and August 27, 2017, the City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall on property zoned Planned Development District No. 269, Tract A, the Deep Ellum/Near East Side Special Purpose District on the south line of Elm Street, west of North Crowdus Street.
9. **Z167-392:** On January 10, 2018, the City Council approved the renewal of Specific Use Permit No. 1694 for a bar, lounge, or tavern use and commercial amusement (inside) limited to a live music venue use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the southeast line of Elm Street, west of North Crowdus Street.
10. **Z178-125 & Z145-176:** On May 23, 2018, the City Council denied the renewal and amendment of Specific Use Permit No. 1696 for an alcoholic beverage establishment use limited to a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District on the south side of Elm Street, west of North Crowdus Street.
11. **Z178-153:** On March 28, 2018, the City Council renewed Specific Use Permit No. 1981 for a bar, lounge, or tavern and an inside commercial amusement limited to a dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the north line of Main Street, between North Malcolm X Boulevard and North Walton Street.

- 12.Z167-346:** On December 13, 2017, the City Council approved Specific Use Permit No. 2267 for a microbrewery, microdistillery, or winery on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south line of Commerce Street, between Malcom X Boulevard and Crowdus Street.
- 13.Z167-382:** On December 13, 2017, the City Council approved Specific Use Permit No. 2268 for a bar, lounge or tavern zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south line of Commerce Street, between Malcom X Boulevard and Crowdus Street.
- 14.Z134-182:** An application for a Specific Use Permit for a Commercial Parking Lot on property zoned Tract A of Planned Development District No. 269, located on the southwest corner of Indiana Street and N. Malcolm X Boulevard. *Did not progress to CPC.*
- 15.Z167-233:** On June 14, 2017, the City Council approved renewal of Specific Use Permit No. 1685 for a bar, lounge or tavern on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the northeast corner of Crowdus Street and July Alley.
- 16.Z178-175:** On May 9, 2018, the City Council approved Specific Use Permit No. 2291 for an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery, located on the southwest corner of Main Street and Pryor Street.
- 17.Z178-207:** On May 17, 2018, the City Plan Commission recommended approval of an application for a Specific Use Permit for a bar, lounge, or tavern and a microbrewery, distillery, or winery on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the south line of Main Street, between South Malcolm X Boulevard and South Crowdus Street.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>	<b>Proposed ROW</b>
Main Street	Local	67 feet	--
North Crowdus Street	Local	50 feet	--

**Traffic:**

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



**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 269, Tract A	Bar, lounge, or tavern
<b>North</b>	PD No. 269, Tract A	Bar, lounge, or tavern, Parking
<b>East</b>	PD No. 269, Tract A	Personal Service—Tattoo Studio and Recording Studio
<b>South</b>	PD No. 269, Tract A	Bar, lounge, or tavern, Restaurant, Parking
<b>West</b>	PD No. 269, Tract A	Bar, lounge, or tavern, Retail

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

The applicant’s request is consistent with the following goals and policies of the comprehensive plan.

**ECONOMIC ELEMENT**

**GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN**

**Policy 2.3.3** Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

**GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS**

**Policy 2.5.1** Promote strong and distinctive neighborhoods to enhance Dallas’ quality of life.

**URBAN DESIGN ELEMENT**

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

**Policy 5.1.1** Promote pedestrian-friendly streetscapes

**GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

**Land Use Compatibility:**

The request site is within Deep Ellum, an area which provides for a healthy balance of housing, jobs, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses. Considered to be one of Dallas' first commercial districts, Deep Ellum is within close proximity to two major highways, Fair Park, the Baylor Medical District, and Downtown.

The site contains a 9,670-square-foot one-story structure with three suites. One suite remains vacant and one has a restaurant use. The third suite is for the proposed bar, lounge, or tavern use. The suite contains 2,942 square feet of floor area including a 442 square-foot covered patio with direct access to the sidewalk. An existing rooftop patio is not a part of this request. The request to allow for a bar, lounge, or tavern use, requires a Specific Use Permit within Tract A of PD No. 269.

Surrounding land uses include an eclectic mix of bar, lounge, or tavern uses and surface parking to the north; personal service uses, including a tattoo and body piercing studio and recording studio to the east; restaurant, surface parking, and bar, lounge, or tavern uses to the south; and, restaurant, retail, and, bar, lounge, or tavern uses to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed alcoholic beverage establishment, limited to a bar, lounge, or tavern, will contribute to the character of the neighborhood and promote further tourism and reinvestment in the area. Staff supports the request for an initial two-year time period. This has been the standard for the proposed use within the general area and allows for reevaluation of the use after the initial two-year period.

**Parking:**

According to PD No. 269, no off-street parking spaces are required for the first 2,500 square feet of floor area in a ground level use that has a separate Certificate of Occupancy if the use is located in an original building. Additionally, if an outdoor seating area with a non-permeable cover is within 20 feet of, and has direct access to a street, sidewalk, or publicly accessible open space, the outdoor seating area is not included in the parking requirement calculations for up to 25 percent of the size of the interior floor area.

Sec.51P-269.104.(c)(27) defines an original building as meaning a building constructed on or before June 27, 1984, with a floor area which has not since June 27,1984, been increased by more than:

- (a) 150 percent if the increase is 5,000 square feet or less; or
- (b) 100 percent if the increase is more than 5,000 square feet. An original building damaged or destroyed on or before June 27, 1984, other than by the intentional act of the owner or his agent, may be restored after that date without losing its original building status.

According to the site plan submitted with this request, the suite contains 2,942 square feet, and the original building has a total of 9,670 square feet on the ground floor. The details describe that 2,500 square feet of the suite are part of the original building and 442 square feet are part of a covered patio with direct access to the street. DCAD records state that the existing structure was built in 1930 and there have been no additions. No parking is required or provided.

**Landscaping:**

The request will not trigger landscaping per PD No. 269 and Article X of the Dallas Development Code, as amended.

**CPC Action  
June 7, 2018**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern for a two-year period, subject to a site plan and conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northeast corner of Main Street and North Crowds Street.

Maker: Houston  
Second: Housewright  
Result: Carried: 12 to 0

For: 12 - Rieves, Houston, Davis, Carpenter, Mack,  
Jung, Housewright, Schultz, Peadon, Murphy,  
Ridley, Tarpley

Against: 0  
Absent: 2 - West, Shidid  
Vacancy: 1 - District 8

**Notices:** Area: 200 Mailed: 17  
**Replies:** For: 6 Against: 0

**Speakers:** None

**LIST OF PARTNERS/PRINCIPALS/OFFICERS**

**AP Deep Ellum LLC, is a Delaware, LLC**

Its members/officers are:

- (a) Asana Partners, LP
  - Terry S. Brown, Managing Partner
  - Jason K. Tompkins, Managing Partner
  - Sam E. Judd, Managing Partner

Z178-233

**CPC RECOMMENDED SUP CONDITIONS  
Z178-233**

1. The only authorized uses by this specific use permit is a bar, lounge, or tavern use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_ (two years from passage of the ordinance).
4. FLOOR AREA: The maximum floor area for the bar, lounge or tavern is 2,942 square feet, in the location shown on the attached site plan.
5. HOURS OF OPERATION: The bar, lounge, or tavern may only operate between 11:00 am and 2:00 am (the next day), Monday through Sunday.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

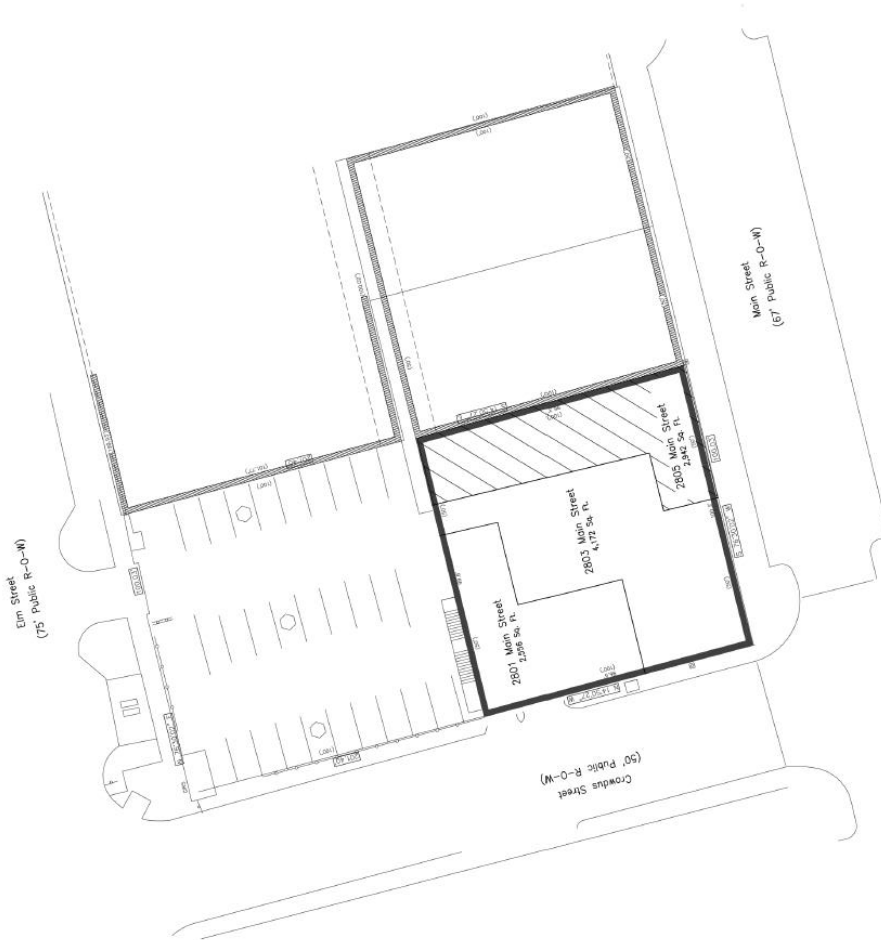
**Proposed Site Plan**



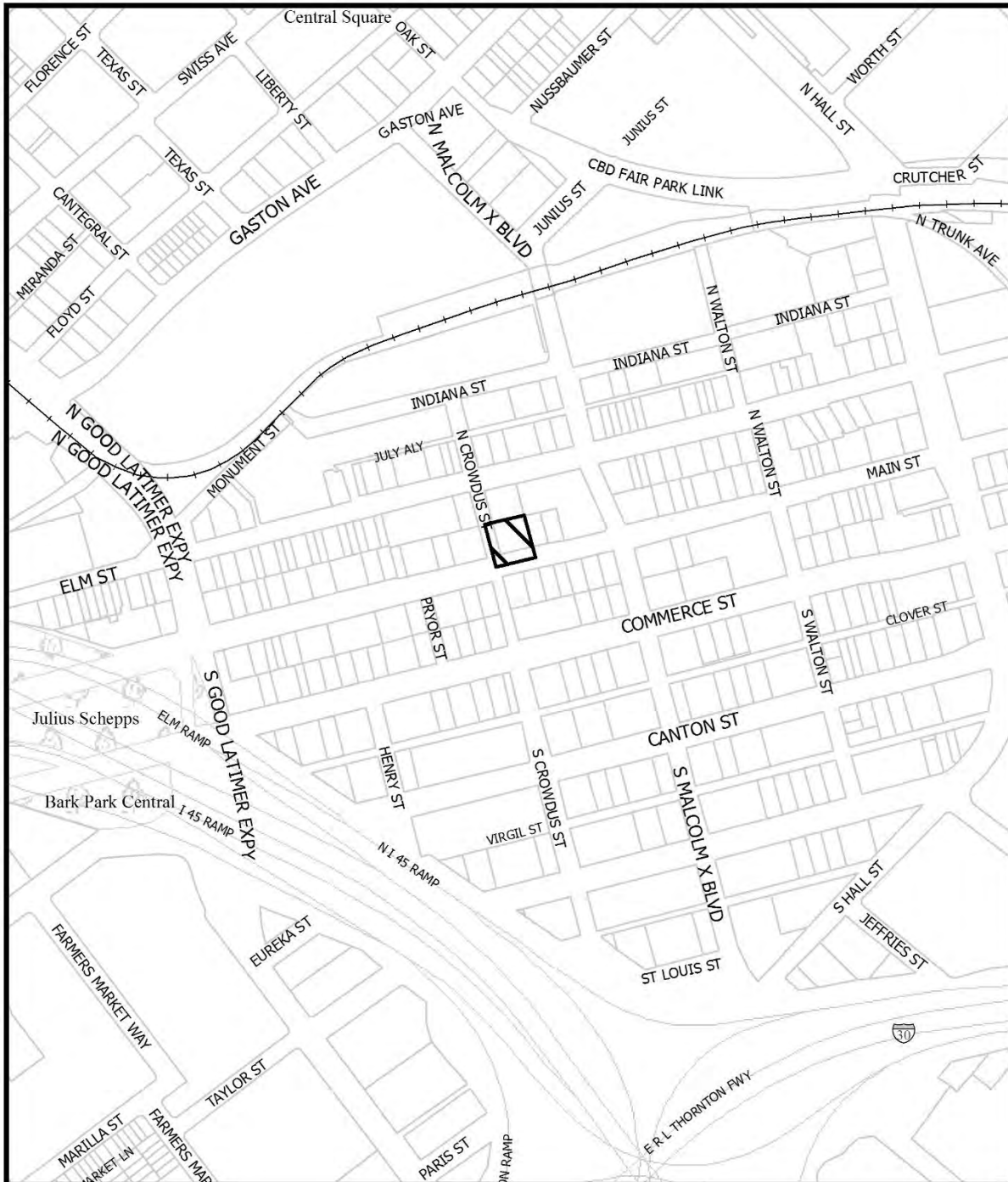
VICINITY MAP  
N.T.S.


USE: ALCOHOLIC BEVERAGE ESTABLISHMENT (Bar, Lounge, Tavern)	
Site Information:	
2805 Main Street Total Square Footage	9,670 S.F.
2803 Main Street Total Square Footage	2,842 S.F.
2805 Main Street Interior Square Footage	2,200 S.F.
2805 Main Street Covered Patio Square Footage	442 S.F.
Lot Size	20,000 S.F.
Lot Coverage	100%
Note: 100% coverage includes 442 S.F. of covered patio on 2nd floor, 0 S.F.	
Parking to be provided in accordance with PD 261-105(1)(VE10) and (9)	
*Handling wall thickness units are approximate.	

SUP SITE PLAN LEGEND	
	SITE BOUNDARY
	SUITE REQUESTED SUP







 1:4,800	<h2>VICINITY MAP</h2>	Case no: <u>          <b>Z178-233</b>          </u> Date: <u>          <b>5/1/2018</b>          </u>
------------------------------------------------------------------------------------------------	-----------------------	---------------------------------------------------------------------------------------------------------



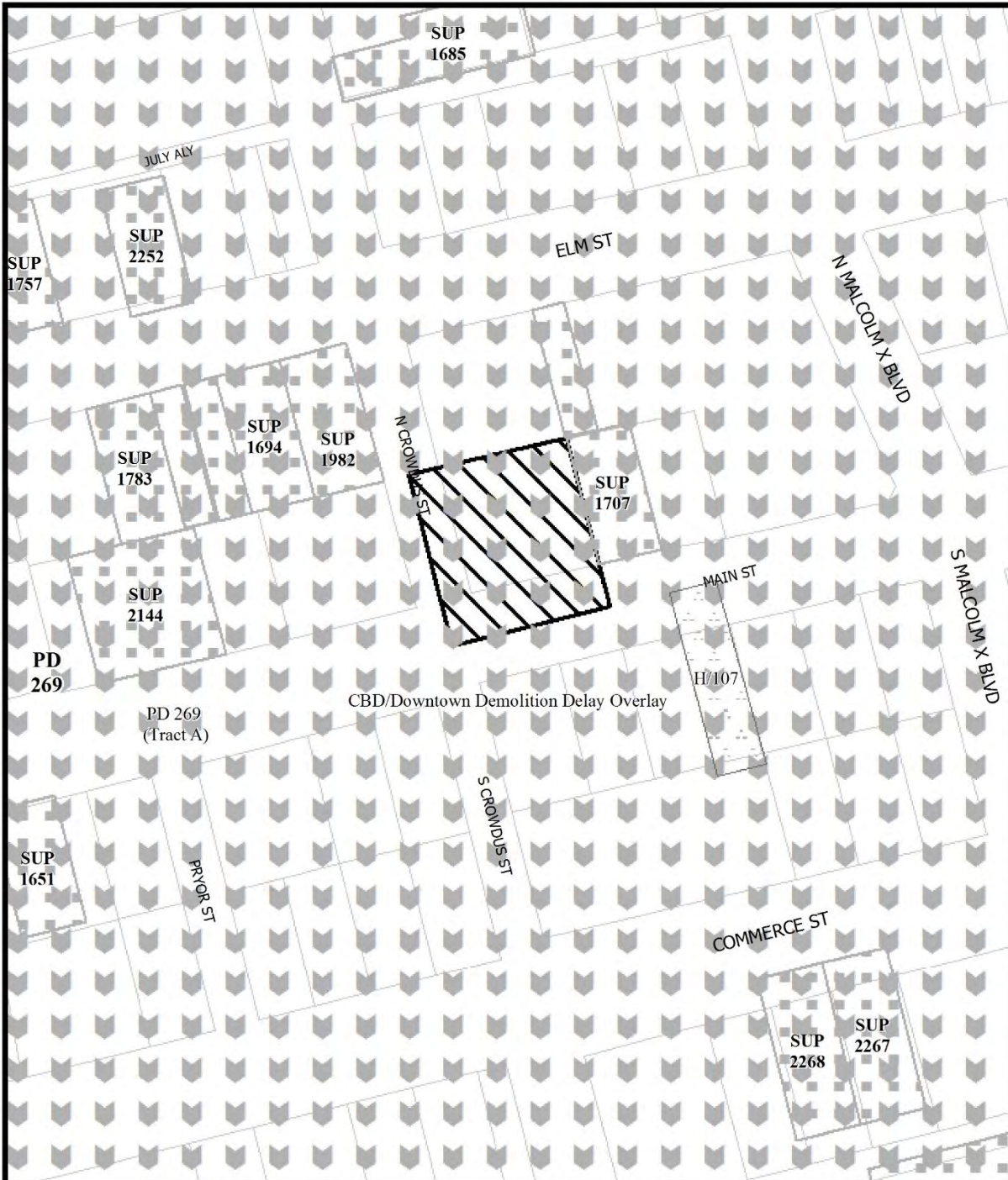
1:1,200

# AERIAL MAP

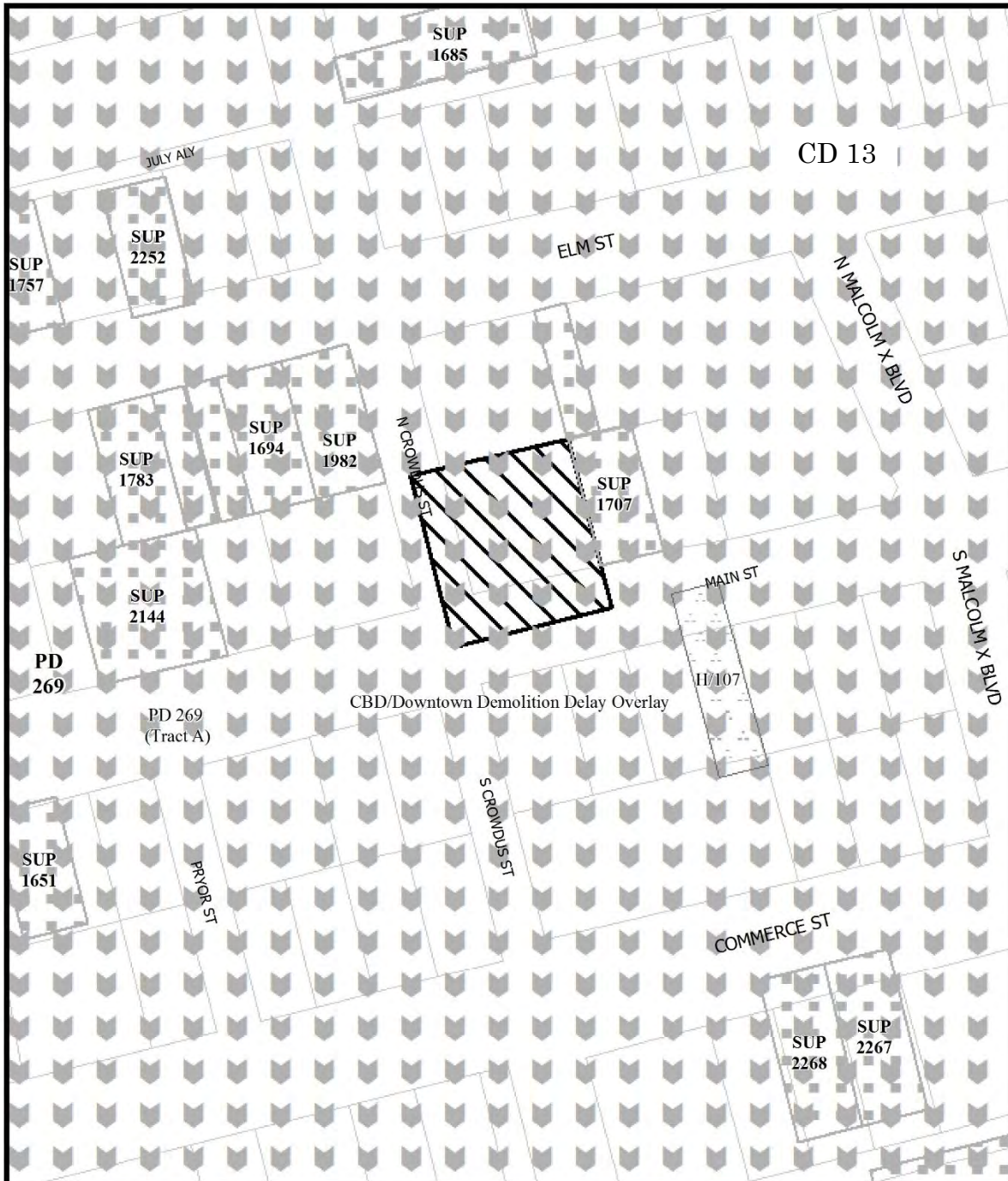
Case no: Z178-233

Date: 5/1/2018





 1:1,200	<b>ZONING AND LAND USE</b>	Case no: <u>    Z178-233    </u> Date: <u>    5/1/2018    </u>
------------------------------------------------------------------------------------------------	--------------------------------	-------------------------------------------------------------------



 1:1,200	<h2>ZONING HISTORY</h2>	Case no: <u>    Z178-233    </u> Date: <u>    5/1/2018    </u>
------------------------------------------------------------------------------------------------	-------------------------	-------------------------------------------------------------------



CPC RESPONSES



<u>17</u>	Property Owners Notified (33 parcels)
<u>6</u>	Replies in Favor (9 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>6/7/2018</u>	Date

**Z178-233**  
**CPC**



1:1,200

06/06/2018

***Reply List of Property Owners******Z178-233******17 Property Owners Notified******6 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2708 MAIN ST	42 DEEP ELLUM LP
	2	2712 MAIN ST	CASS DON E TR
	3	2705 COMMERCE ST	SCHWARTZ JEANNETTE TRUST
O	4	2713 COMMERCE ST	WESTDALE PPTIES AMERICA I
	5	2824 MAIN ST	BLADE PROPERTIES LLC
	6	2814 MAIN ST	640 LAND LLC
	7	2800 MAIN ST	CONGRESS STREET NIGHTS
O	8	2801 COMMERCE ST	WESTDALE PPTIES AMERICA I
	9	2815 COMMERCE ST	2815-2819 COMMERCE STREET VENTURES LLC
O	10	2724 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
O	11	2720 ELM ST	ELM STREET REALTY LTD
	12	2715 MAIN ST	MAIN PROPERTIES LLC
	13	2707 MAIN ST	CCD PROPERTIES NUMBER 2 LLC
O	14	2809 MAIN ST	WESTDALE PROPERTIES AMERICA I LTD
	15	2723 ELM ST	2723 ELM STREET JV
O	16	2717 ELM ST	WESTDALE PPTIES AMERICA LTD
	17	2807 ELM ST	42 DEEP ELLUM LP

**AGENDA ITEM # 49**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 3  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 63 T

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution terminating existing deed restrictions [Z756-181], on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and Planned Development District No. 103, on the east side of Pastor Bailey Drive, north of Scout Avenue  
Recommendation of Staff and CPC: Approval of an MF-2(A) Multifamily District and approval of the termination of existing deed restrictions  
Z178-236(JM)





**FILE NUMBER:** Z178-236(JM)

**DATE FILED:** April 16, 2018

**LOCATION:** East side of Pastor Bailey Drive, north of Scout Avenue

**COUNCIL DISTRICT:** 3

**MAPSCO:** 63 T

**SIZE OF REQUEST:** ±3.9 acres

**CENSUS TRACT:** 109.04

---

**APPLICANT/OWNER:** Concord Missionary Baptist Church

**REPRESENTATIVE:** Rob Baldwin, Baldwin & Associates

**REQUEST:** An application for an MF-2(A) Multifamily District and the termination of existing deed restrictions [Z756-181], on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and Planned Development District No. 103.

**SUMMARY:** The purpose of this request is to allow for a multifamily complex at the site. In addition, the applicant is requesting to terminate the existing deed restrictions which solely limit an apartment use. The D-1 Liquor Control Overlay will be retained.

**STAFF RECOMMENDATION:** Approval of an MF-2(A) Multifamily District and approval of the termination of existing deed restrictions.

**CPC RECOMMENDATION:** Approval of an MF-2(A) Multifamily District and approval of the termination of existing deed restrictions.

## **BACKGROUND INFORMATION:**

- The site contains 3.9 acres of land on a heavily treed and narrow lot with a floodplain/creek along the east line of the property. The lot has 226 feet of frontage on Pastor Bailey Drive and a depth varying between 700 to nearly 1,000 feet.
- Deed restrictions placed on the property in 1975 restrict a multiple family apartment use, solely. A small portion of the deed restriction area is zoned PD No. 103.
- The current request is to rezone to MF-2(A) and terminate the deed restrictions to allow for a multifamily complex. The general zone change area does not include PD No. 103. The proposed MF-2(A) District has no dwelling unit density maximum, but requires lot area depending on the number of units and bedrooms.
- The requested change would no longer allow 48 uses, primarily in the retail and personal service category. Furthermore, 10 uses would be further restricted (SUP, RAR, etc.). The change would now allow six residential type uses.

**Zoning History:** There have been three zoning requests in the area in the last five years.

1. **Z178-181:** On April 19, 2018, the City Plan Commission recommended approval of an application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR Regional Retail District with a D Liquor Control Overlay located on the northeast corner of W. Camp Wisdom Road and Marvin D Love Frontage Road., east of Marvin D Love Freeway (US 67). *Pending CC on June 13, 2018.*
2. **Z167-385:** On February 28, 2018, the City Council approved an application for MU-2 Mixed Use District on property zoned an RR Regional Retail District on the southeast corner of West Camp Wisdom Road and South Westmoreland Road
3. **Z156-154:** On September 28, 2016, the City Council approved an application for a CR Community Retail District and granted Specific Use Permit No. 2214 for a commercial amusement (inside) use limited to a dance hall on property zoned an MF-1(A) Multifamily District on the northwest line of Marvin D Love Freeway, north of West Camp Wisdom Road.

## **Traffic:**

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

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>	<b>Proposed ROW</b>
Pastor Bailey Drive	Local	60 feet	60 feet

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**URBAN DESIGN**

**GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE**

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

**NEIGHBORHOOD PLUS**

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

Policy 6.1 Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance towards chronic offenders.

The surrounding area contains a mix of zoning districts and land uses. There are primarily office and retail uses surrounding the site, with low density residential further to the northwest. The addition of a multifamily complex at this site would provide a new housing option with a high level of walk-to-convenience, further diversifying the nature of the area. The request would provide a new housing option in a target neighborhood according to the Neighborhood Plus Plan.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR w/DR	Wooded lot
<b>North</b>	PD No. 103	Church
<b>East</b>	PD No. 396, RR w/SUP No. 1298, MF-1(A)	Office, Retail, Mini-warehouse
<b>South</b>	CR, PD No. 396	Retail, Restaurant, Financial Institution
<b>West</b>	MC-1	Office

**Land Use Compatibility:**

The subject site contains 3.9 acres of wooded land (no structures) with a creek along the eastern and southeastern boundary and is primarily zoned a CR Community Retail District. The current request is to change the zoning to an MF-2(A) Multifamily District to allow for a new multifamily complex. A small portion of the site is zoned PD No. 103 for a church use. This PD portion also contains the deed restriction which does not allow an apartment use. This request includes terminating this restriction to allow for development of a multifamily complex at the site. Surrounding land uses are mixed, with a church to the north; office, retail, and mini-warehouse to the east; retail, restaurant, and financial institution to the south; and, office uses to the west. The proposed zoning district will reduce allowable uses significantly, primarily allowing residential uses. Adding a multifamily complex to the area would build upon the mix of uses within the neighborhood.

**Development Standards:**

District	Setbacks		Height	Lot Coverage	Density	Special Standards	FAR	Primary Uses
	Front	Side/Rear						
<b>Existing:</b> CR	15'	20' adjacent to residential OTHER: No Min.	54' 4 stories	60%	N/A	Proximity Slope Visual Intrusion	0.5 for office uses; and 0.75 for all uses combined.	Retail & personal service, office.
<b>Proposed:</b> MF-2(A)	15'	0' SF 5'/10' Duplex 10'/10'-15' adjacent to certain districts.	36' No max stories	60% res 50% nonres	No Max	Proximity Slope Visual Intrusion	No Max	Multifamily, residential, institutional.

**Parking:**

Parking will be required according to the Dallas Development Code: For a multifamily use, one space per bedroom with a minimum of one space per dwelling unit is required. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

**Landscaping:**

Landscaping will be provided per Article X, as amended.

**Land Use Comparison:**

	Existing	Proposed
Use	CR	MF-2(A)
Building repair and maintenance shop.	RAR	
Catering Service.	X	
Custom business services.	X	
Electronics service center.	X	
Medical or scientific laboratory.	X	
Tool or equipment rental.	X	
Adult day care facility.	X	
Child-care facility.	X	SUP
College, university, or seminary.	X	SUP

<b>Land Use Comparison:</b>	<b>Existing</b>	<b>Proposed</b>
<b>Use</b>	<b>CR</b>	<b>MF-2(A)</b>
Convalescent and nursing homes, hospice care, and related institutions.		<b>RAR</b>
Foster home.		<b>X</b>
Library, art gallery, or museum.	<b>X</b>	<b>SUP</b>
Public or private school.	<b>RAR</b>	<b>SUP</b>
Hotel and motel.	<b>SUP</b>	
Lodging or boarding house.	<b>SUP</b>	<b>X</b>
Overnight general purpose shelter.	<b>Check Use</b>	
Alternative financial establishment.	<b>SUP</b>	
Financial institution without drive-in window.	<b>X</b>	
Financial institution with drive-in window.	<b>DIR</b>	
Medical clinic or ambulatory surgical center.	<b>X</b>	
Office.	<b>X</b>	
Country club with private membership.	<b>X</b>	<b>RAR</b>
Private recreation center, club, or area.	<b>X</b>	<b>SUP</b>
Duplex.		<b>X</b>
Group residential facility.		<b>Check Use</b>
Handicapped group dwelling unit.		<b>Check Use</b>
Multifamily.		<b>X</b>
Residential hotel.		<b>X</b>
Retirement housing.		<b>X</b>
Single family.		<b>X</b>
Alcoholic beverage establishments.	<b>Check Use</b>	
Ambulance service.	<b>RAR</b>	
Animal shelter or clinic without outside runs.	<b>RAR</b>	
Auto service center.	<b>RAR</b>	
Business school.	<b>X</b>	
Car wash.	<b>DIR</b>	
Commercial amusement (inside).	<b>Check Use (SUP)</b>	
Commercial amusement (outside).	<b>SUP</b>	
Commercial parking lot or garage.	<b>RAR</b>	
Convenience store with drive-through.	<b>SUP</b>	
Dry cleaning or laundry store.	<b>X</b>	
Furniture store.	<b>X</b>	
General merchandise or food store 3,500 square feet or less.	<b>X</b>	
General merchandise or food store greater than 3,500 square feet.	<b>X</b>	
General merchandise or food store 100,000 square feet or more.	<b>SUP</b>	
Home improvement center, lumber, brick or building materials sales yard.	<b>DIR</b>	
Household equipment and appliance repair.	<b>X</b>	



<b>Land Use Comparison:</b>	<b>Existing</b>	<b>Proposed</b>
<b>Use</b>	<b>CR</b>	<b>MF-2(A)</b>
Liquor store.	X	
Mortuary, funeral home, or commercial wedding chapel.	X	
Motor vehicle fueling station.	X	
Nursery, garden shop, or plant sales.	X	
Pawn shop.	X	
Restaurant without drive-in or drive-through service.	RAR	
Restaurant with drive-in or drive-through service.	DIR	
Swap or buy shop.	SUP	
Temporary retail use.	X	
Theater.	X	
Commercial radio and television transmitting station.	X	
Electrical substation.	X	SUP
Police or fire station.	X	SUP
Post office.	X	
Mini-warehouse.	SUP	
Recycling buy-back center.	Check Use	
Recycling collection center.	Check Use	
<p><i>X indicates permitted by right.</i>  <i>SUP indicates permitted with a Specific Use Permit.</i>  <i>RAR indicates permitted, but subject to Residential Adjacency Review.</i>  <i>DIR indicates permitted, but subject to Development Impact Review.</i>  <i>Check Use indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.</i>  <i>By CBO Authorization indicates that the use may be allowed with permission from the Chief Building Official.</i></p>		
<p><b>Alternating color pattern indicates a new category of uses.</b></p>		

**CPC Action  
June 7, 2018**

**Motion:** It was moved to recommend **approval** of an MF-2(A) Multifamily District and **approval** of the termination of existing deed restrictions [Z756-181], on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and Planned Development District No. 103, on the east side of Pastor Bailey Drive, north of Scout Avenue.

Maker: Houston  
Second: Housewright  
Result: Carried: 12 to 0

For: 12 - Rieves, Houston, Davis, Carpenter, Mack,  
Jung, Housewright, Schultz, Peadon, Murphy,  
Ridley, Tarpley

Against: 0  
Absent: 2 - West, Shidid  
Vacancy: 1 - District 8

**Notices:** Area: 300 Mailed: 14  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
FOR (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

**List of Officers**



6808 Pastor Bailey Dr | Dallas, Texas 75237  
Tel 214.331.8522 | Fax 214.333.3597  
Rev. Bryan L. Carter, Senior Pastor  
[www.ConcordDallas.org](http://www.ConcordDallas.org)

The names of the Officers/Directors of Concord Missionary Baptist Church:

Bryan L Carter, President and Chairman

R.C. Clack, Vice- President

Chester Vaughn, Secretary

Marion Renee Thompson, Treasurer

Z178-234

WE GROW PEOPLE

**Existing Deed Restrictions**

That the undersigned, LAWRENCE R. BURK and STANLEY M. PESKIND, do hereby impress all the above described property with the following deed restrictions, to-wit:

1. That no portion of said property may be used for multiple family apartment purposes, as defined by the Comprehensive Zoning Ordinance of the City of Dallas.

Subject to such restrictions, the said property may be used for all purposes authorized under the zoning ordinance of the City of Dallas for the zoning classification to be placed upon such property by the City of Dallas.

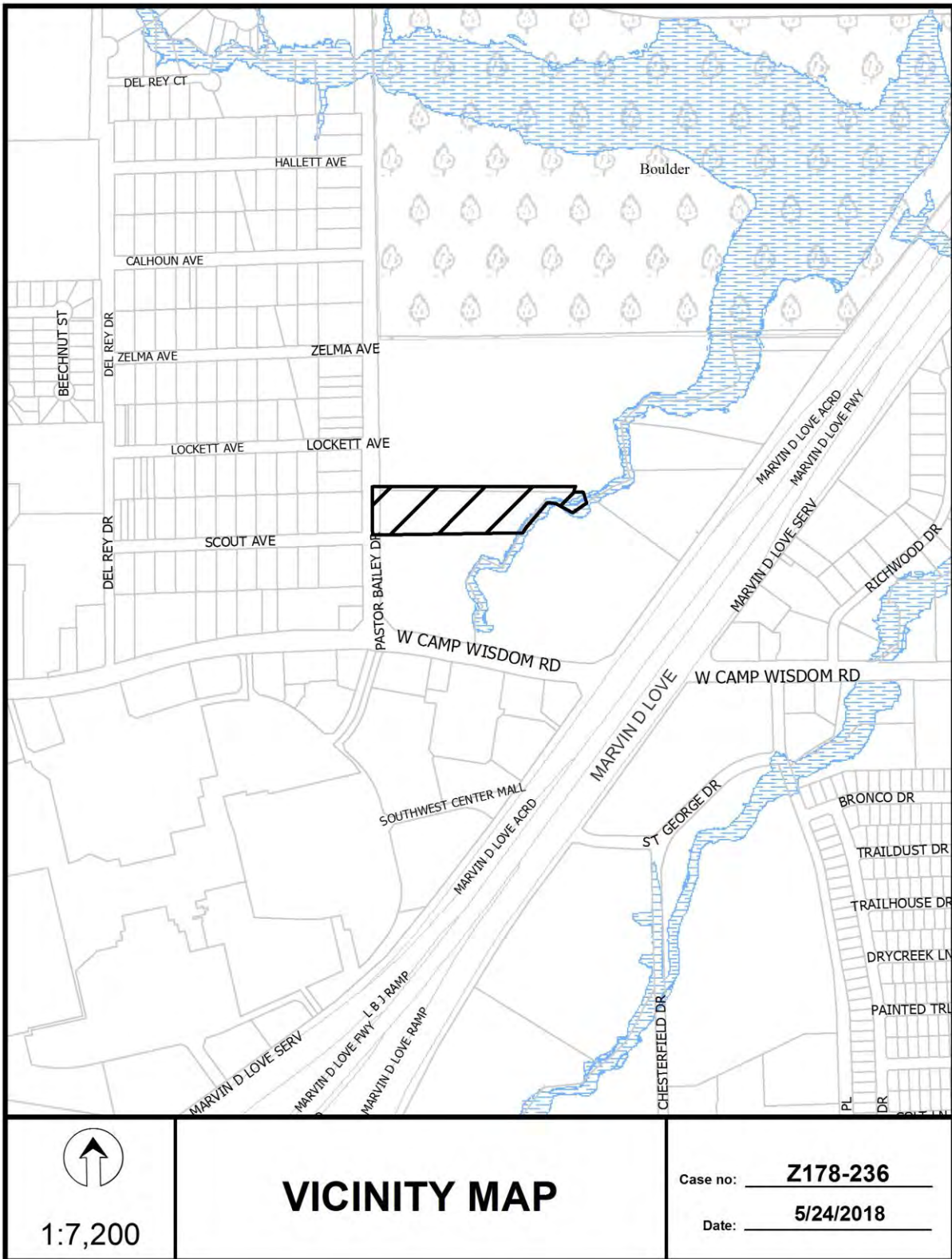
That these restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall be automatically extended for additional periods of ten (10) years unless terminated in the manner specified herein.

These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

These restrictions inure to the benefit of the City of Dallas, and the undersigned owners hereof do hereby grant to the City of Dallas the right to prosecute, at law and in equity, against the person violating or attempting to violate such restrictions, either to prevent him from so doing and to correct such violation and for further remedy, the City of Dallas may withhold the certificate of occupancy necessary for the lawful use of the property until such restrictions described herein are fully complied with.

These restrictions are hereby declared covenants running with the land and shall be fully binding upon all persons acquiring property within the above described tract, and any person by acceptance of title to any of the above described property shall thereby agree and covenant to abide by and fully perform the foregoing

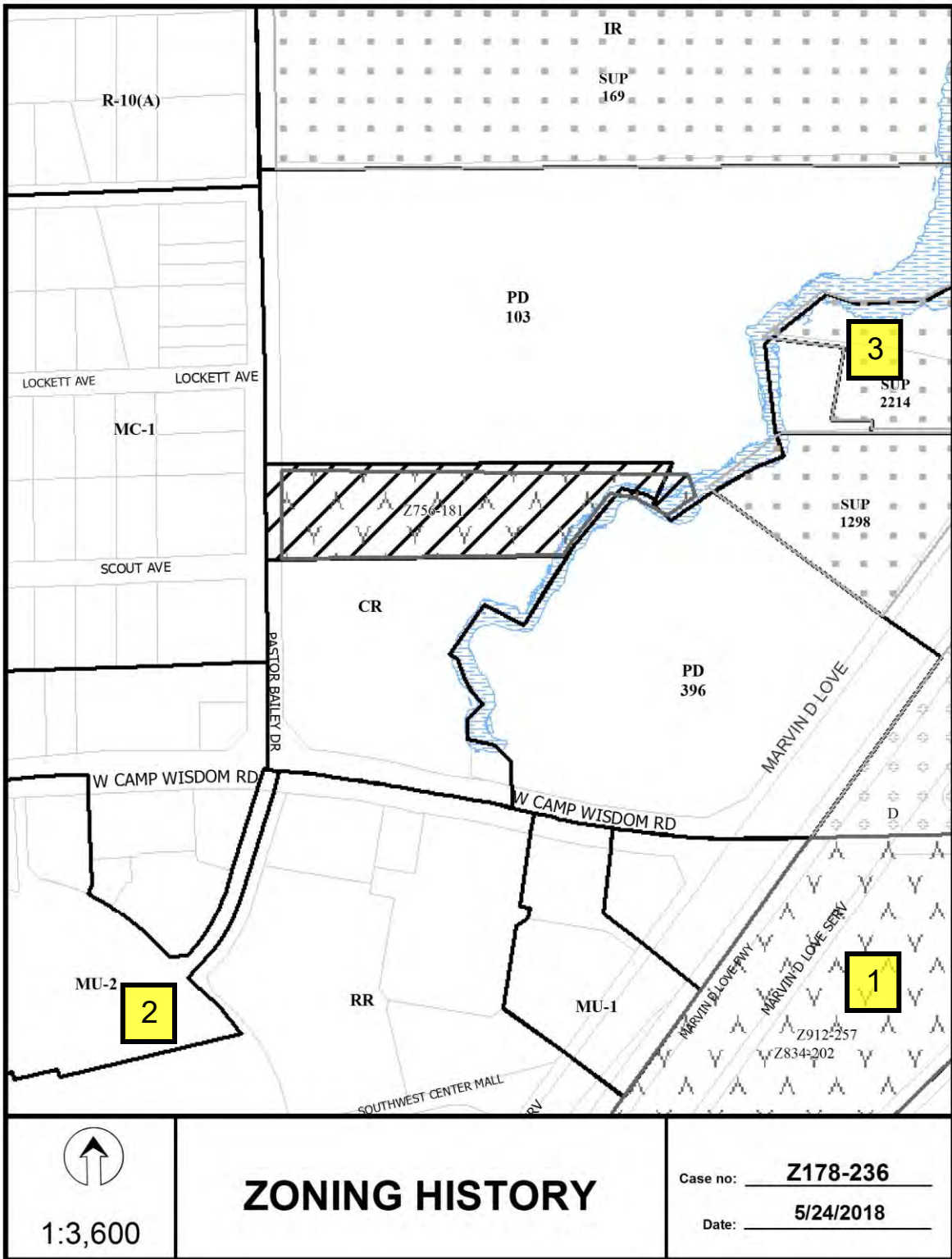




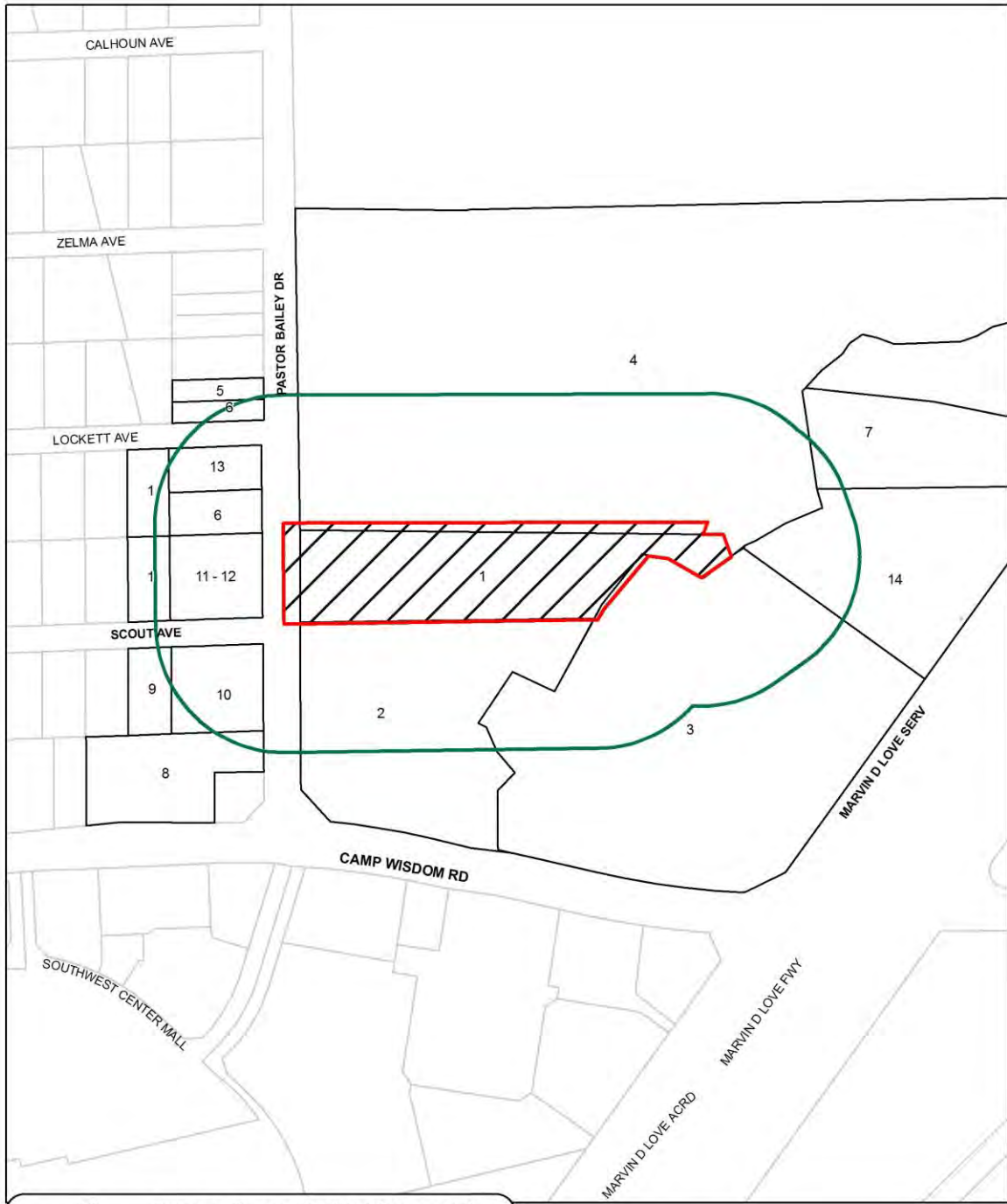








CPC RESPONSES



<u>14</u>	Property Owners Notified (16 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>6/7/2018</u>	Date

**Z178-236**  
**CPC**



1:3,600

06/06/2018

## ***Reply List of Property Owners***

***Z178-236***

***14 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	6908 PASTOR BAILEY DR	CONCORD MISSIONARY BAPTIST CHURCH
	2	3203 W CAMP WISDOM RD	990 VILLAGE SQ LLC
	3	3199 W CAMP WISDOM RD	BONIUK INTERESTS LTD
	4	6808 PASTOR BAILEY DR	CONCORD MISSIONARY
	5	6823 BOULDER DR	CONCORD MISSIONARY BAPT
	6	6827 BOULDER DR	CONCORD MISSIONARY
	7	6829 MARVIN D LOVE FWY	GARCIA JOSE
	8	3333 W CAMP WISDOM RD	WEITZMAN HERBERT & LOUIE
	9	3324 SCOUT AVE	THE NEW GENERATION CHURCH
	10	7005 BOULDER DR	WATER LILLY PROPERTIES INC
	11	6969 PASTOR BAILEY DR	CONCORD MISSIONARY BAPT
	12	6969 BOULDER DR	CONCORD MISSIONARY BAPTIST
	13	6801 BOULDER DR	CONCORD MISSIONARY BAPT
	14	7011 MARVIN D LOVE FWY	ALAMO SELF STOR PTNRS II

**AGENDA ITEM # 50**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 45 K

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2007 for an attached projecting non-premise district activity videoboard sign, on the east side of North Griffin Street, between Pacific Avenue and Elm Street  
Recommendation of Staff and CPC: Approval for a six-year period, subject to a site plan and conditions  
Z178-241(PD)

**FILE NUMBER:** Z178-241(PD)

**DATE FILED:** April 18, 2018

**LOCATION:** East side of North Griffin Street, between Pacific Avenue and Elm Street

**COUNCIL DISTRICT:** 14

**MAPSCO:** 45 K

**SIZE OF REQUEST:** ± .2477 acres

**CENSUS TRACT:** 31.01

---

**APPLICANT/OWNER:** Apple Ten Hospitality Ownership Inc.

**REPRESENTATIVE:** Santos Martinez, Masterplan Consultants

**REQUEST:** An application for a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2007 for an attached projecting non-premise district activity videoboard sign.

**SUMMARY:** The applicant proposes to install a second attached projecting non-premise district activity videoboard sign on the western façade of the existing hotel [Hilton Homewood Suites]. The existing attached projecting non-premise district activity videoboard sign on the southern façade will remain.

**CPC RECOMMENDATION:** Approval for a six-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a six-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The request site is currently developed with a hotel use [Hilton Homewood Suites] and an attached projecting non-premise district activity videoboard sign, approved under Specific Use Permit No. 2007.
- The properties in the surrounding area are developed with a transportation and retail and personal service use to the north, a transportation use to the northwest, a lodging use to the west, office uses to the south and southwest, with office, lodging and personal service uses to the east.
- The applicant is proposing to install a 16'x 9' (144 square feet) videoboard sign. The proposed sign will be installed 20 feet above the sidewalk.
- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for non-premise district activity videoboard signs in the Downtown Special Provision Sign District. In this ordinance, there was a limit of five videoboard signs.
- Ordinance No. 28347 was adopted by City Council on August 24, 2011. One of the amendments in this ordinance was to increase the number of videoboard signs the in Downtown SPSD to a total of 15 and increase the area in which the videoboard signs are allowed.
- Currently, 13 non-premise district activity videoboard signs have been approved and exist in the Downtown Special Provision Sign District.
- If this request is approved, the site will house two non-premise district activity videoboard signs; the existing sign is located on the south façade fronting on Elm Street, with the proposed sign proposed to be located on the west façade fronting on N. Griffin Street

**Zoning History:** There have been three recent zoning cases within the past five years.

1. **Z123-123:** On January 23, 2013, the City Council approved Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign. \*(Never installed)
2. **Z123-122:** On January 23, 2013, the City Council approved the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign. \*(Never installed)
3. **Z123-112:** On January 23, 2013, the City approved Specific Use Permit No. 2007 for an attached projecting non-premise district activity videoboard sign.

Z178-241(PD)

**Videoboard Signs:** There are currently 13 videoboard signs existing and active. (Refer to Exhibit A)

No.	SUP No./CASE No.	APPROVED	EXPIRATION
1 & 2	<b>SUP No.1755</b> (Renewal, Z145-276)	9-9-2015 (two videoboards)	9-9-2021
3	<b>SUP No.1788</b> (Renewal, Z145-277)	9-9-2015	9-9-2021
4	<b>SUP No. 1791</b> (Renewal, Z145-278)	9-9-2015	9-9-2021
5	<b>SUP No. 1796</b> (Renewal, Z123-224)	8-14-2013	8-14-2019
6	<b>SUP No. 1957</b> (Renewal, Z178-123)	*6-13-2018	*6-13-2028
7	<b>SUP No. 1958</b> (Renewal, Z178-124)	2-14-2018	2-14-2028
8	<b>SUP No. 1959</b> (Amend/Renewal Z178-214)	6-27-2018	6-27-2024
9	<b>SUP No. 2005</b> (Z123-123)	1-23-2013	1-23-2019
10	<b>SUP No. 2006</b> (Z123-122)	1-23-2013	1-23-2019
11	<b>SUP No. 2007</b> (Z123-112)	1-23-2013	1-23-2019
12	<b>SUP No. 2008</b> (Z123-110)	1-23-2013	1-23-2019
13	<b>SUP No. 2009</b> (Z112-111)	1-23-2013	1-23-2019

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Elm Street	Collector	Variable Width
Pacific Avenue	Minor Arterial	Variable Width
N. Griffin Street	Minor Arterial	Variable Width

**Traffic:**

The applicant submitted a traffic study conducted by an independent firm. The traffic analysis concluded that the proposed sign will not significantly interfere with the effectiveness of traffic control devices within 300 feet of the sign.

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

**Surrounding Land Uses:**

	Zoning	Land Use
<b>Site</b>	PDD No 619	Hilton Homewood Suites
<b>North</b>	CA-1(A)	Surface Parking Lot & Dart Rail Line
<b>Northwest</b>	CA-(A)	Dart West Transit Center
<b>West</b>	CA-1(A)	Crowne Plaza
<b>Southwest</b>	CA-1(A)	Bank of America
<b>South</b>	PDD No. 619	Office
<b>East</b>	PDD No. 619	Office, Renaissance Tower



**STAFF ANALYSIS:**

**Comprehensive Plan:**

The subject site is identified as being within the *Downtown Area* on the ***forwardDallas! Vision Illustration***, adopted June 2006. The Downtown is a centrally located hub that provides high intensity, concentrated regional job and commercial activity supported by high-density housing.

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.3 Build a dynamic and expanded Downtown.

**GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN**

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

- Policy 5.1.4 Enhance visual enjoyment of public space.

**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

- Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

**Land Use Compatibility:**

The .2477-acre request site is zoned Planned Development District No. 619 and is developed with a hotel use. The applicant proposes to install a second attached projecting non-premise district activity videoboard sign on the western façade of the existing hotel [Hilton Homewood Suites]. The existing attached projecting non-premise district activity videoboard sign on the southern façade will remain.

The properties in the surrounding area are developed with a transportation and retail and personal service use to the north, a transportation use to the northwest, a lodging use to the west, office uses to the south and southwest, with office, lodging and personal service uses to the east.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or

denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Section 51A-7.909(g) pertains to the occupancy of buildings upon which videoboards may be attached. Videoboard signs are “only permitted on buildings with retail and personal service uses (other than commercial parking lot or garage) or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more.”

The applicant submitted an affidavit indicating the ground floor meets the occupancy requirements.

The applicant’s request, subject a site plan, and conditions, complies with the general provisions for consideration of an SUP.

**Development Standards:**

A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP

Projecting non-premise activity videoboard signs

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio;
- may project a maximum of 12 feet into the right-of-way;

## Z178-241(PD)

- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk.
- must have video displays on both sides of the sign.

### All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction
- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
  - the ambient light level measure in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
  - the dimming level, multiplied by .0039 equal the brightness level; then
  - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits.
- must be turned off between 1:00a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

### Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades; and
- must be able to display a high quality image with a minimum resolution equivalent to 19mm maximum pixel size.

### Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds
- Changes of message must be accomplished within two seconds
- Changes of message must occur simultaneously on the entire sign face
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

Z178-241(PD)

**LIST OF OFFICERS**

Apple Ten Hospitality Texas Services II, Inc., DBA Homewood Suites Dallas Downtown:

Glade M. Knight – Executive Chairman

Justin Knight - President & CEO

Kristian Gathright – Executive Vice President & COO

Z178-241(PD)

**CPC ACTION:  
June 21, 2018**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to a site plan and conditions on property zoned Planned Development District No. 619 with Specific Use Permit No. 2007 for an attached projecting non-premise district activity videoboard sign, on the east side of North Griffin Street, between Pacific Avenue and Elm Street.

Maker: Rieves  
Second: Housewright  
Result: Carried: 12 to 0

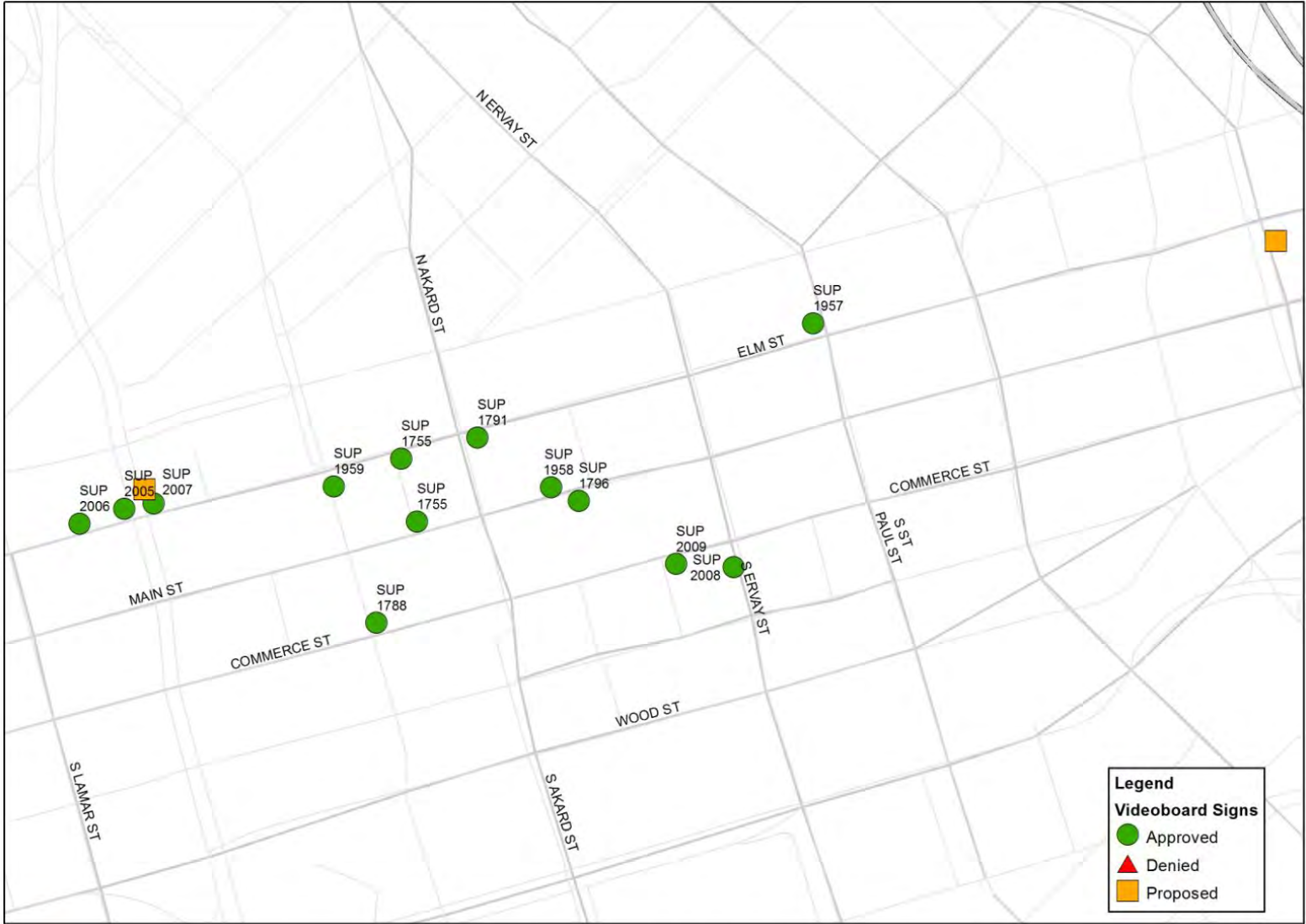
For: 12 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy

Against: 0  
Absent: 2 - Ridley, Tarpley  
Vacancy: 1 - District 8

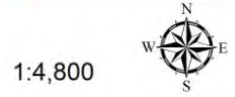
**Notices:** Area: 200 Mailed: 12  
**Replies:** For: 0 Against: 0

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None

Videoboards Current & Proposed  
(Exhibit A)



Current Signs



**CPC RECOMMENDED CONDITIONS**

1. **USE:** The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan and elevation.
3. **TIME LIMIT:** This specific use permit expires on (six-years from the passage of this ordinance).
4. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
5. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



## SIGN PLACEMENT REVIEW



7557 Rambler Road, Suite 1400  
Dallas, Texas 75231-2388  
(972) 235-3031 www.pkco.com  
TX REG: ENGINEERING FIRM F-469  
TX REG: SURVEYING FIRM LS-100080-00



## TECHNICAL MEMORANDUM

**To:** Tanya Lillie – Outfront Media  
**From:** Steve E. Stoner, P.E., PTOE  
**Date:** April 10, 2018  
**Subject:** **Downtown Videoboard Sign for 1025 Elm Street – Sign Placement Review**  
PK #3346-18.110

### INTRODUCTION/PURPOSE

The services of **Pacheco Koch** were retained by **Outfront Media** (the "Applicant") to prepare a *Sign Placement Review* for a proposed, attached, non-premise, district activity, videoboard sign located on the existing building at 1025 Elm Street (on the N. Griffin Street frontage) in downtown Dallas. The provisions and regulations for such signs are outlined in Section 51A-7.908 through 910 of the Dallas Development Code.

As part of the application process for the sign installation, the Applicant must commission and submit a report, prepared by a traffic engineer, verifying that the proposed sign location will not interfere with the effectiveness of traffic control devices within 300 feet of the sign.

A visual rendering of the proposed sign location, provided by **Outfront Media**, is provided at the end of this report. A site location map showing the proposed sign location and a 300-foot radius from the proposed sign location is provided in **Exhibit 1**.

### ANALYSIS

Traffic engineers from Pacheco Koch conducted a field reconnaissance of the proposed videoboard sign location and surrounding area on Wednesday, March 26, 2018. The proposed videoboard sign location was identified based upon the rendering provided by the Applicant.

General traffic observations about the local environment:

- The area is a low-speed environment (average speed is estimated at less than 30 MPH)
- The area is a very urban condition with traffic signals at most every intersection (typical intersection spacing is approximately 300 feet)
- Traffic volumes and general activity in the area is high requiring heightened driver attentiveness

**Z178-241**

**Downtown Videoboard Sign – Sign Placement Evaluation  
1025 Elm Street**

- A variety of street signs (including other videoboard signs) are prevalent in the area

The proposed videoboard sign location will primarily be visible to motorists travelling in the northbound and southbound directions of N. Griffin Street. The following, existing traffic control devices were noted within the 300 feet of the proposed sign location:

- A. Vehicular/light rail/pedestrian traffic signal at the intersection of N. Griffin Street and Pacific Avenue/DART Transit Mall located approximately 150 feet to the north of the proposed videoboard sign.
- B. Vehicular/pedestrian traffic signal at the intersection of N. Griffin Street and Elm Street located approximately 100 feet to the south of the proposed videoboard sign

Observations and findings:

In the northbound direction of travel:

- Due to vertical clearance, lateral offset, and spatial distance of the proposed videoboard sign placement location, the proposed videoboard sign will not visually obstruct the view of traffic signals "A" or "B"
- The proposed videoboard will be located within the same general field of vision as traffic signal "A"; however, (1) potential visual overlap (i.e., videoboard directly behind an individual traffic signal head), if any, will only occur either at great distance (more than 300 feet away) or at very close distances at extreme angles but is not anticipated to result in a driver's ability to process the signal indication, and (2) the existing traffic signal provides multiple traffic signal heads with backplates and is considered sufficiently visible

In the southbound direction of travel:

- Due to vertical clearance, lateral offset, and spatial distance of the proposed videoboard sign placement location, the proposed videoboard sign will not visually obstruct the view of traffic signals "A" or "B"
- The proposed videoboard will be located on the opposite side of the street and is not expected to affect the operation of traffic signals "A" or "B"

**CONCLUSIONS**

Based upon Pacheco Koch's assessment of the proposed videoboard sign placement at 1025 Elm Street as depicted in the rendering provided by Applicant, it is our opinion that the proposed sign location will not interfere with the effectiveness of traffic control devices within 300 feet of the sign.

DISCLAIMER: The preceding analysis is based upon the professional opinions of Pacheco Koch and assume motorists accept customary responsibilities associated with operation of motor vehicles and exercise reasonable judgment and caution while driving. It is also assumed that the videoboard sign will be installed and operated (by others) in accordance with applicable regulations and industry standards.

END OF MEMO




Z178-241

Downtown Videoboard Sign – Sign Placement Evaluation  
1025 Elm Street





Downtown Videoboard Sign  
1025 Elm Street  
Sign Placement Review

- LEGEND:**
-  Traffic Signal Head (pole-mounted)
  -  Traffic Signal Heads (mast-arm-mounted)
  -  Proposed Sign Location (Approximate)

Z178-241

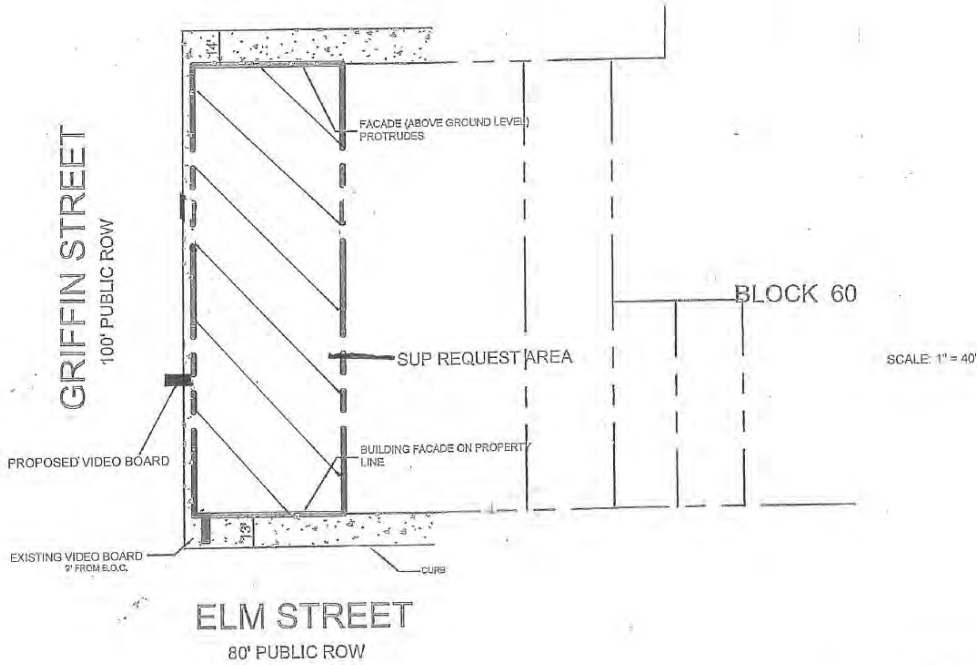


Z178-241(PD)

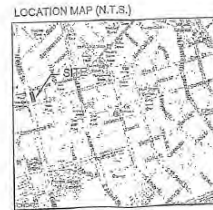


Z178-241

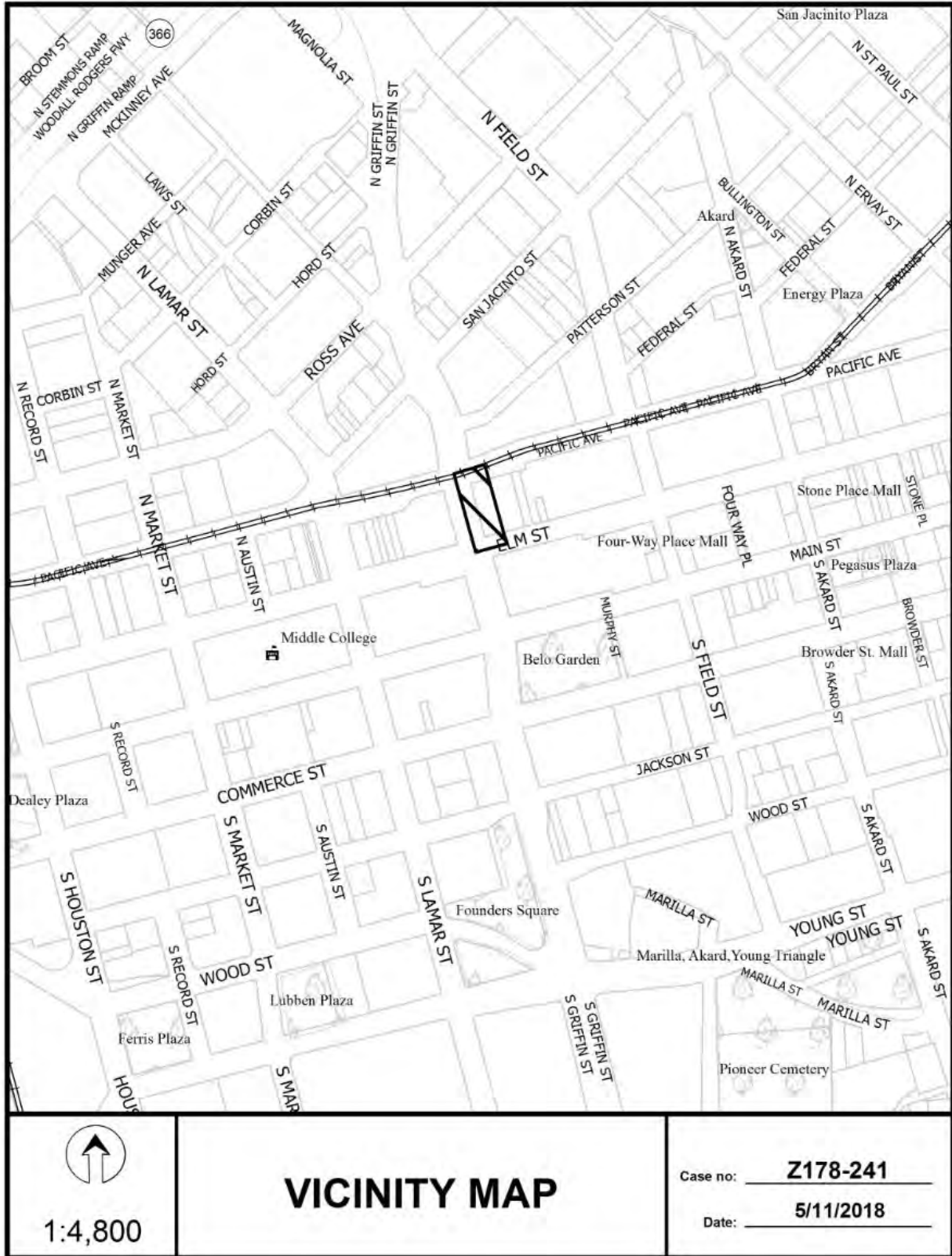
### Proposed Site Plan



200 N. GRIFFIN STREET  
GRIFFIN STREET FACADE  
LOTS 21, 22, & 23, BLOCK 63  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS



SITE PLAN  
Z178-241



1:4,800

### VICINITY MAP

Case no: Z178-241

Date: 5/11/2018





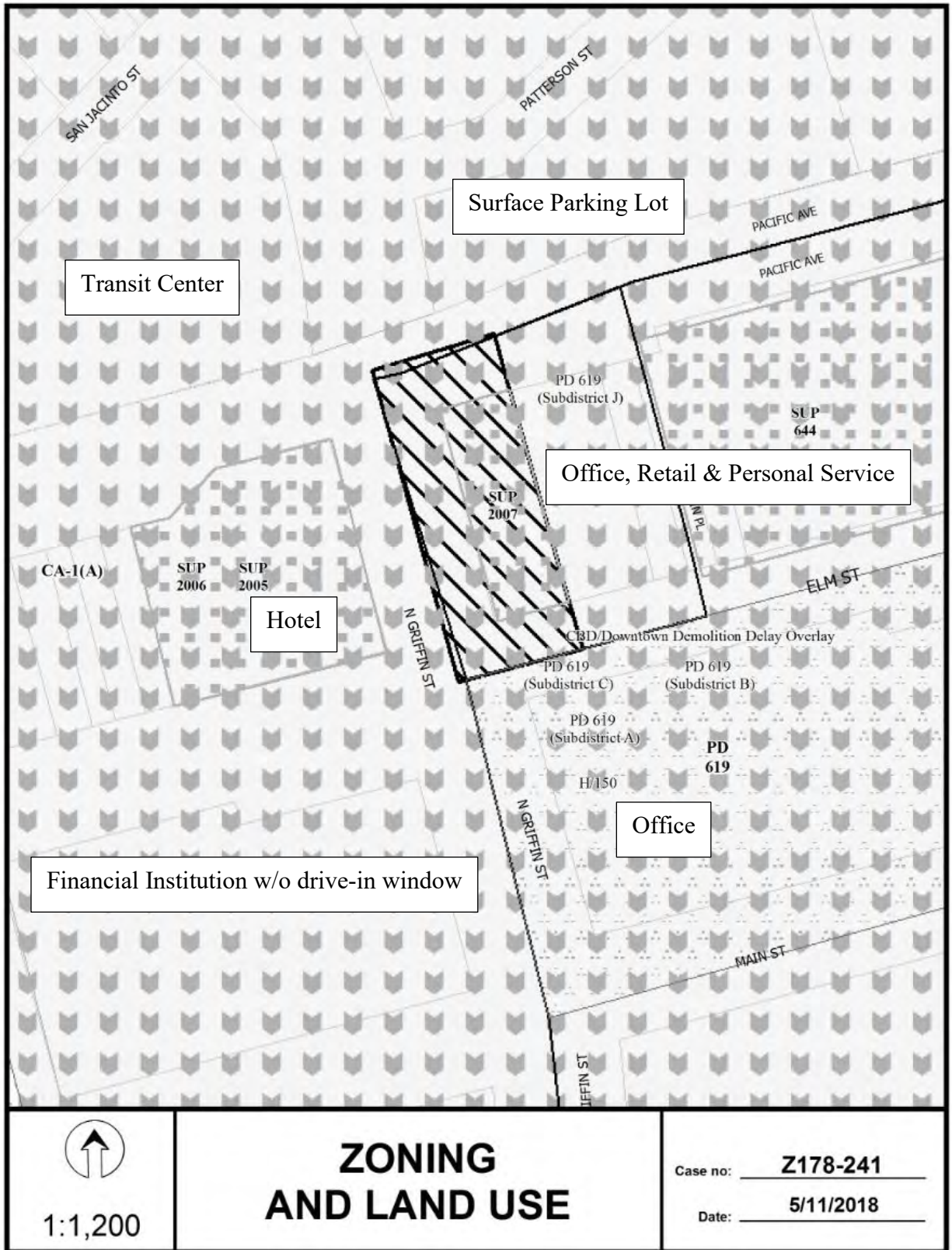
1:1,200

# AERIAL MAP

Case no: Z178-241

Date: 5/11/2018



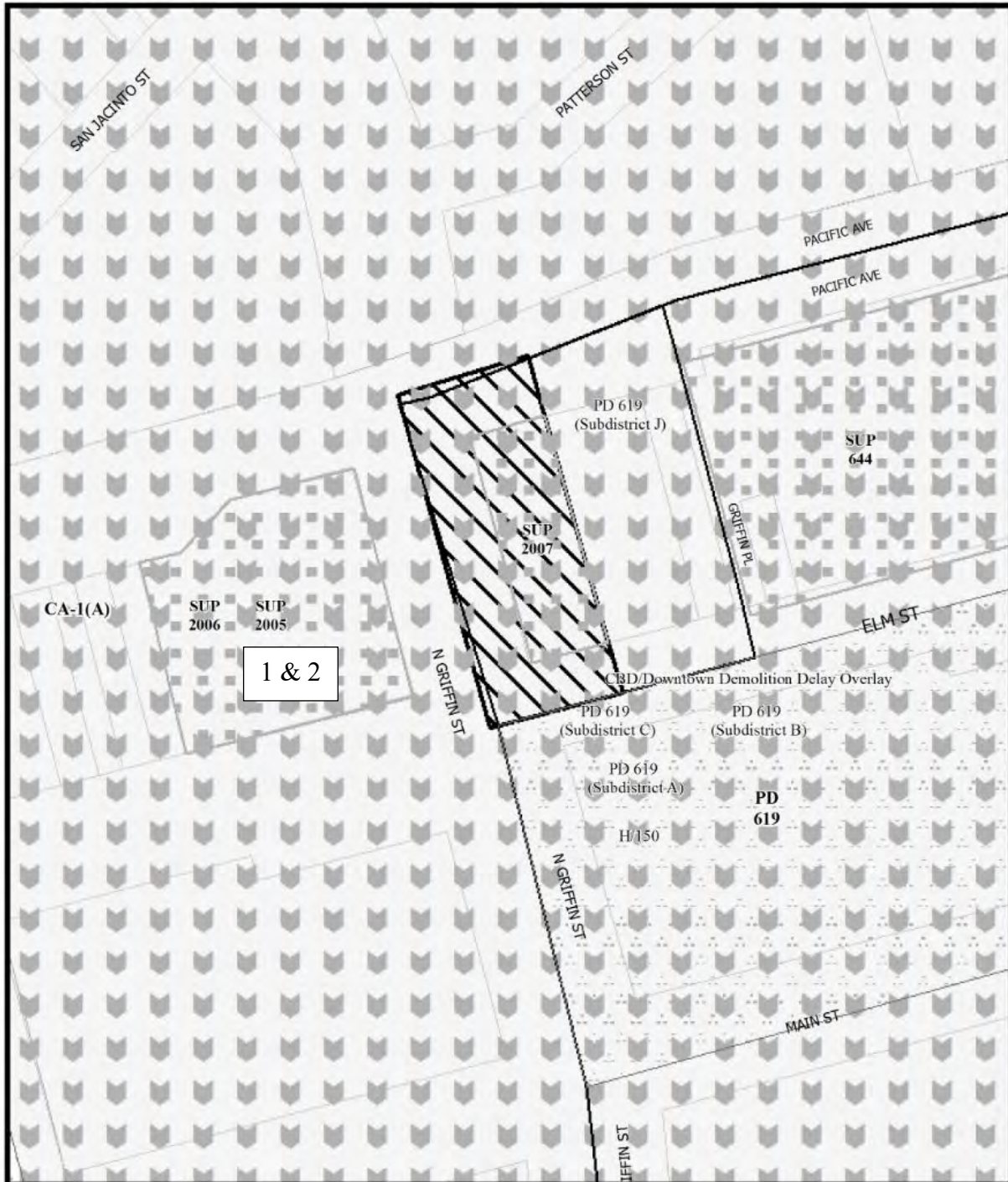


1:1,200

# ZONING AND LAND USE

Case no: Z178-241

Date: 5/11/2018



1:1,200

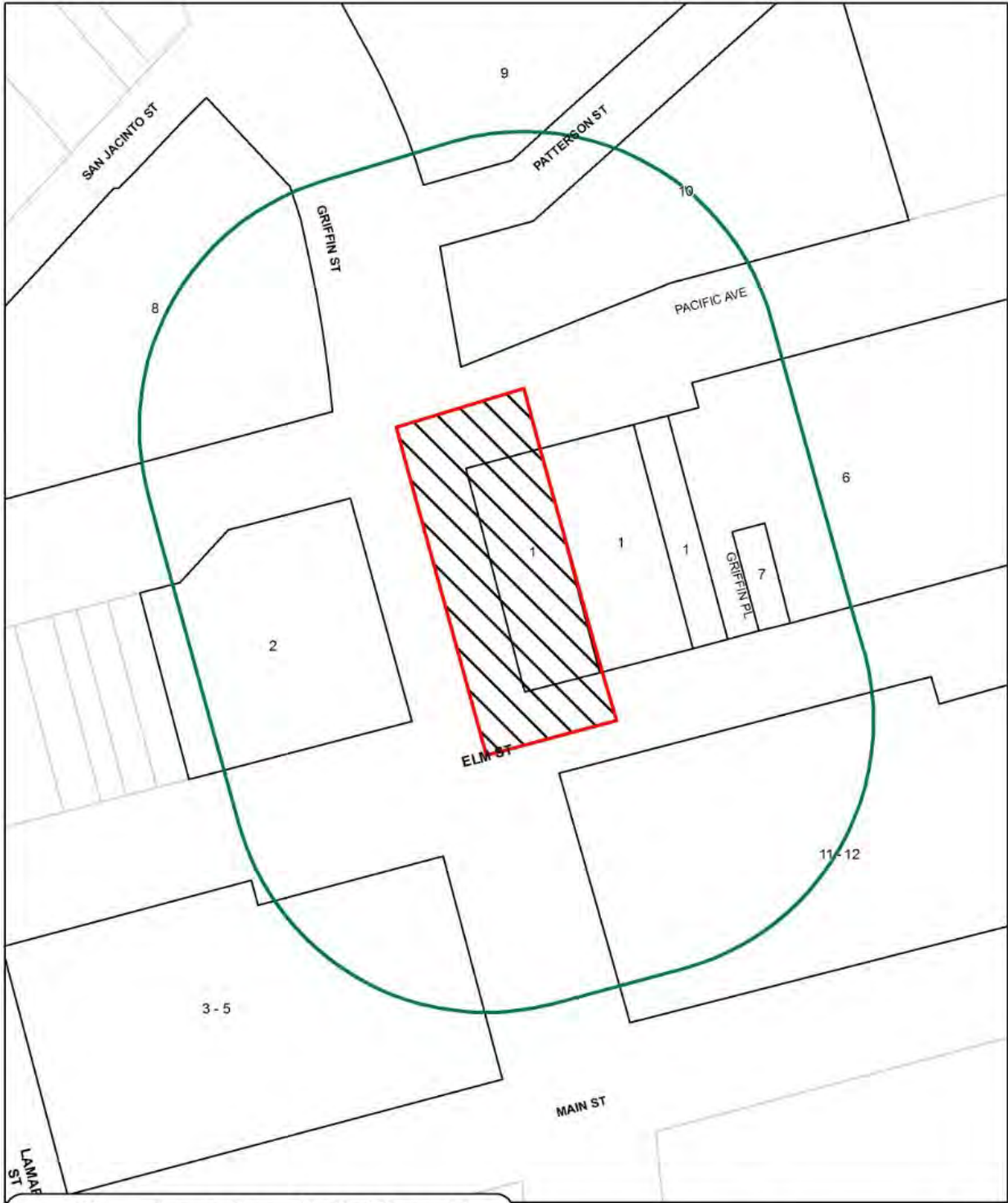
# ZONING HISTORY

Case no: Z178-241

Date: 5/11/2018



**CPC Responses**



<u>12</u>	Property Owners Notified (11 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>6/21/2018</u>	Date

**Z178-241**  
**CPC**



1:1,200

Z178-241(PD)

06/20/2018

## ***Reply List of Property Owners***

***Z178-241***

***12 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1025 ELM ST	APPLE TEN HOSPITALITY
	2	1015 ELM ST	TOG HOTELS DOWNTOWN
	3	901 MAIN ST	DALLAS MAIN LP
	4	100 N LAMAR ST	INTERFIRST BANK DALLAS
	5	901 MAIN ST	INTERFIRST BANK DALLAS
	6	1201 ELM ST	BINYAN REALTY LP
	7	1201 ELM ST	SILBERSTEIN LISA
	8	202 N LAMAR ST	DALLAS AREA RAPID TRANSIT
	9	1109 PATTERSON AVE	DALLAS FORT WORTH ARGYLE
	10	1100 PATTERSON AVE	CHAVEZ LAND INCOME
	11	1201 MAIN ST	ONE MAIN PLACE HOTEL LLC
	12	1201 MAIN ST	ONE MAIN PLACE OFFICE LLC

**AGENDA ITEM # 51**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 45 L

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the east side of North Cesar Chavez Boulevard, between Elm Street and Main Street  
Recommendation of Staff and CPC: Approval for a six-year period, subject to a site plan and conditions  
Z178-242(PD)



**FILE NUMBER:** Z178-242(PD)

**DATE FILED:** April 18, 2018

**LOCATION:** East side of North Cesar Chavez Boulevard, between Elm Street and Main Street

**COUNCIL DISTRICT:** 2

**MAPSCO:** 45 L

**SIZE OF REQUEST:** ± 1.4 acres

**CENSUS TRACT:** 31.01

---

**APPLICANT/OWNER:** 2201 Main LLC

**REPRESENTATIVE:** Santos Martinez, Masterplan Consultants

**REQUEST:** An application for a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619.

**SUMMARY:** The applicant proposes to install an attached projecting non-premise district activity videoboard sign.

**CPC RECOMMENDATION:** Approval for a six-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a six-year period, subject to a site plan, and conditions.



**BACKGROUND INFORMATION:**

- The request site is currently developed with an office and parking garage use.
- The applicant is proposing to install a 16'x 9' (144 square feet) videoboard sign. The proposed sign will be installed 20 feet above the sidewalk.
- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for non-premise district activity videoboard signs in the Downtown Special Provision Sign District. In this ordinance, there was a limit of five videoboard signs.
- Ordinance No. 28347 was adopted by City Council on August 24, 2011. One of the amendments in this ordinance was to increase the number of videoboard signs the in Downtown SPSP to a total of 15 and increase the area in which the videoboard signs are allowed.
- Currently, 13 non-premise district activity videoboard signs have been approved and exist in the Downtown Special Provision Sign District.

**Zoning History:** There have been no recent zoning cases within the past five years.

**Videoboard Signs:** There are currently 13 videoboard signs existing and active. (Refer to Exhibit A)

No.	SUP No./CASE No.	APPROVED	EXPIRATION
1 & 2	<b>SUP No.1755</b> (Renewal, Z145-276)	9-9-2015 (two videoboards)	9-9-2021
3	<b>SUP No.1788</b> (Renewal, Z145-277)	9-9-2015	9-9-2021
4	<b>SUP No. 1791</b> (Renewal, Z145-278)	9-9-2015	9-9-2021
5	<b>SUP No. 1796</b> (Renewal, Z123-224)	8-14-2013	8-14-2019
6	<b>SUP No. 1957</b> (Renewal, Z178-123)	*6-13-2018	*6-13-2028
7	<b>SUP No. 1958</b> (Renewal, Z178-124)	2-14-2018	2-14-2028
8	<b>SUP No. 1959</b> (Amend/Renewal Z178-214)	6-27-2018	6-27-2024
9	<b>SUP No. 2005</b> (Z123-123)	1-23-2013	1-23-2019
10	<b>SUP No. 2006</b> (Z123-122)	1-23-2013	1-23-2019
11	<b>SUP No. 2007</b> (Z123-112)	1-23-2013	1-23-2019
12	<b>SUP No. 2008</b> (Z123-110)	1-23-2013	1-23-2019
13	<b>SUP No. 2009</b> (Z112-111)	1-23-2013	1-23-2019

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Elm Street	Collector	Variable Width
N. Cesar Chavez Boulevard	Principal Arterial	Variable Width
Main Street	Minor Arterial	100-ft.

**Traffic:**

The applicant submitted a traffic study conducted by an independent firm. The traffic analysis concluded that the proposed sign will not significantly interfere with the effectiveness of traffic control devices within 300 feet of the sign.

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

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CA-1(A)	Office & Parking Garage
<b>North</b>	CA-1(A)	Commercial Parking Lot
<b>West</b>	CA-1(A)	Vacant Lot
<b>South</b>	CA-1(A)	Office
<b>East</b>	CA-1(A)	RL Thornton Expressway

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The subject site is identified as being within the *Downtown Area* on the **forwardDallas! Vision Illustration**, adopted June 2006. The Downtown is a centrally located hub that provides high intensity, concentrated regional job and commercial activity supported by high-density housing.

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.3 Build a dynamic and expanded Downtown.

**GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN**

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

- Policy 5.1.4 Enhance visual enjoyment of public space.

**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

- Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

**Land Use Compatibility:**

The 1.4-acre request site is zoned CA-1(A) Central Area District 1 and is developed with an office and parking garage.

The properties in the surrounding area are developed with a commercial parking lot use to the north, vacant lot to the west, an office use to the south and RL Thornton Freeway to the east.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Section 51A-7.909(g) pertains to the occupancy of buildings upon which videoboards may be attached. Videoboard signs are “only permitted on buildings with retail and personal service uses (other than commercial parking lot or garage) or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more.”

The applicant submitted an affidavit indicating the ground floor meets the occupancy requirements.

The applicant’s request, subject a site plan, and conditions, complies with the general provisions for consideration of an SUP.

**Development Standards:**

A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

## Z178-242(PD)

A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP.

### Projecting non-premise activity videoboard signs

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio;
- may project a maximum of 12 feet into the right-of-way;
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk.
- must have video displays on both sides of the sign.

### All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction
- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
  - the ambient light level measure in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
  - the dimming level, multiplied by .0039 equal the brightness level; then
  - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits.
- must be turned off between 1:00a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

### Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades; and
- must be able to display a high quality image with a minimum resolution equivalent to 19mm maximum pixel size.

### Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds
- Changes of message must be accomplished within two seconds
- Changes of message must occur simultaneously on the entire sign face
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

Z178-242(PD)

**LIST OF OFFICERS**

John R. Salazar

Eva G. Salazar

Z178-242(PD)

**CPC ACTION:  
June 21, 2018**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to a site plan and conditions on property zoned Planned Development District No. 619, on the east side of North Cesar Chavez Boulevard, between Elm Street and Main Street.

Maker: Rieves  
Second: Mack  
Result: Carried: 10 to 1

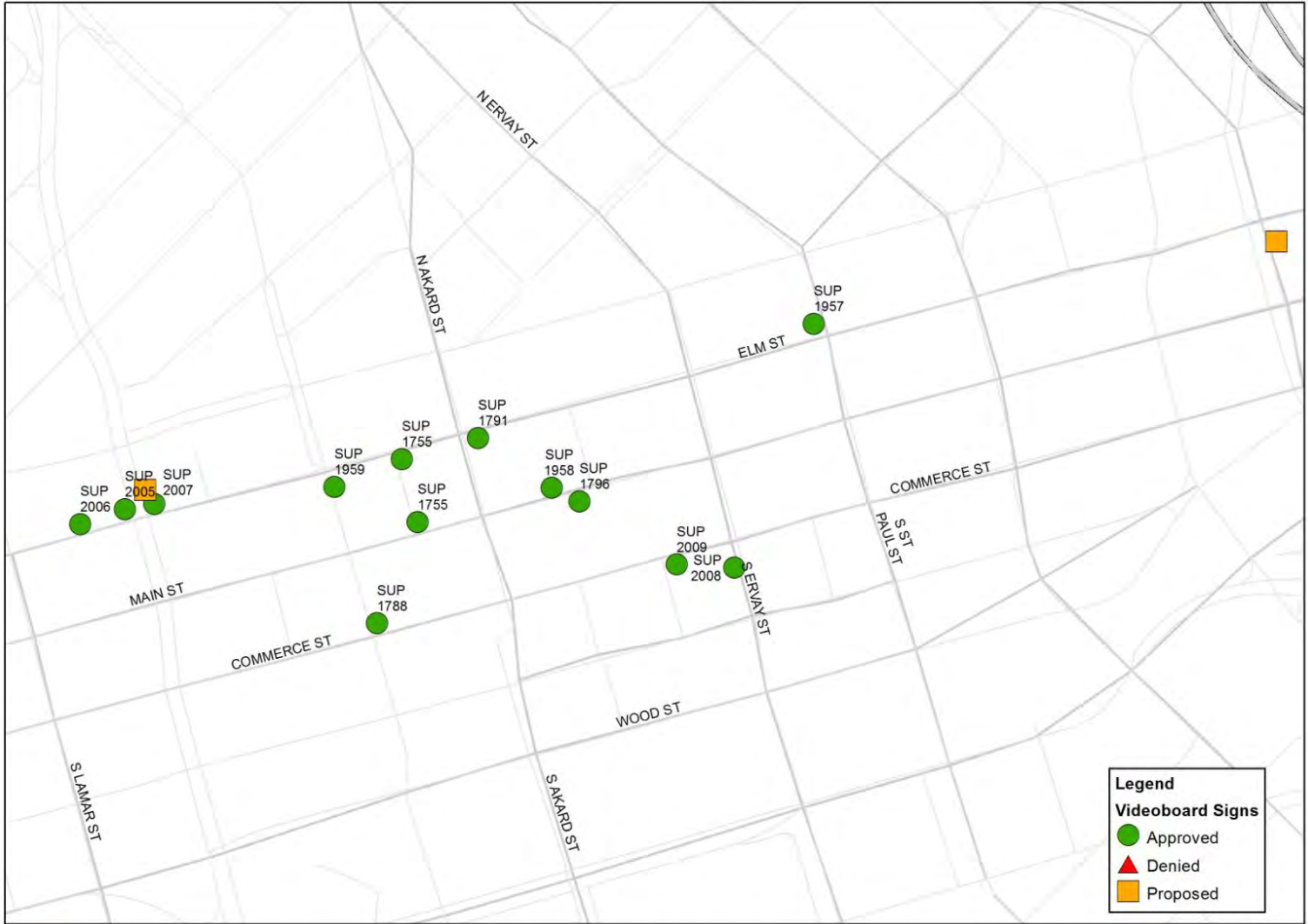
For: 10 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Schultz, Peadon, Murphy

Against: 1 - Housewright  
Absent: 2 - Ridley, Tarpley  
Vacancy: 1 - District 8  
Conflict: 1 - Jung

**Notices:** Area: 300 Mailed: 25  
**Replies:** For: 0 Against: 1

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: Scott Rohrman, 2105 Commerce St., Dallas, TX, 75201  
Against (Did not speak): Tonya Leonard, 2105 Commerce St., Dallas, TX, 75201

**Videoboards Current & Proposed  
(Exhibit A)**



**Current Signs**

1:4,800





**CPC RECOMMENDED CONDITIONS**

1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit expires on (six-years from the passage of this ordinance).
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

## SIGN PLACEMENT REVIEW



7557 Rambler Road, Suite 1400  
Dallas, Texas 75231-2388  
(972) 239-3031 www.pkco.com  
TX. REG. ENGINEERING FIRM F-469  
TX. REG. SURVEYING FIRM LS-100080-00



## TECHNICAL MEMORANDUM

**To:** Tanya Lillie – Outfront Media  
**From:** Steve E. Stoner, P.E., PTOE  
**Date:** April 10, 2018  
**Subject:** **Downtown Videoboard Sign for 2201 Main Street – Sign Placement Review**  
PK: #3346-18.110

### INTRODUCTION/PURPOSE

The services of **Pacheco Koch** were retained by **Outfront Media** (the "Applicant") to prepare a *Sign Placement Review* for a proposed, attached, non-premise, district activity, videoboard sign located on the existing building at 2201 Main Street (on the S. Cesar Chavez Boulevard frontage) in downtown Dallas. The provisions and regulations for such signs are outlined in Section 51A-7.908 through 910 of the Dallas Development Code.

As part of the application process for the sign installation, the Applicant must commission and submit a report, prepared by a traffic engineer, verifying that the proposed sign location will not interfere with the effectiveness of traffic control devices within 300 feet of the sign.

A visual rendering of the proposed sign location, provided by **Outfront Media**, is provided at the end of this report. A site location map showing the proposed sign location and a 300-foot radius from the proposed sign location is provided in **Exhibit 1**.

### ANALYSIS

Traffic engineers from Pacheco Koch conducted a field reconnaissance of the proposed videoboard sign location and surrounding area on Wednesday, March 26, 2018. The proposed videoboard sign location was identified based upon the rendering provided by the Applicant.

General traffic observations about the local environment:

- The area is a low-speed environment (average speed is estimated at less than 30 MPH)
- The area is a very urban condition with traffic signals at most every intersection (typical intersection spacing is approximately 300 feet)
- Traffic volumes and general activity in the area is high requiring heightened driver attentiveness

*Downtown Videoboard Sign – Sign Placement Evaluation  
2201 Main Street*

Z178-242

- A variety of street signs (including other videoboard signs) are prevalent in the area

The proposed videoboard sign location will primarily be visible to motorists travelling in the northbound and southbound directions of S. Cesar Chavez Boulevard. The following, existing traffic control devices were noted within the 300 feet of the proposed sign location:

- A. Vehicular/pedestrian traffic signal at the intersection of S. Cesar Chavez Boulevard and Elm Street located approximately 100 feet to the north of the proposed videoboard sign.
- B. Vehicular/pedestrian traffic signal at the intersection of S. Cesar Chavez Boulevard and Main Street located approximately 180 feet to the south of the proposed videoboard sign

Observations and findings:

In the northbound direction of travel:

- Due to vertical clearance, lateral offset, and spatial distance of the proposed videoboard sign placement location, the proposed videoboard sign will not visually obstruct the view of traffic signals "A" or "B"
- The proposed videoboard will be located within the same general field of vision as traffic signal "A"; however, (1) potential visual overlap (i.e., videoboard directly behind an individual traffic signal head), if any, will only occur either at great distance (more than 300 feet away) or at very close distances at extreme angles but is not anticipated to result in a driver's ability to process the signal indication, and (2) the existing traffic signal provides multiple traffic signal heads with backplates and is considered sufficiently visible

In the southbound direction of travel:

NOTE: At the time of the study, the southbound travel lanes were under construction and not open to public traffic. However, the following observations were made based upon Pacheco Koch's general knowledge of the future conditions:

- Due to vertical clearance, lateral offset, and spatial distance of the proposed videoboard sign placement location, the proposed videoboard sign will not visually obstruct the view of traffic signals "A" or "B"
- The proposed videoboard will be located on the opposite side of the street and is not expected to affect the operation of traffic signals "A" or "B"

**CONCLUSIONS**

Based upon Pacheco Koch's assessment of the proposed videoboard sign placement at 2201 Main Street as depicted in the rendering provided by Applicant, it is our opinion that the proposed sign location will not interfere with the effectiveness of traffic control devices within 300 feet of the sign.

DISCLAIMER: The preceding analysis is based upon the professional opinions of Pacheco Koch and assume motorists accept customary responsibilities associated with operation of motor vehicles and exercise reasonable judgment and caution while driving. It is also assumed that the videoboard sign will be installed and operated (by others) in accordance with applicable regulations and industry standards.

END OF MEMO

*Z178-242*

**Downtown Videoboard Sign – Sign Placement Evaluation  
2201 Main Street**





Google Earth



Downtown Videoboard Sign  
2201 Main Street  
*Sign Placement Review*

- LEGEND:**
- Traffic Signal Head (pole-mounted)
  - Traffic Signal Heads (mast-arm-mounted)
  - Future Traffic Signal Head (pole-mounted)
  - Future Traffic Signal Heads (mast-arm-mounted)
  - Proposed Sign Location (Approximate)

*Z178-242*



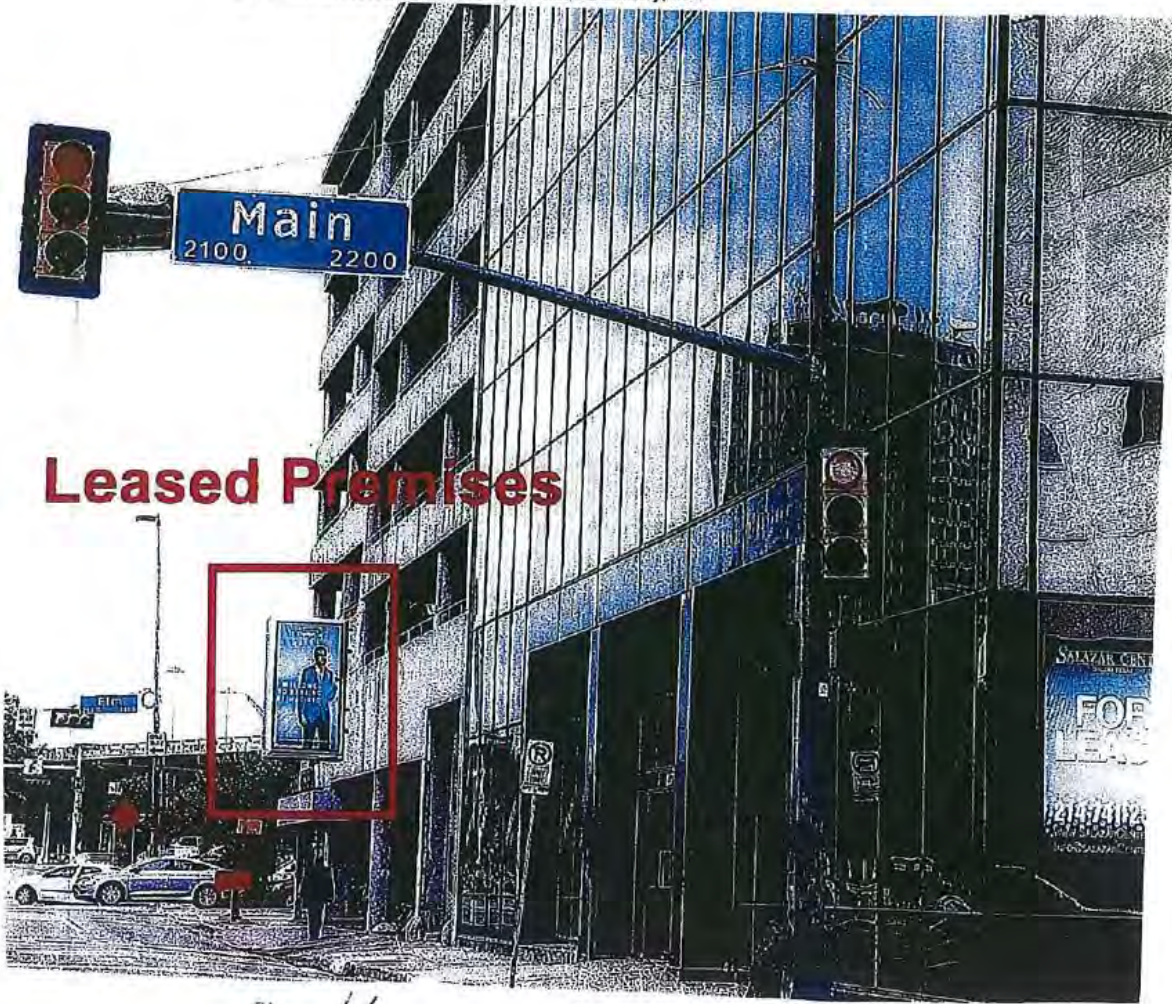


EXHIBIT A

[Exhibit A shall consist of one of the following to the extent that the same are available. The following examples are listed in order of the company's order of preference]

1. Google Survey with lines drawn around leased premises and measurements of the leased premises borders.
2. Survey.
3. Drawing indicating approximate location on the property with measurements from the applicable property lines and the borders of the leased premises.
4. Tax parcel and indication of general location on parcel (i.e. northwest portion)
5. Address and indication of general location on parcel (i.e. northwest portion)

2201 Main St. located in Block 149 in the City of Dallas, Dallas County, Texas



**Leased Premises**

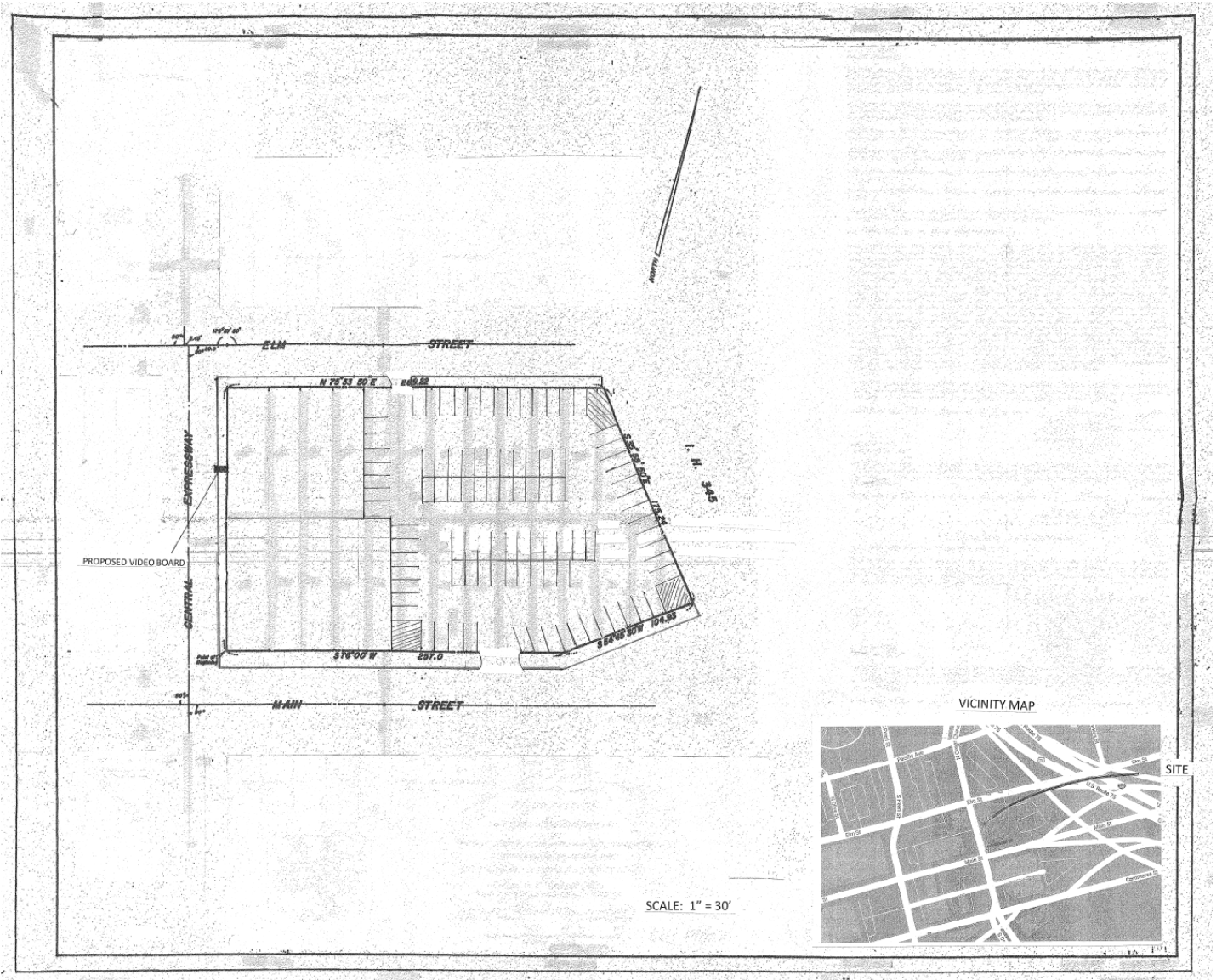
TLL

5

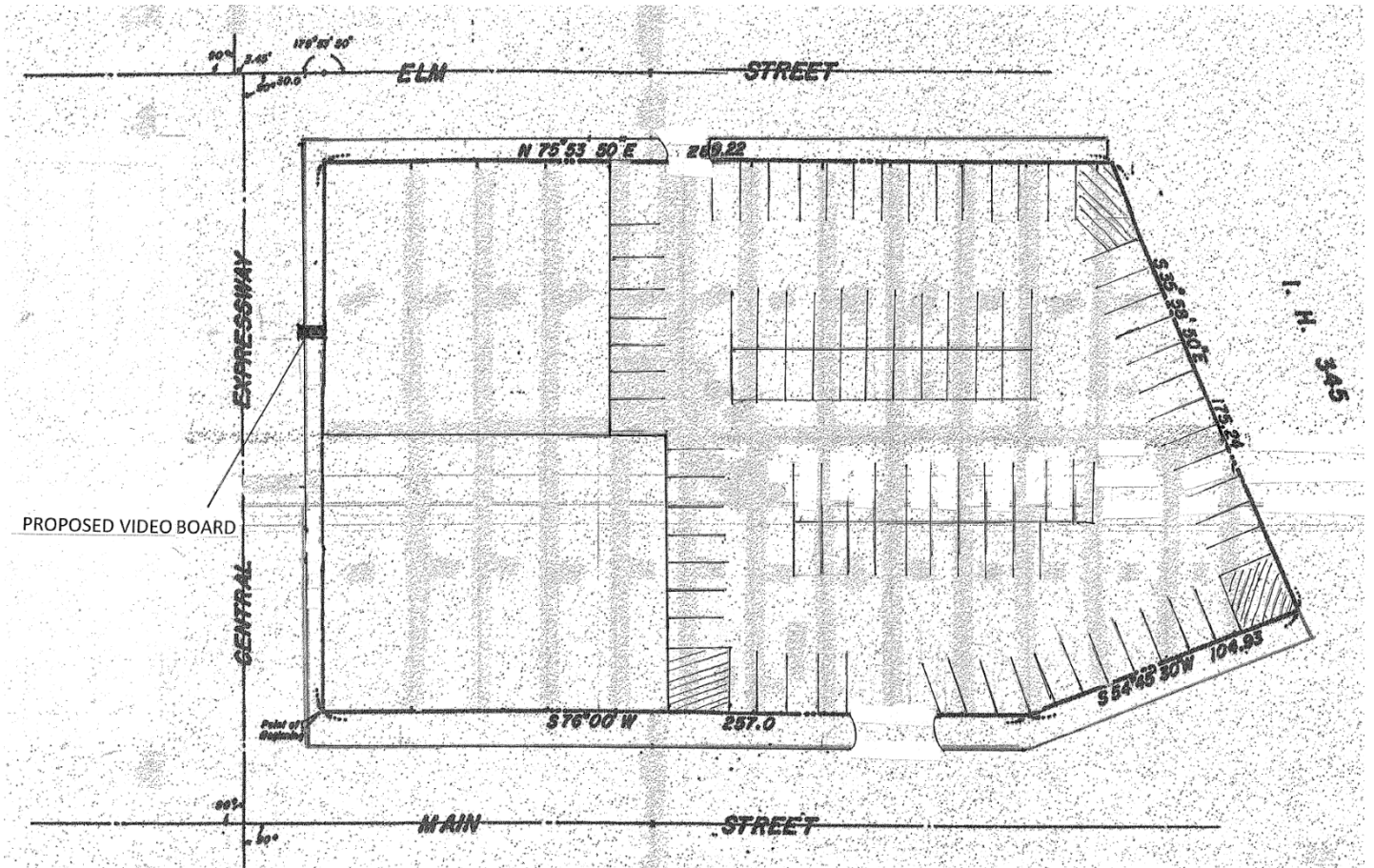
PRE 6/15/16

*Z178-242*

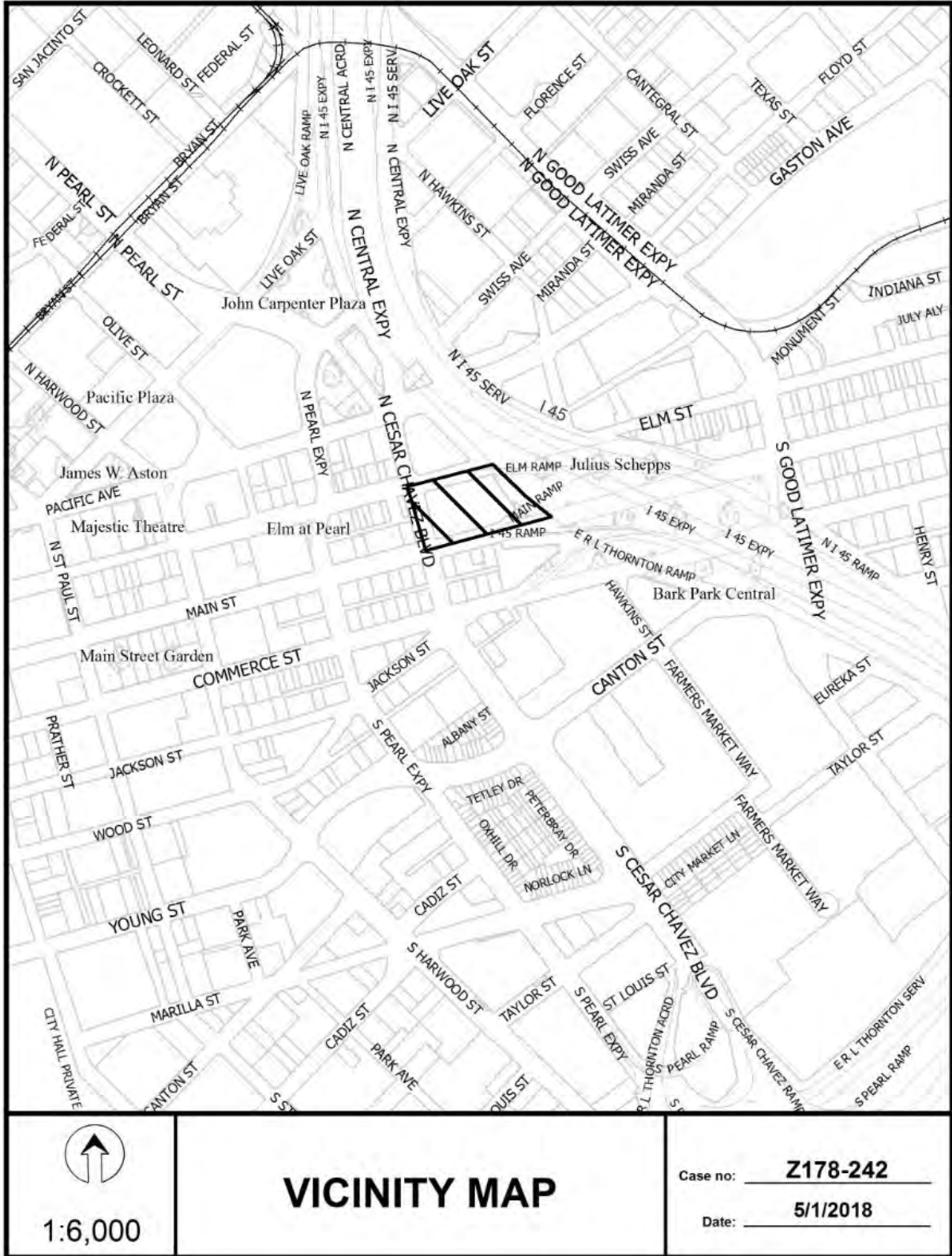
PROPOSED SITE PLAN

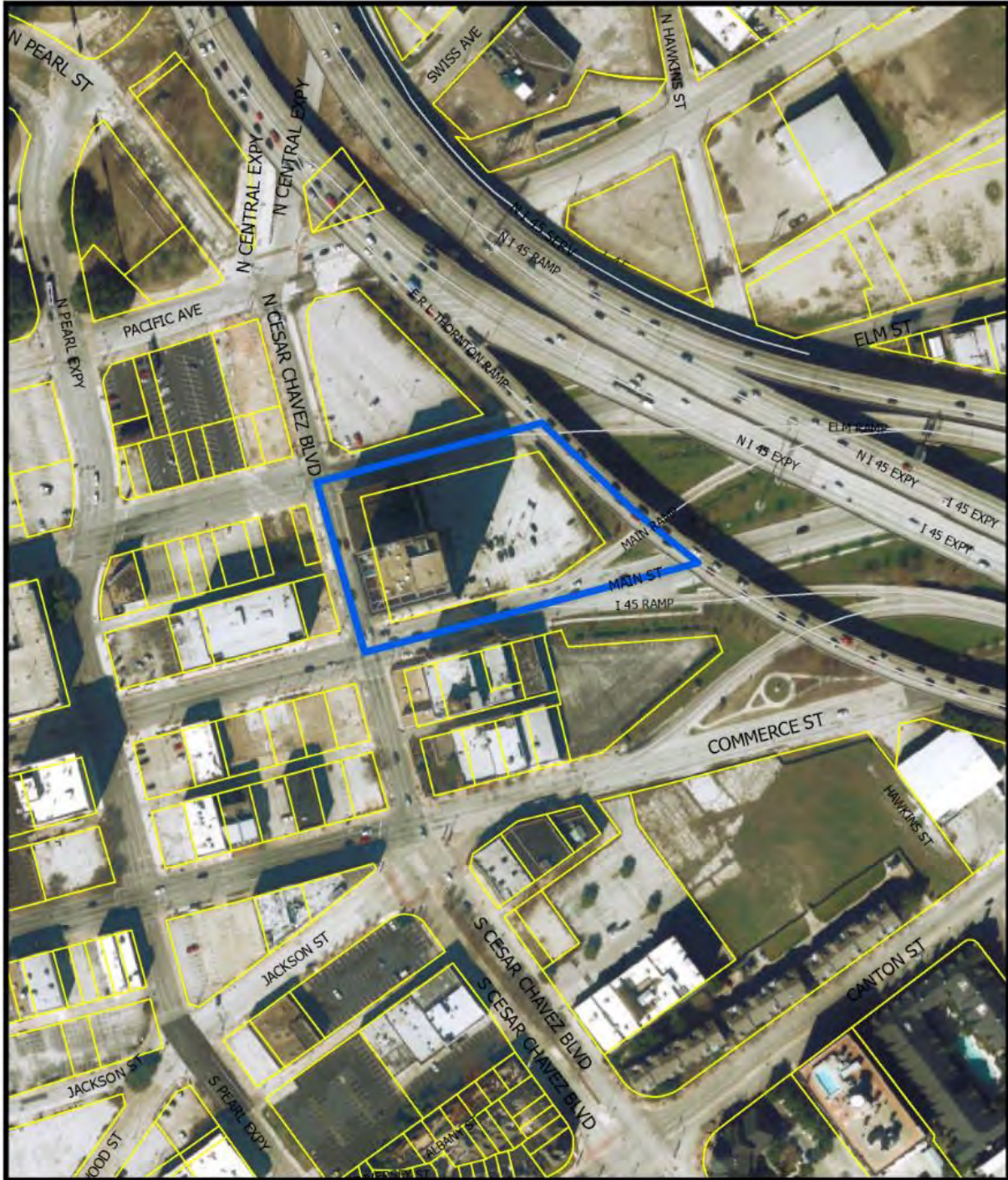


ENLARGED PROPOSED SITE PLAN









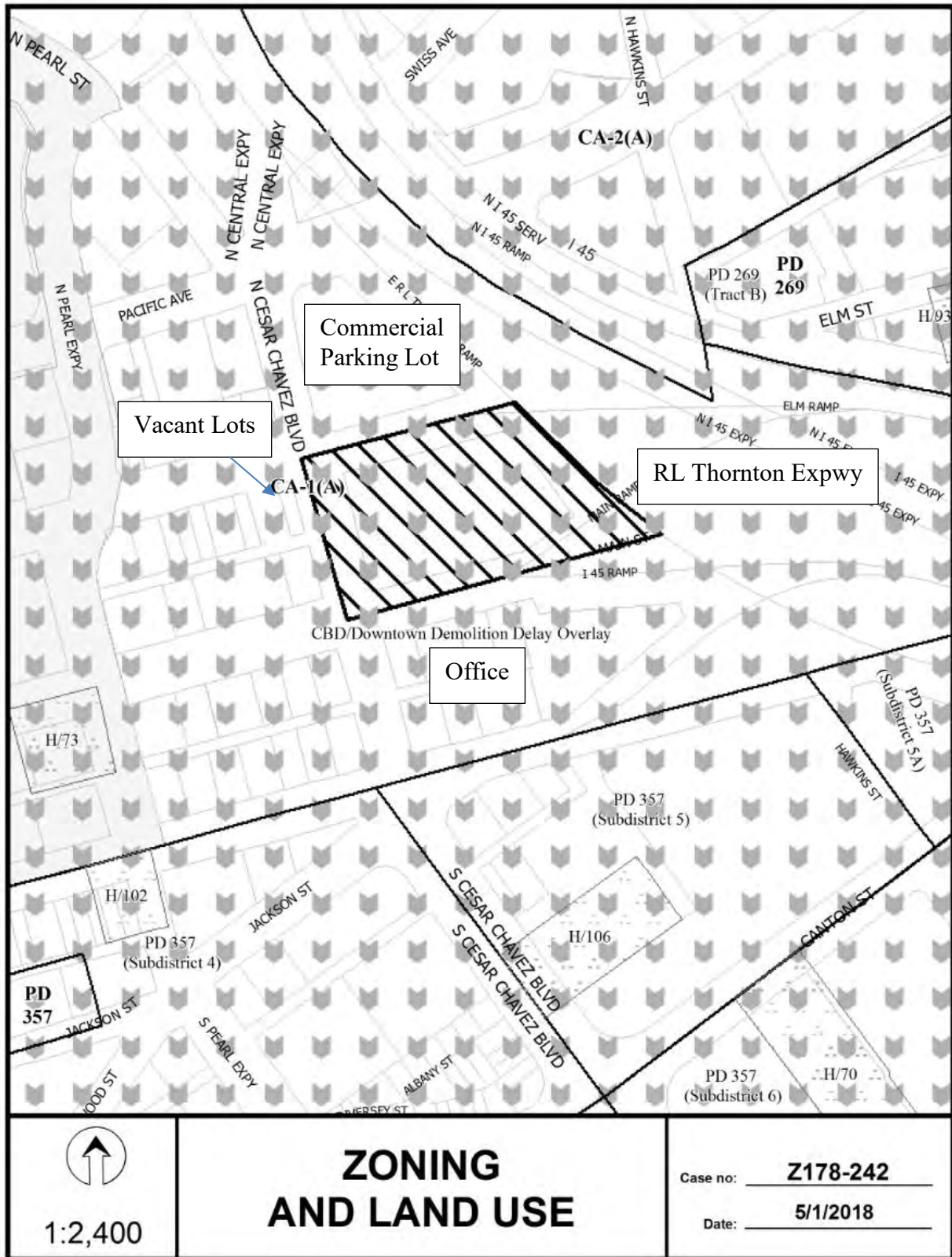
1:2,400

# AERIAL MAP

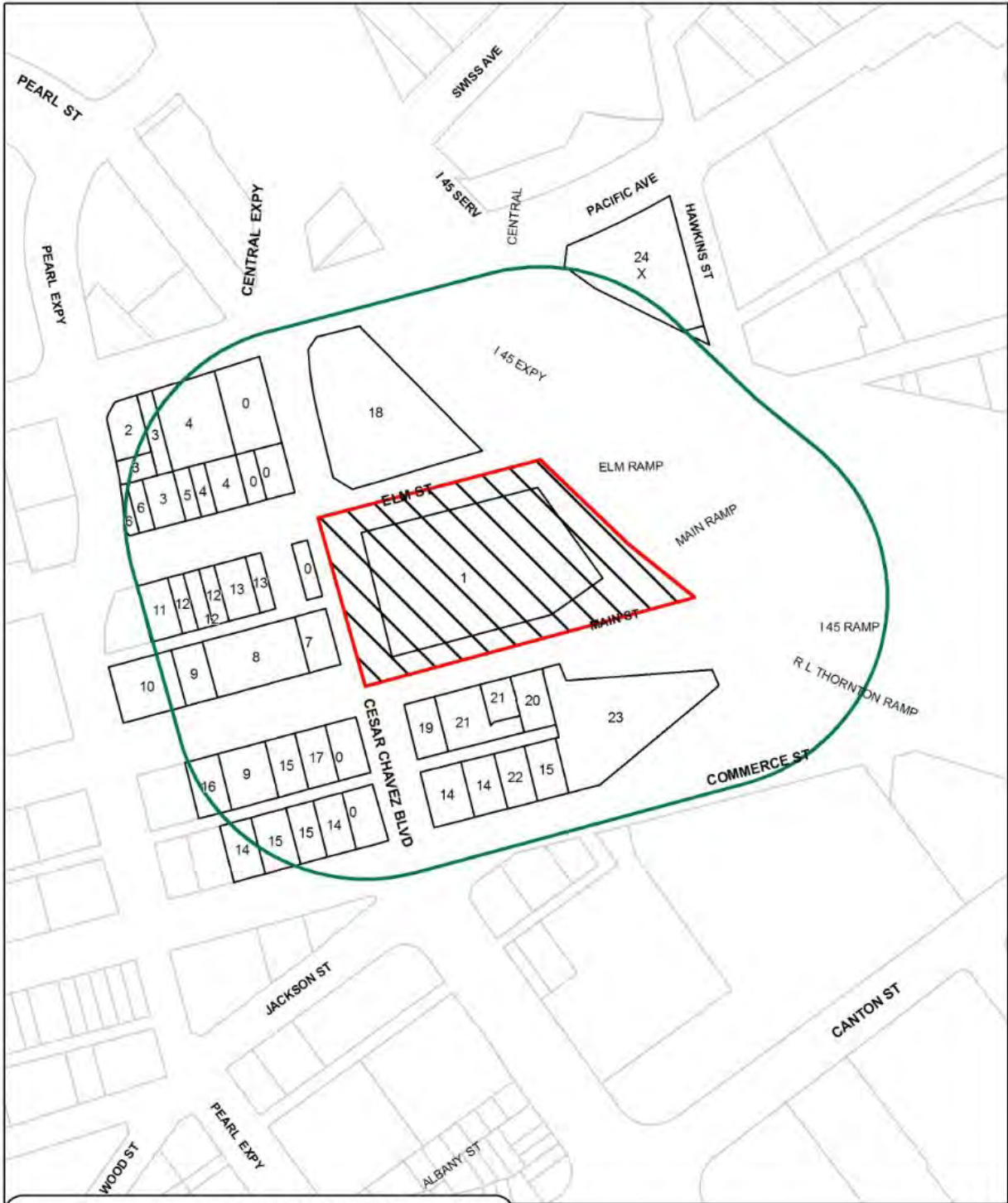
Case no:           Z178-242          

Date:           5/1/2018





**CPC Responses**



<u>25</u>	Property Owners Notified (47 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>300'</u>	Area of Notification
<u>6/21/2018</u>	Date

**Z178-242**  
**CPC**



1:2,400

Z178-242(PD)

06/20/2018

## ***Reply List of Property Owners***

***Z178-242***

***25 Property Owners Notified***

***0 Property Owners in Favor***

***1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2201 MAIN ST	2201 MAIN LLC
	2	2200 PACIFIC AVE	GREY JAMES
	3	210 S PEARL EXPY	GREY JAMES C
	4	2217 ELM ST	OCONNOR J C ESTATE ET AL
	5	2211 ELM ST	GREY JAMES C &
	6	2205 ELM ST	42 EADO LP
	7	2125 MAIN ST	PARK A LOT LP
	8	2121 MAIN ST	PAN COASTAL LIMITED PS
	9	2107 MAIN ST	SOUTHWESTERN BLUEPRINT COMPANY
	10	2101 MAIN ST	42 EADO LP
	11	2206 ELM ST	SDH 2009 INVESTMENTS LP
	12	2210 ELM ST	PHILLIPS PATRICIA W EST
	13	2216 ELM ST	42 EADO LP
	14	2121 COMMERCE ST	MAHARGER DEV COMPANY LLC
	15	2117 COMMERCE ST	GRAHAM RALPH E III
	16	2106 MAIN ST	SOUTHWEST BLUEPRINT
	17	2120 MAIN ST	PURPLE PARKING PROJECT LLC
	18	2306 PACIFIC AVE	PAN COASTAL LIMITED PS
	19	2200 MAIN ST	TMLV LLC
	20	2214 MAIN ST	WILSON JOHN BROWNLEE JR
	21	2210 MAIN ST	TMLV LLC
	22	2211 COMMERCE ST	MAHARGER DEVELOPMENT
	23	2222 MAIN ST	2220 MAIN JOINT VENTURE
X	24	2400 GASTON AVE	WESTDALE PPTIES AMERICA I
	25	201 N HAWKINS ST	PHILLIPS PATRICIA W EST

**AGENDA ITEM # 52**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 76 L

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an A(A) Agricultural District, south of Telephone Road, east of Travis Trail  
Recommendation of Staff and CPC: Approval  
Z178-246(PD)





**FILE NUMBER:** Z178-246(PD)

**DATE FILED:** April 27, 2018

**LOCATION:** South of Telephone Road, east of Travis Trail

**COUNCIL DISTRICT:** 8

**MAPSCO:** 76 L

**SIZE OF REQUEST:** ± 0.225 acres

**CENSUS TRACT:** 167.03

**APPLICANT/OWNER:** Quincy Roberts

**REPRESENTATIVE:** Derek A. White, Ph.D., P.E.

**REQUEST:** An application for a CS Commercial Service District on property zoned an A(A) Agricultural District.

**SUMMARY:** The applicant proposes to allow for the construction of a 6,000-square-foot office building that will serve a contractor's maintenance yard proposed to be developed on the adjacent property surrounding the subject site.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

**BACKGROUND INFORMATION:**

- The 0.225-acre request site is currently zoned an A(A) Agricultural District and is generally located at Telephone Road and Travis Trail, north of Wintergreen Road, east of Bonnie View Road, and west of Van Horn Drive. It is currently developed with a vacant residential structure.
- On August 23, 2017, the City Council approved a CS Commercial Service District with volunteered deed restrictions prohibiting commercial ingress and egress off of Travis Trail [Z167-243], which legalized the current operation of a contractor’s maintenance yard on the 13.39-acre site surrounding the subject request site. The applicant had been operating the contractor’s maintenance yard without a Certificate of Occupancy since 2014.
- The applicant proposes to allow for the construction of a 6,000-square-foot office building that will serve the contractor’s maintenance yard.
- The proposed CS Commercial Service District would add a multitude of new uses, including office, lodging, and retail and personal service uses.

**Zoning History:**

1. **Z167-243:** On August 23, 2017, the City Council approved a CS Commercial Service District with volunteered deed restrictions on property zoned an A(A) Agricultural District.
2. **Z167-253:** On June 28, 2017, the City Council approved an IM Industrial Manufacturing District and an SUP for a commercial motor vehicle parking lot on property zoned an A(A) Agricultural District.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>
Telephone Road	Substandard	40 ft.
Travis Trail	Substandard	40 ft.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed zoning change will not have a detrimental impact on the surrounding street system.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
Site	A(A)	Vacant Structure
North	A(A)	Undeveloped
South	CS	Undeveloped
East	CS	Undeveloped
West	CS	Undeveloped

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

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

1.2.1.1 Use the Vision Illustration and Building Blocks as a general guide to shape zoning and land use concepts, while also considering site specific and area specific issues. Site specific zoning cases must consider relevant policy statements contained within the Policy Plan, such as environmentally sensitive land, the site’s proximity to the edge of a Building Block and appropriate transitions between Building Blocks.

The Vision identifies the area as an Industrial Building Block. Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. This request is characteristic of the building block in that it will service as an office use to service the administrative needs of the contractor’s maintenance yard as well as the mix of low- and medium-density industrial buildings and industrial yards supporting the Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area.

The request complies with the following land use goals and policies of the Comprehensive Plan:

## **ECONOMIC ELEMENT**

### **GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.4 Support efforts to expand targeted business and industry development within the Southern Sector.

Policy 2.2.4 Focus on logistics-related jobs for the expansion of employment opportunities, particularly in the Southern Sector.

Dallas' future development opportunities and much of the projected growth capacity lie in the Southern Sector, offering a great opportunity to guide development and direct economic activity. The vast majority of vacant land in the city is located in the Southern Sector. As such, developments similar to this are necessary to promote and encourage efforts for continued investment in these economically deprived and underutilized areas of the city.

#### **Land Use Compatibility:**

The applicant's request to change the zoning is to construct a 6,000-square-foot office building that will serve a contractor's maintenance yard proposed to be developed on the adjacent property surrounding the subject site.

The surrounding land uses consist of an undeveloped agricultural land to the north, and undeveloped commercial land uses to the east, south, and west. The area of request is surrounded by CS Commercial Service District with LI Light Industrial District to the northwest, and PDD No. 761, The Dallas Logistics Port Special Purpose District, further southeast south of the request site and the contractor's maintenance yard.

The area of request is currently zoned an A(A) Agricultural District. The purpose of this district as defined in the Dallas Development Code, Section 51A-4.111(1), states that there exists in certain fringe areas of the city, land which is presently used for agricultural purposes and to which urban services are not yet available. These lands should appropriately continue to be used for agricultural purposes until needed for urban purposes in conformity with the orderly growth of the city. It is anticipated that all of the A(A) district area will be changed to other urban zoning categories as the area within the corporate limits of Dallas becomes fully developed.

The CS Commercial Service District is described as being for the development of commercial and business serving uses that may involve outside storage, service, or display. This district is not intended to be located in areas of low and medium density residential development

The proposed request to CS zoning will provide uniformity and consistency with the recently zoned CS District surrounding the request site. The Building Inspection Division of the Sustainable Development and Construction Department is currently reviewing plans and permits for a 700,000-square-foot warehouse complex located in PDD No.

761, The Dallas Logistics Port Special Purpose District which further provides compatibility, uniformity and consistency of this request. Additionally, the proposed CS zoning will serve to complement the existing LI Light Industrial District to the northwest, and the light industrial planned development to the south and southeast, PDD No. 761, The Dallas Logistics Port Special Purpose District. The surrounding zoning changes, established zoning districts, current land uses, and proposed development would all be compatible to the CS Commercial Service District and the adjacent land uses.

**Development Standards:**

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
<b>Existing</b>							
A(A) Agricultural	50'	20' SY 50' RY for Single Family 10' RY for Other	N/A	24'	10% for res structure; 25% for non-res	N/A	Residential, Agricultural, Utility and Public Service
<b>Proposed</b>							
CS Commercial Service	15' where adj to expressw ay or thoroughf are	No Min.; adj to res 20'	0.5 for office, lodging, retail; 0.75 for all uses combined	45' RPS	80%	Residential Proximity Slope	Institutional, Lodging, Office, Retail, Wholesale uses

**Parking:**

Pursuant to the Dallas Development Code, off-street parking must be provided in accordance with Division 51A-4.200. The required off-street parking ratio for an office use is 1 space per 333 square feet of floor area. If more than ten off-street parking spaces are required handicapped parking must be provided pursuant to Section 51A-4.305.

**Landscaping:**

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Z178-246(PD)

**CPC ACTION:  
June 21, 2018**

**Motion:** It was moved to recommend **approval** of a CS Commercial Services District on property zoned an A(A) Agricultural District, south of Telephone Road, east of Travis Trail.

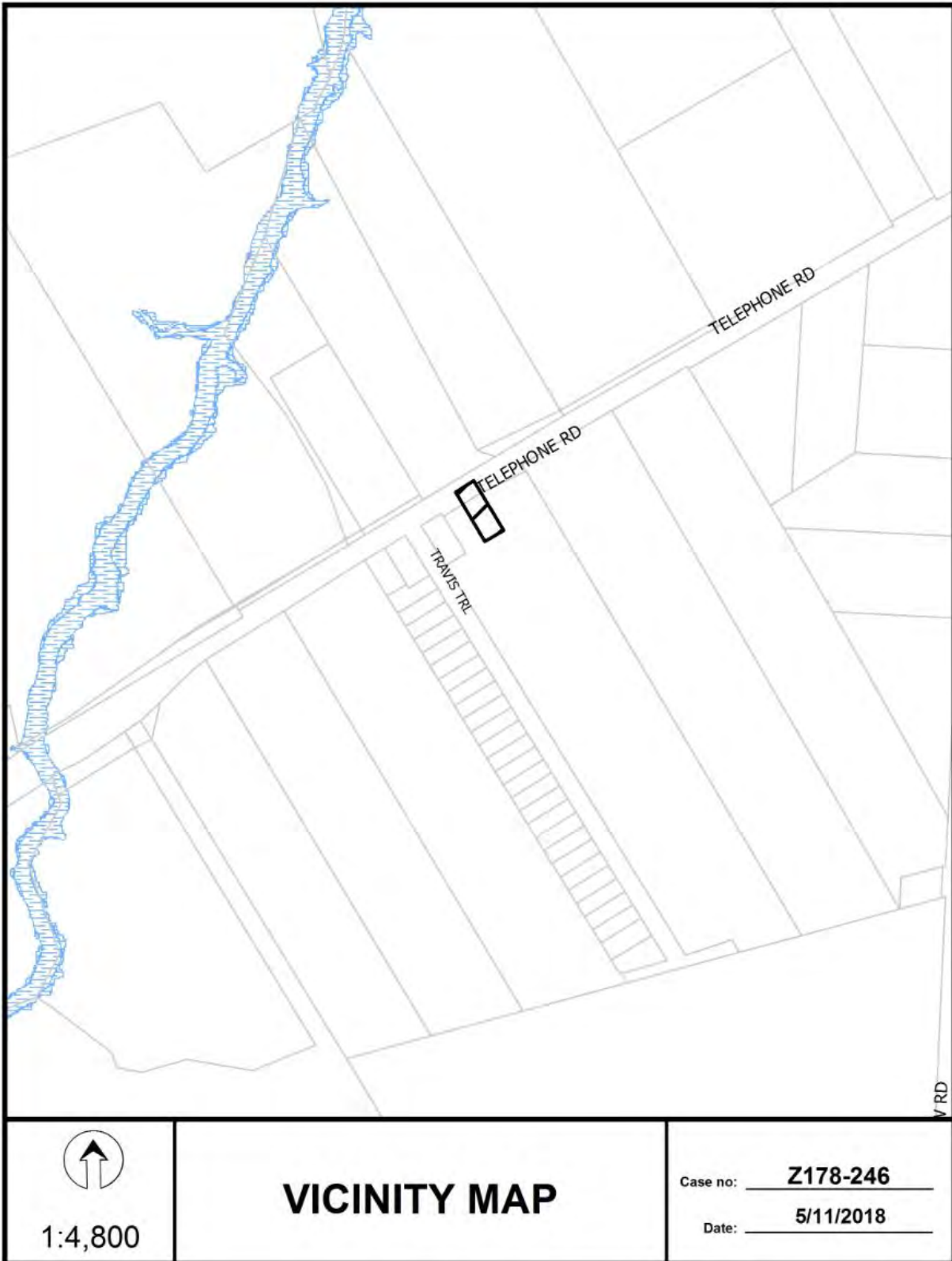
Maker: Shidid  
Second: Mack  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy

Against: 0  
Absent: 2 - Ridley, Tarpley  
Vacancy: 1 - District 8

**Notices:** Area: 200 Mailed: 7  
**Replies:** For: 0 Against: 0

**Speakers:** For: Quincy Roberts, 3918 Telephone Rd., Dallas, TX, 75241  
Against: None  
Against (Did not speak): Richard Duge, 9644 Trailview Dr., Dallas, TX, 75238





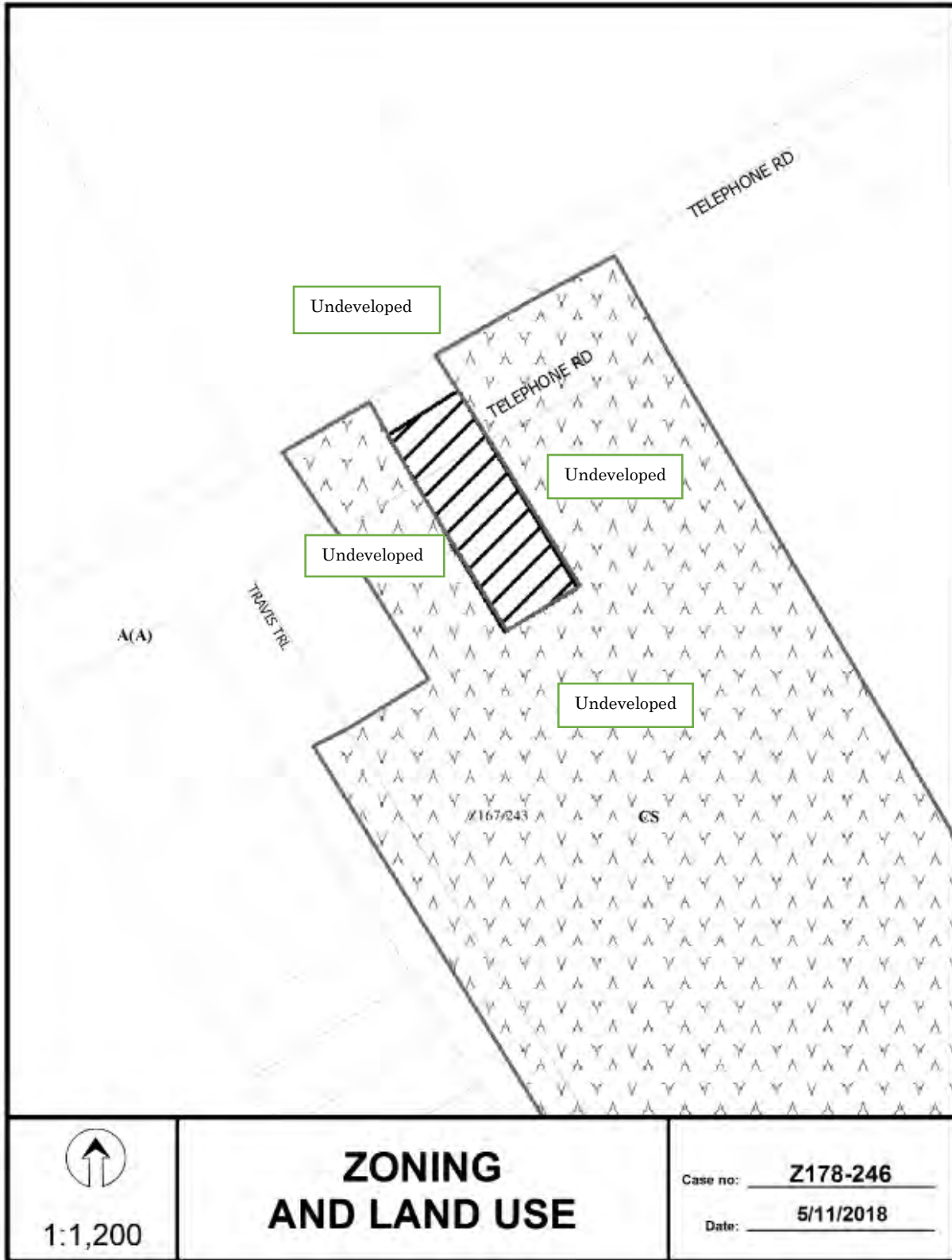


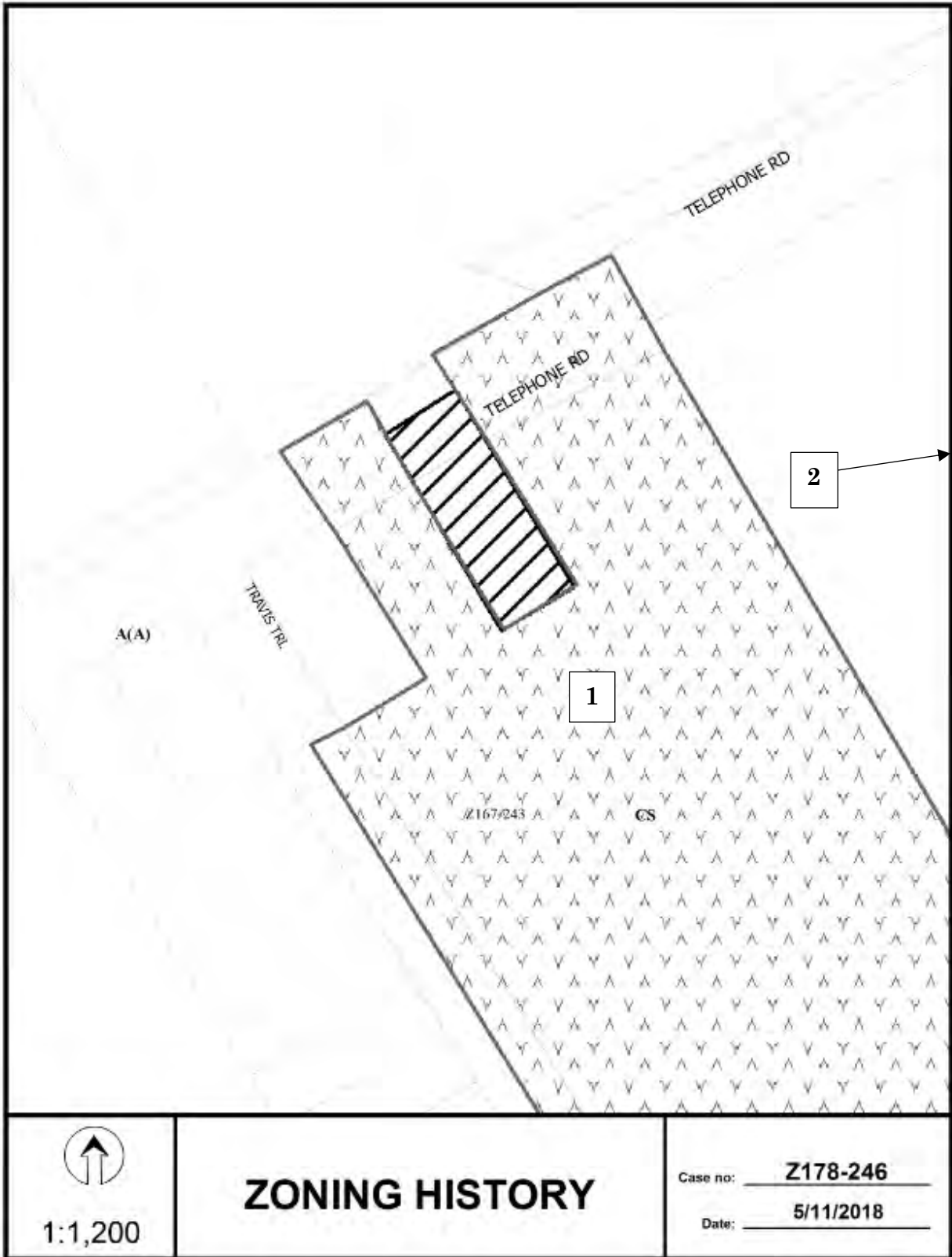
1:1,200

# AERIAL MAP

Case no: Z178-246

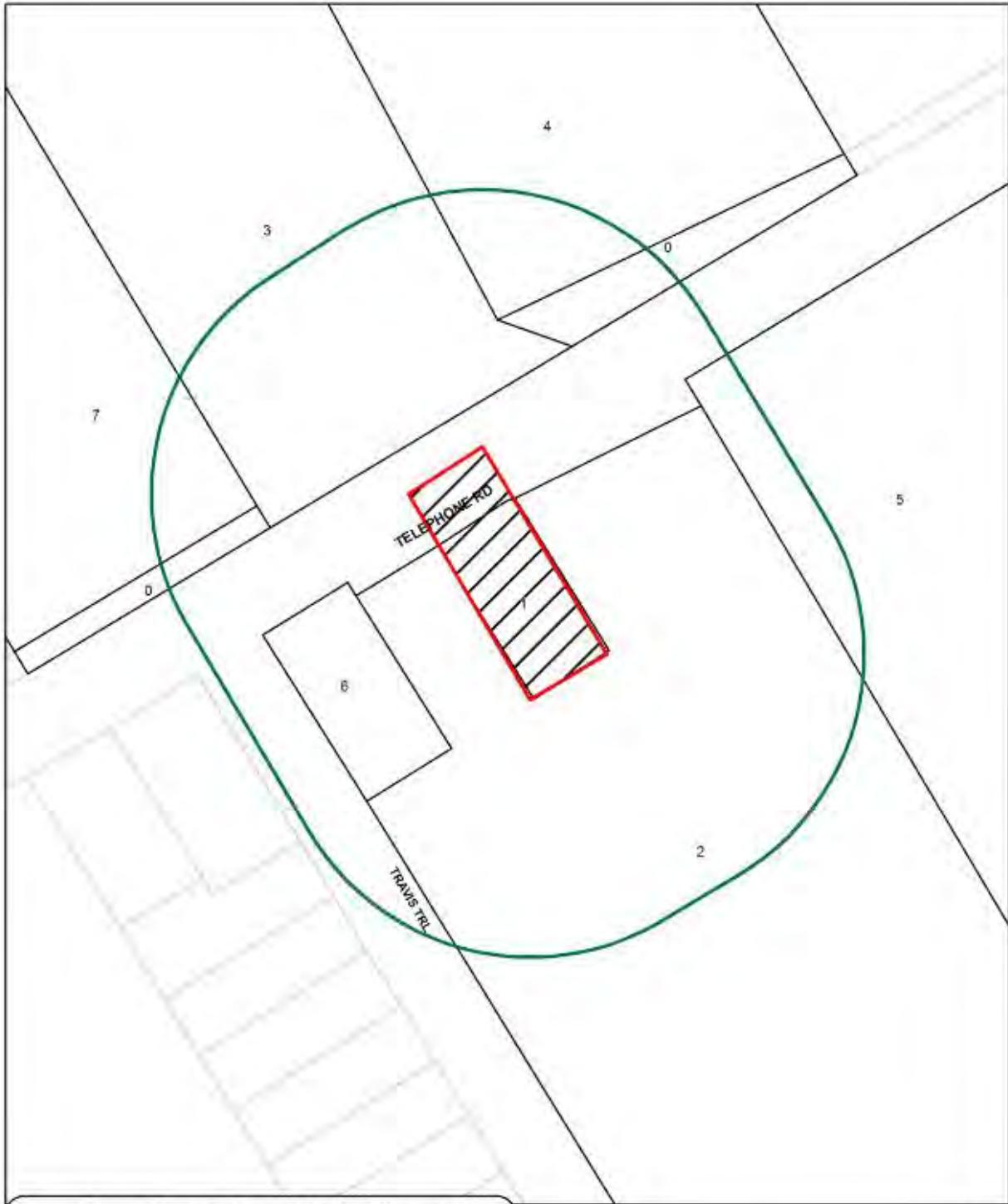
Date: 5/11/2018







**CPC RESPONSES**



<u>7</u>	Property Owners Notified (9 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>6/21/2018</u>	Date

**Z178-246**  
**CPC**



1:1,200

Z178-246(PD)

06/20/2018

## ***Reply List of Property Owners***

***Z178-246***

***7 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	3918 TELEPHONE RD	ROBERTS QUINCY
	2	9600 TRAVIS TRL	ROBERTS QUINCY
	3	3925 TELEPHONE RD	SPRINGFUL PROPERTIES LLC
	4	3935 TELEPHONE RD	VILLEGAS MARCELINO
	5	4100 TELEPHONE RD	FENNER PAT &
	6	3906 TELEPHONE RD	NEXTLOTS NOW LLC
	7	3901 TELEPHONE RD	CURRIE JULIAN & GLORIA

**AGENDA ITEM # 53**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 46 J; K

**SUBJECT**

A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District and Planned Development District No. 473 for mixed uses with consideration being given to appropriate zoning for the area including use, development standards, and other appropriate regulations in an area bounded by Main Street, Haskell Avenue, the Santa Fe right-of-way and DART's Green Line right-of-way and an ordinance granting a Planned Development District

Recommendation of Staff and CPC: Approval of a Planned Development District, subject to conditions  
Z145-312(PT)

**FILE NUMBER:** Z145-312(PT)

**DATE FILED:** May 7, 2015

**LOCATION:** Generally bounded by Main Street, Haskell Avenue, the Santa Fe ROW and DART's Green Line

**COUNCIL DISTRICT:** 2

**MAPSCO:** 46 J; K

**SIZE OF REQUEST:** Approx. 25.9 acres

**CENSUS TRACT:** 22.00

**REQUEST:** A City Plan Commission authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District and Planned Development District No. 473 for mixed uses with consideration being given to appropriate zoning for the area including use, development standards, and other appropriate regulations.

**SUMMARY:** The purpose of this authorized hearing is to provide for the development of appropriate densities of retail, office, commercial and residential uses in combination on single or contiguous building sites; to protect and maintain the characteristics of the existing urban form; and to promote pedestrian activity while providing guidelines to ensure compatible new development and renovation.

**CPC RECOMMENDATION:** Approval of a Planned Development District, subject to conditions.

**STAFF RECOMMENDATION:** Approval of a Planned Development District, subject to conditions.



## **BACKGROUND INFORMATION:**

- On April 2, 2015, City Plan Commission authorized a public hearing to determine proper zoning on the area of request. The property is currently zoned an IM Industrial Manufacturing district and Planned Development District No. 473 for single family and MU-3 Mixed Use District uses. Industrial Manufacturing is the City's most intense industrial zoning district and allows uses incompatible with the proposed district's location near downtown. A group of stakeholders requested City Plan Commission consider authorizing a hearing to create a planned development district similar in density, pedestrian orientation, and mix of uses to nearby Planned Development District No. 269, the Deep Ellum/Near East Side District.
- On November 23, 2016, a steering committee was appointed by City Council Member Adam Medrano.
- On February 22, 2017, the City held a neighborhood meeting to gather input from community members on the possibility of rezoning properties located in the authorized area. Approximately 29 people attended.
- Between March 13, 2017, and November 16, 2017, staff met with the steering committee during 14 meetings to discuss proposed changes for the area.
- On November 29, 2017, the City held a neighborhood meeting to present the proposed zoning changes for the authorized area. Approximately 15 people attended.
- On April 25, 2018 and May 1, 2018, staff met with the steering committee to finalize proposed changes for the area.
- On May 15, 2018, the City held a neighborhood meeting to review the proposed zoning changes with the community. Approximately 15 people attended.
- On June 21, 2018, the City Plan Commission voted to recommend approval of the planned development district, subject to conditions.

**Zoning History:** There have been four zoning cases in the vicinity in the last five years.

1. **Z178-186:** On April 25, 2018, the City Council approved a historic building demolition delay overlay district.
2. **Z167-105:** On January 25, 2017, the City Council approved a Specific Use Permit for an inside commercial amusement use for a live music venue for a two-year period subject to a site plan and conditions on property within Tract A of Planned

Development District No. 269, the Deep Ellum/Near East Side Planned Development District, on the north line of Exposition Avenue, south of Commerce Street.

3. **Z134-270:** On October 8, 2014, the City Council approved the renewal of Specific Use Permit No. 1695 for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue for a four-year period subject to conditions on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northwest corner of Commerce Street and Canton Street.
4. **Z145-309:** On October 14, 2015, the City Council approved the renewal of Specific Use Permit No. 2068 for a bar, lounge, or tavern for a three-year period subject to conditions on property zoned Planned Development District No. 269, Tract A, the Deep Ellum/Near East Side District, on the southeast corner of Main Street and Exposition Avenue.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Function</b>	<b>Proposed Dimension and ROW</b>
Haskell Avenue	Principal Arterial	3 lane undivided couplet
Main Street	Minor Arterial	6 lane divided - 100 feet

**Comprehensive Plan:**

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

The proposed zoning meets the following goals and objectives of the comprehensive plan:

**LAND USE ELEMENT**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

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

1.2.1.1 Use the Vision Illustration and Building Blocks as a general guide to shape zoning and land use concepts, while also considering site specific and area specific issues. Site specific zoning cases must consider relevant policy statements contained within the Policy Plan, such as environmentally sensitive land, the site’s proximity to the edge of a Building Block and appropriate transitions between Building Blocks.

**TRANSPORTATION ELEMENT**

Goal 4.2 Promote a variety of transportation options.

Policy 4.2.2: Promote a network of on-street and off-street walking and biking paths.

Implementation Measure 4.2.2.6: Create new zoning districts and amend existing districts to encourage new projects to provide enhanced pedestrian and bike amenities such as wider sidewalks, trees, pedestrian lighting, safe bike routes and bike racks.

### URBAN DESIGN ELEMENT

Goal 5.1 Promote a sense of place, safety and walkability

Policy 5.1.1: Promote pedestrian-friendly streetscapes.

Implementation Measure 5.1.1.1: Amend the Dallas zoning and plat regulations to establish pedestrian and transit oriented districts with urban design standards for walkability that encourage enhanced pedestrian amenities. These standards need to accommodate automobile dependent activities such as trash pickup and deliveries.

Implementation Measure 5.1.1.3: Apply urban design tools in pedestrian or transit oriented districts when approving zoning cases and when developing Area Plans.

### GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

5.3.1.1 Amend the Dallas zoning regulations to establish mixed-use, pedestrian-friendly zoning districts. These zoning districts should provide for a range of densities and intensities to suit a variety of urban contexts.

### ENVIRONMENTAL ELEMENT

#### GOAL 6.1 PROTECT DALLAS WATER QUALITY AND WATERSHEDS

6.1.1.7 Consider shared parking and other parking reduction strategies to minimize unnecessary paved areas.

#### **Land Use Plans:**

##### Downtown Dallas 360 Area Plan

The Downtown Dallas 360 Plan (Plan) was adopted in April 2011 and updated December 13, 2017. The Plan was adopted as a guide to future City Council actions concerning land use and development regulations, transportation and economic development, and capital improvement expenditures in the area generally bounded by a two-and-a-half-mile radius centered on the intersection of Main Street and Akard Street.

East Side is within the East Dallas neighborhood in the Plan. The Plan states that “While new development, especially around the Baylor complex, creates an eclectic

environment, it must also respect the historic significance found throughout East Dallas. Within this context, additional development and redevelopment near Baylor should support a range of services for those utilizing and employed by the medical center, including housing; increased commerce could create a vibrant district and strengthen its surrounding neighborhoods.”

The Plan outlines several Transformative Strategies that inform this proposed planned development district.

*I. Build complete neighborhoods.* The Plan calls for affordable and family-friendly housing, parks and neighborhood spaces, a diverse mixture of commercial, retail, and entertainment services. It encourages providing access to and connections between these amenities and services. The proposed planned development district continues to allow existing legal uses to remain in the district while expanding the allowed uses to include new uses commonly found in a mixed-use neighborhood, such as a wide variety of residential types (including affordable housing), lodging, and retail/personal service uses.

*II. Advance Urban Mobility.* The Plan adopts multiple principles, including creating a multi-modal system, providing safe and well-lit pathways, encouraging mixed-use pedestrian oriented design, and creating a system that responds proactively to trends in technology, demographics, and user preference. The Plan also encourages shared parking. The proposed planned development district requires “eyes on the street” transparency in street- and trail-facing facades, wide sidewalks, and street trees. It discourages surface parking and encourages shared and remote parking. The proposed planned development also offers parking reductions for design elements such as dedicated passenger loading zones for ride-sharing vehicles. The streetscape requirements are flexible enough to adapt to the future Complete Streets planning efforts along Main Street.

*III. Promote Great Placemaking.* The Plan calls for a reinforced relationship between the street and the building edge, context-sensitive designs, and a positive urban experience. The planned development district restricts parking to behind a parking setback, provides bonus elements for preserving older buildings, and requires street-level and trail-level uses to provide doorways that connect to the street and trail. The planned development district also provides a maximum blank wall area and a minimum level of ground and upper story transparency while encouraging front steps, stoops, and door yards that support vibrant street life.

### **Other Plans**

The proposed planned development district is entirely within both the Deep Ellum Tax Increment Finance District and the Deep Ellum Public Improvement District.

Deep Ellum TIF District adopted plan offers the following goals, among others, that are directly related to the purposes of this proposed planned development district.

- Goal 2 – To attract new private development in the Deep Ellum TIF District [including] retail space, office/commercial space, hotel rooms, and new residential units including lofts, town homes and apartments.
- Goal 5 – To support the conversion of the Deep Ellum area to a mixed-use, transit-oriented neighborhood that complements Baylor Medical Center, Downtown Dallas, Latino Cultural Center and Fair Park.
- Goal 6 – To increase recreational opportunities, public open space and improve connections to the City of Dallas trails and open space system in the District.
- Goal 8 – To diversify retail and commercial uses in the District.

The Deep Ellum TIF District adopted plan offers the following specific objectives, among others, that are directly related to the purposes of this proposed planned development district:

- Improve the pedestrian environment through sidewalk improvements, landscaping, lighting and design standards.
- Encourage development of new residential and retail uses to complement the District.

The Deep Ellum Public Improvement District collects assessments for neighborhood improvements, including park improvements and trash pickup, transportation and wayfinding, business development, marketing, public safety, and administration.

**Surrounding Land Use:**

	<b>Existing Zoning</b>	<b>Land Use</b>
<b>Site</b>	IM and PD No. 473	Auto Service Center, Building Repair & Maintenance Shop, Industrial (Inside), Industrial (Inside) for Light Manufacturing, Office Building, Office Showroom/Warehouse, Tower/Antenna for Cellular Communication, Vehicle Display, Vehicle or Engine Repair or Maintenance, Warehouse
<b>Northwest</b>	IM & PD No. 749	Medical or Scientific Laboratory, Office/Showroom/Warehouse, Restaurant Without Drive-In Service, Office Building
<b>Northeast</b>	CS	Office Showroom/Warehouse, Warehouse, Vehicle or Engine Repair or Maintenance, Office Building
<b>Southeast</b>	IR	Mini-Warehouse
<b>Southwest</b>	PD No. 269 and Historic District Nos. 82, 83, and 91	Personal Service Use, Office Building, Single Family Dwelling, Commercial Cleaning or Laundry Plant, Multi-Family Dwelling, Gen Merchandise or Food Store < 3500 sq. ft., Alcoholic Beverage Establishment

**STAFF ANALYSIS:**

Land Use Compatibility:

Currently, the area of request is predominately zoned an IM Industrial Manufacturing District. This district is intended for the city's heaviest industrial uses, such as industrial (inside) potentially incompatible, industrial (outside) potentially incompatible, mining, municipal waste incinerator, and sewage treatment plants.

In addition, two acres within the area are zoned Planned Development District No. 473 for single family and MU-3 Mixed Use District uses. This area is proposed to be absorbed into the new planned development district.

The proposed district includes one City of Dallas Landmark, the G&J Manufacturing Company building at 3912 Willow Street. The area also includes a handful of converted residences and an apartment building from the early 1900s as well as several small warehouse, industrial, and commercial buildings constructed in the 1930s through 1950s. Commercial and industrial buildings were added to the area from the 1960s forward. The proposed conditions include parking reductions for adaptive reuse of buildings constructed before 1980. In addition, the City offers owners a separate process for designating areas and structures as areas of historical, cultural and architectural importance.

The area is immediately east of the Deep Ellum/Near East Side Special Purpose District, within the Downtown 360 planning area, less than a mile from Baylor University Medical Center, and west of Fair Park. Land uses immediately adjacent to the area of request are indicative of the vicinity overall, which includes medical uses, multifamily and single family uses, retail uses, and a variety of longstanding industrial and warehouse uses.

Overall, the steering committee focused on restricting those uses that were not regarded as appropriate to be between the core of downtown and the single-family neighborhoods near Fair Park; encouraging a vibrant mix of uses; increasing density; ensuring a good pedestrian experience; and reducing parking requirements from those required in Chapter 51(A) for some uses.

The proposed PD is intended to encourage walkable, mixed-use, sustainable, urban development; to reduce the need for parking; and to encourage the use of the Santa Fe Trail. In addition, the proposed PD is recommended to continue to allow existing light industrial and auto-related uses, to disallow heavy industrial uses that are not currently found in the district, and to allow new uses commonly found in a mixed-use neighborhood, such as a variety of residential uses, lodging, and personal service uses.

Yard, lot, and space standards

The proposed PD requires a minimum 5-foot front yard and a maximum 15-foot front yard on all street frontages except Main Street, where the minimum front yard is reduced to zero. The proposed PD recommends that lot coverage in this district be limited to 80 percent in order to encourage tree canopy and open space.

The proposed floor area ratio is limited to 4.0 with a bonus of up to 6.0 if 10 percent of the completed residential units are reserved for families making less than 80 percent of the area median income. No limit is set on maximum stories or minimum lot size.

This area is between Planned Development District No. 269 in Deep Ellum, which allows 200 feet and a CS Commercial Services District which is limited to 45 feet. For this reason, the PD allows a maximum building height of 160 feet to allow development to take full advantage of the proposed FAR bonus for creating mixed-income housing opportunities.

#### Design standards

On Main Street, sidewalks must be a minimum average width of 10 feet with six feet of clear walking space. All others must be a minimum average width of 6 feet with a minimum of 5 feet clear. All sidewalks must be separated from the back of the curb by a minimum two-foot-wide landscape strip.

Visibility triangles in this proposed PD are modified to require the standard 45' by 45' triangle along streets on the Thoroughfare Plan and 30' by 30' triangles along all other streets. The smaller triangles match the requirements for the Central Area Districts, and Planned Development Districts No. 193, 225, and 269, in Oak Lawn, State-Thomas, and Deep Ellum respectively.

The proposed PD also includes some form-based standards, such as a maximum blank façade area, minimum transparency, and restrictions on the location of street-level entrances. The proposed PD requires 60 percent of street-level, street-facing and trail-level, trail-facing dwelling units to have individual entries that connect to the sidewalk or trail.

Together these standards are intended to ensure that new buildings help define the public space while providing landscaping buffers. The maximum blank façade area will ensure that pedestrians are not faced with blank building facades and surfaces. Finally, the requirement for the location of street-level and trail-level entrances will ensure that entrances to new buildings will face the street and that trail-level residences along the trail will have direct access to the trail.

#### Parking reductions

The proposed PD offers parking reductions for a variety of benefits to the district, such as the repurposing and preservation of older buildings, dedicated passenger loading spaces for ride-sharing vehicles, proximity to any future DART station, tree preservation, and others. The PD also offers parking reductions for residential uses, general merchandise uses, restaurant uses and other uses to encourage the development of those uses.

#### Santa Fe Trail

Santa Fe Trail is a twelve-foot-wide multi-use path that connects White Rock Lake and the trails north of the lake to Fair Park, Deep Ellum, downtown, and the trails along the Trinity River. It plays a significant role in the region's trail system and runs along the old



Z145-312(PT)

Santa Fe railway line east of the proposed PD and the current DART tracks south of the proposed PD.

In the southernmost corner of the planned district, north of the trail, DART owns vacant property that could be utilized in the future for recreation. Just outside the district on the opposite side of the trail is a City-owned property acquired to support the Mill Creek/Peaks Branch/State Thomas Drainage Relief Project. When the construction for that project is finished several years in the future, the property could be used for additional recreation opportunities in the area.

Likewise, the proposed planned district is two blocks from the boundary of Fair Park. Additional pedestrian and recreational amenities could be constructed under I-30 similar to the amenities under I-345 between Deep Ellum and downtown.

#### Landscaping

Landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

**CPC ACTION**

June 21, 2018

**Motion:** It was moved to recommend **approval** of a Planned Development District, subject to staff's recommended conditions (as briefed) to include a modification to allow maximum height of 160 feet on property zoned an IM Industrial Manufacturing District and Planned Development District No. 473 for mixed uses with consideration being given to appropriate zoning for the area including use, development standards, and other appropriate regulations on property in an area generally bounded by Main Street, Haskell Avenue, the Santa Fe ROW and DART's Green Line.

Maker: Rieves  
Second: Carpenter  
Result: Carried: 10 to 0

For: 10 - West, Rieves, Houston, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon

Against: 0  
Absent: 4 - Davis, Ridley, Tarpley, Murphy  
Vacancy: 1 - District 8

**Notices:** Area: 200 Mailed: 71

**Replies:** For: 12 Against: 0

**Speakers:** For: Joanna Hampton, 5408 Swiss Ave., Dallas, TX, 75214  
Roger Albright, 3301 Elm St., Dallas, TX, 75226  
Richard Klein, 4004 & 4006 Main St., Dallas, TX, 75226

Against: Jose Esparza, 4023 East Side Ave., Dallas, TX, 75226

Against (Did not speak): Rick Miller, 204 Moss Hill Rd., Irving, TX, 75063

**“ARTICLE \_\_\_\_.**

**PD \_\_\_\_.**

**East Side Special Purpose District**

**SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No. \_\_\_\_ passed by the Dallas City Council on \_\_\_\_\_.

**SEC. 51P- \_\_\_\_ .102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property generally bounded by Main Street, Haskell Avenue, the Santa Fe Trail, and DART right of way. The size of PD \_\_\_\_ is approximately \_\_\_\_ acres.

**SEC. 51P- \_\_\_\_ .103. PURPOSE.**

This district is designed to encourage walkable, mixed-use, sustainable, urban development; to reduce the need for parking; and to encourage the use of the Santa Fe Trail.

**SEC. 51P- \_\_\_\_ .104. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. If there is a conflict, this article controls. In this article:

(1) ART OR CRAFT PRODUCTION FACILITY means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking, and for the sale of the products to the general public.

(2) BED AND BREAKFAST means a lodging use that has no more than five guest rooms and provides accommodations for periods not to exceed five nights; serves no meals other than breakfast; and is a member of, or certified by, a recognized bed and breakfast association such as the National Bed and Breakfast Association (NBBA) or Historic and Hospitality Accommodation of Texas.

(5) MAJOR MODIFICATION means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in floor area of an original building by 50 percent or more.

(6) NEW CONSTRUCTION means construction of a main structure that did not exist as of August 8, 2018, the date of establishment of this special purpose district.

(7) ORIGINAL BUILDING means a building constructed on or before 1980, the floor area of which has not since that date been increased by more than:

- (A) 150 percent if the increase is 5,000 square feet or less; or
- (B) 100 percent if the increase is 5,001 – 10,000 square feet.

(8) PASSENGER LOADING ZONE means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for the purposes of Chapter 27-9.28-101, *Restricted use of bus stops and taxicab stands*. On-street passenger loading zones are allowed only along Main Street and Haskell Avenue, must be constructed in compliance with Architectural Barrier Act (ABA) accessibility standards, and must be approved by the director.

(9) VISIBILITY TRIANGLE means:

(A) where a street designated on the city's thoroughfare plan intersects with another street, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;

(B) where two streets not designated on the city's thoroughfare plan intersect, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection; and

(C) where an alley or driveway intersects with a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

**SEC. 51P- \_\_\_\_\_.105. DEVELOPMENT PLAN.**

(a) For a general merchandise or food store greater than 3,500 square feet that exceeds 50,000 square feet in floor area, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

**SEC. 51P- \_\_\_\_\_.106. MAIN USES PERMITTED.**

The following uses are the only main uses permitted:

(1) Agricultural uses.

- Crop production. *[Limited to urban garden.]*
- Private stable. *[SUP]*

(2) Commercial and business service uses.

- Building repair and maintenance shop.
- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Medical or scientific laboratory.
- Technical school.
- Vehicle or engine repair or maintenance. *[Limited to a maximum 20,000 square feet of floor area.]*

(3) Industrial uses.

- Alcoholic beverage manufacturing *[Limited to a maximum 35,000 square feet of floor area.]*
- Industrial (inside) not potentially incompatible.
- Industrial (inside) for light manufacturing.

(4) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes, hospice care, and related institutions.
- Convent or monastery.
- Foster home. *[SUP]*
- Library, art gallery, or museum.

- Open enrollment charter school. [SUP]
- Private school. [SUP]
- Public school. [SUP]

(5) Lodging uses.

- Bed and breakfast.
- Hotel or motel.

(6) Miscellaneous uses.

- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- Duplex.
- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
- Multifamily.
- Retirement housing.
- Single family.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. [SUP]
- Animal shelter or clinic without outside runs.
- Art or craft production facility.
- Auto service center. *[SUP. Limited to a maximum 20,000 square feet of floor area.]*
- Business school.
- Commercial amusement (inside). *[SUP. Class E dance halls prohibited.]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.

- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet. *[DIR]*
- Home improvement center, lumber, brick, or building materials sales yard. *[Limited to 20,000 square feet.]*
- Household equipment and appliance repair.
- Liquor store. *[Drive-in and drive-through service prohibited.]*
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station. *[Limited to electric vehicle charging station.]*
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. *[Limited to a maximum of 20,000 square feet of floor area.]*

(11) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP]*

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Local utilities.
- Police or fire station.
- Post office.
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1). This district is considered a multiple commercial district for this use.]*
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

- Office showroom/warehouse.
- Recycling drop-off container. *[See Section [51A-4.213](#) (11.2).]*
- Warehouse.

**SEC. 51P-\_\_\_\_.107.            ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.



(b) The following accessory uses are not permitted:

- Amateur communication tower.
- Dance hall.
- General waste incinerator.
- Private stable.

(c) The following accessory uses are permitted by SUP only:

- Accessory helistop.
- Pedestrian skybridges.

(d) Accessory outside storage may occupy up to 10 percent of the lot containing the main use.

(e) When accessory to a home improvement center, lumber, brick, or building materials sales yard, accessory outside display of merchandise must be located within 10 feet of the main structure on the lot.

**SEC. 51P-\_\_\_\_.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls. Yard, lot, and space regulations are required as specified in this section for new construction.)

(a) Front yard.

(1) Main Street. No minimum front yard. Maximum front yard is 15 feet.

(2) All streets other than Main Street. Minimum front yard is five feet. Maximum front yard is 15 feet.

(3) Urban form setback. Along all streets, an additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(b) Side and rear yard. No minimum side or rear yard.

(c) Encroachments. The following are permitted to be located within the required front, side, and rear yards:

(1) Seat walls, steps, ramps, and safety railings all not exceeding four feet in height and extending a maximum of five feet into the required minimum front yard.

(2) Handrails.

- (3) Bicycle racks.
- (4) Utility equipment.
- (5) Landscape and tree planters.
- (6) Sculptures.
- (d) Density. No maximum dwelling unit density.
- (e) Floor area ratio.
  - (1) In general. Maximum floor area ratio is 4.0.
  - (2) Bonus provisions. FAR on a building site may be increased from 4.0 to a maximum of 6.0 if a minimum of 10 percent of the total dwelling units are provided in accordance with Section 51P- \_\_\_\_\_.115 and reserved for:
    - (A) households earning 80 percent or less of the median family income for the Dallas area; or
    - (B) holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, with preference given to holders of housing vouchers.
  - (3) In no event may FAR exceed 6.0 regardless of the use mix.
  - (4) For purposes of this article, the floor space of a refrigerated closed storage area in a building is excluded in the calculation of floor area ratio.
- (f) Height.
  - (1) Maximum structure height is 160 feet.
- (g) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.
- (h) Lot size. No minimum lot size.
- (i) Stories. No maximum number of stories.

**SEC. 51P- \_\_\_\_ .109. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Art or craft production facility and handcrafted art work studio uses. One space for each 1,000 square feet of floor area. No off-street loading required.

(c) Bed and breakfast. One space per guest room is required. No off-street loading required.

(d) General merchandise or food store 3,500 square feet or less. One space per 275 square feet of floor area is required.

(d) General merchandise or food store greater than 3,500 square feet. One space per 275 square feet of floor area is required.

(f) Multifamily. One and one-quarter space per dwelling unit is required. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

(g) Office uses. One space for each 385 square feet of floor area is required.

(h) Restaurant without drive-in or drive-through. One space per 200 square feet of floor area is required.

(i) Single-family, handicapped group dwelling unit, and duplex. One space per dwelling unit is required.

(j) Outdoor seating areas. For alcoholic beverage establishments, commercial amusement (inside), and restaurants without drive-in or drive-through service, an outdoor seating area covered by a non-permeable covering that is within 20 feet of, and has direct access to, a street, sidewalk, or publicly accessible open space is not included in the parking requirement calculations for up to 50 percent of the interior floor area of that use. An outdoor seating area which either is not covered or has a permeable covering is not included in required parking calculations for up to 100 percent of the interior floor area of that use.

(k) Parking reductions.

(1) Parking reductions for original buildings.

(A) Single family, duplex, and multifamily uses. For an original building used for or converted to a single family, duplex, or multifamily use, no off-street parking is

required for the first five units. Thereafter, one off-street parking space must be provided for every two units.

(B) Alcoholic beverage establishments, commercial amusement (inside), and restaurants without drive-in or drive-through service. For an original building used for or converted to an alcoholic beverage establishment use, commercial amusement (inside) or restaurant without drive-in or drive-through service use, no parking is required for the first 2,500 square feet of floor area. Thereafter, parking must be provided as required in this article.

(C) For all other uses. For original buildings fronting Main Street or for buildings designated as a Dallas Landmark or a Recorded Texas Historic Landmark, or listed on the National Register of Historic Places, no parking is required for uses less than 10,000 square feet of floor area. For all other original buildings, no parking is required for the first 5,000 square feet of floor area. Thereafter, parking must be provided as required in this article.

(2) Parking reduction for proximity to DART stations. The off-street parking requirement for uses located within one-fourth mile of a DART light-rail station may be reduced by 10 percent.

(3) Parking reduction for on-street parking. Except as provided in this subsection, an on-street parking space may be counted toward the parking requirement of the use adjacent to the on-street parking space.

(A) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(B) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ( $8/24 = \text{one-third}$ ). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(C) On-street parking, if used, must be configured as indented parking. Angled and 90-degree parking are prohibited.

(4) Parking reduction for on- or off-street passenger loading zones. For each passenger loading zone provided adjacent for a use, with a maximum of two, the required parking may be reduced by five spaces or five percent, whichever is less.

(5) Parking reduction for access to car-sharing program. The building official may approve a reduction in the number of required parking spaces for residential units in a residential project or mixed-use project with a residential component where an active car-sharing program is made available to residents. Dedicated parking for the car-share program must be available on the site or off-street within a 600-foot walking distance of the site. The building

official may reduce parking requirements by up to five spaces for each car-share vehicle available. A car-share parking space may not be used to reduce the required parking for more than one use, except that a car-share parking space may be used to reduce the combined total parking requirement of a mixed-use project. If the car sharing service ends, the property owner and/or property management company shall notify the director with a report identifying the deficiency in parking spaces as a result of the program ending and the plans to bring the use into compliance with parking requirements.

(6) Underground office parking. When all or part of the parking for an office use is provided underground, the building official shall approve a parking reduction of 0.33 spaces for each space provided underground.

(7) Tree preservation.

(A) The building official may approve a reduction in the number of parking spaces required by one space for each protected tree, as defined in Article X, retained that would otherwise have to be removed to provide required parking.

(B) The preserved tree must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers and meet the planting area requirements of Article X for the preserved tree.

(C) The maximum reduction authorized by this tree preservation subsection is five percent or one space per development site, whichever is greater.

(8) Bicycle Parking Reduction. Except as provided in this article, reductions for providing bicycle parking in Section 51A-4.314 apply in this district

(1) Parking locations.

(1) In general. Except when configured as indented parking, no on-site surface parking for new construction is permitted between the street-facing façade and the street. No off-street surface parking for new construction is permitted between the trail-facing façade and the trail. For buildings with more than one street-facing façade, only the first two street-facing facades are subject to this requirement.

(2) Remote parking encouraged. Remote parking as specified in Division 51A-4.320 is only allowed if the remote parking spaces are located within the district or if the remote parking spaces are within the standards provided in Section 51A-4.324(d). Remote parking may not affect or cause the reduction of delta credits. Section 51A-4.328(a) does not apply in this district. An agreement authorizing remote parking for a use may be based on a lease of the remote parking spaces only if the lease:

(A) is in writing on a form obtained from the building official;

(B) contains legal descriptions of the properties affected;

(C) specifies the special parking being provided and the hours of operation of any use involved;

(D) is governed by the laws of the State of Texas;

(E) is signed by all owners of the properties affected;

(F) signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;

(G) is for a minimum term of three years; and

(H) provides that both the owner of the lot occupied by the use benefitting from the parking and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(3) Parking setback. Except for underground parking, valet parking pick-up and drop-off sites, passenger loading zones, single-family uses, and duplex uses, off-street parking is prohibited within 20 feet of a pavement line of a street between grade and 12 feet above grade for new construction.

(m) Screening. Except as modified in this section, this district is considered an office district for the purposes of screening, and the provisions of Section 51A-4.301(f)(5), "Screening Provisions for Off-Street Parking," apply. Access openings for surface parking lot and commercial parking lot and garage uses may not exceed 30 feet in width for a two-way drive, 20 feet in width for a one-way drive, and 10 feet in width for pedestrian access openings. Pedestrian ingress and egress from off-street parking need not be screened.

(n) Uses may charge for required parking. Section 51A-4.301(a)(8), which requires that required off-street parking must be available as free parking or contract parking on other than an hourly or daily fee basis, does not apply in this district.

**SEC. 51P- \_\_\_\_\_.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-\_\_\_\_\_.111. LANDSCAPING.**

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P- \_\_\_\_ .112. SIGNS.**

Signs must comply with the provisions for business zoning districts in Article VII.

**SEC. 51P- \_\_\_\_ .113. DESIGN STANDARDS FOR STREET AND TRAIL FRONTAGES.**

(a) Storefront treatments. This subsection applies to all uses at ground level except church and residential uses. All street-fronting, street-level and trail-fronting, trail-level portions of a newly constructed building must have windows and at least one architecturally prominent primary entrance facing the street, the trail, or a plaza. No more than 10 continuous linear feet of street-fronting, street-level and trail-fronting, trail-level façade may lack a transparent surface (e.g. a window or a transparent door or opening). Street-fronting, street-level and trail-fronting, trail-level windows must:

(1) be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses;

(2) cover 50 percent or more of street-level frontage facing the front yard, 50 percent or more of street-level frontage facing the side yard, and 50 percent or more of the trail-level frontage facing the trail;

(3) not have a bottom edge higher than three feet above the base of the building; and

(4) extend upward to at least eight feet above the base of the building

(b) For new construction of structures to house a residential use, a minimum of 60 percent of the street-level, street-facing dwelling units in each building site must have individual entries that access the street with an improved path connecting to the sidewalk. For all new construction adjacent to the Santa Fe Trail, a minimum of 60 percent of the trail-facing, trail-level dwelling units in each building must have individual entries that access the trail. Additionally, a minimum of 20 percent of the street-facing and trail-facing upper-story façade walls must be constructed of transparent materials.

(c) Along Main Street, Haskell Avenue, and the Santa Fe Trail, at least 80 percent of the street-facing, street-level and trail-facing, trail-level façades, excluding vehicular access, must have a use other than parking.



**SEC. 51P-\_\_\_\_.114.                   SIDEWALK, LIGHTING, AND DRIVEWAY STANDARDS.**

(a)     Sidewalks. Sidewalks are required as specified in this section for a major modification, when an application is made for a building permit for new construction, and for construction work that results in any increase in ground level floor area. If proposed construction increases the ground level floor area of an original building, the sidewalk width requirement for the portion of the building site that provides street frontage for the existing building is the width available, up to the required amount, between the back of the street curb and the face of the existing main building. In no event should the sidewalk width provisions of this subparagraph be construed to require the relocation of the facade of an original building.

(1)     Along all streets.

(A)     Sidewalks must be located in an area parallel to and within two feet to 15 feet of the back of the projected street curb, with a minimum of two-foot-wide landscape buffer between the sidewalk and the back of the street curb.

(B)     Sidewalks must be clearly delineated across driveways; maintain the grade, slope, and material of the adjacent sidewalk on either side of the driveway; and ensure no more than a two percent cross slope.

(2)     Along Main Street. A sidewalk with a minimum average width of ten feet must be provided and must be clear and unobstructed for a minimum of six feet in width within the required area.

(3)     Along streets other than Main Street. A sidewalk with a minimum average width of six feet must be provided along all street frontages. All sidewalks must be clear and unobstructed for a minimum of five feet in width within the required area. Tree grates do not count toward the minimum unobstructed sidewalk width.

(b)     Lighting.

(1)     Special lighting requirement. Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

(2)     Pedestrian scale lighting. For a residential use or a mixed-use development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. In this subsection, PEDESTRIAN SCALE LIGHTING means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of public works and transportation. The design and placement of both the standards and fixtures must be approved by the director of public works and transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(c) Driveways. Curb cuts for driveways must be between 12 feet and 24 feet wide, measured parallel to the frontage.

**SEC. 51P-\_\_\_\_.115. MIXED-INCOME HOUSING.**

(a) Applicability. This section only applies when an application is made for a certificate of occupancy for a multiple-family use that includes the increased development standards described in Section 51P-\_\_\_\_.108(e)(2).

(b) Definitions. In this section:

(1) **AFFIRMATIVE FAIR HOUSING MARKETING** means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(2) **AFFORDABLE UNITS** means 10 percent of the rental units within a development that are available to be occupied by either (i) eligible households or (ii) voucher holders during the rental affordability period. Affordable units rented to eligible households are subject to the monthly maximum rents per unit type listed for families at 80 percent of adjusted median family income in the Intown Housing Program Income and Rent Limits for Affordable Housing Unit Tenants published annually by the City of Dallas.

(3) **AREA MEDIAN INCOME** means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for household size, as determined annually by the Department of Housing and Urban Development.

(4) **DEVELOPER** means the owner or operator of the Property during the rental affordability period.

(5) **DIRECTOR** means the director of the Office of Fair Housing or the director's representative.

(6) **EFFICIENCY UNIT** means a dwelling unit with no separate bedroom.

(7) **ELIGIBLE HOUSEHOLDS** means households earning up to 80 percent of area median income.

(8) **RENTAL AFFORDABILITY PERIOD** means the period of time that the affordable units are available to be leased to and occupied by eligible households or voucher holders.

(9) **VOUCHER HOLDER** means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(c) Qualification requirements.

(1) Affordable units must be dispersed throughout the residential floor area of each building, but may not be fixed to specific dwelling units and must float within each dwelling unit type.

(2) Affordable units must be of identical finish-out and materials as the market rate dwelling units and must be made available to eligible households or voucher holders on identical lease terms, except rent amount, as are available to market rate dwelling unit tenants.

(3) Except as provided in Subsection (f), affordable units must be dispersed substantially pro-rata among the affordable unit types so that not all the affordable units are efficiency or one-bedroom units. For example, if 10 percent of the multiple-family dwelling units are affordable units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be affordable units. A maximum of three specialty units such as club suites and penthouse suites are not required to be part of the dispersal of affordable units by type; however, the overall 10 percent requirement is calculated based on the total number of all units.

(4) Affordable units must be marketed in accordance with an affirmative fair housing marketing plan provided by the developer in coordination with the Office of Fair Housing.

(5) A household's status as an eligible household must be established no more than 30 days before the household's execution of a lease for an affordable unit and each lease must not exceed one year. All eligible tenants must recertify their household income for each subsequent lease renewal.

(6) The rent charged for affordable units must include all expenses that are mandatory for all tenants, but may not include optional reserved parking expenses, or other optional expenses approved by the director.

(7) Eligible households or voucher holders occupying affordable units may not be restricted from common areas and amenities, unless the restrictions apply to all dwelling unit occupants.

(8) The rental affordability period is 15 years beginning on the date the first affordable unit is leased to an eligible household or voucher holder. The density bonus regulations survive expiration of the rental affordability period.

(9) The affordable units must not be segregated or concentrated in any one floor or area of any buildings, but must be dispersed throughout all residential buildings.

(10) Developer must execute deed restrictions, prior to approval of the certificate of occupancy, in a form acceptable to the city, in the city's sole discretion, and record the executed deed restrictions in the Deed Records of Dallas County, Texas to ensure that the Property will comply with all conditions.

(11) Developer shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government, in accordance with Section 20A-4.1 of the Dallas City Code.

(d) Request process.

(1) Building permit. An incentive zoning affordable housing plan must be submitted with an application for a building permit and must include Z145-312(PT).

(A) The date, names, addresses, and telephone numbers of the developer and the person preparing the incentive zoning affordable housing plan, if different;

(B) Lot and block descriptions, zoning classification, and census tracts of the lots for which the increased development rights are requested;

(C) The percentage of total dwelling units that will be affordable units and the actual number of dwelling units that will be affordable units; and

(D) The total number of one bedroom dwelling units, two-bedroom dwelling units, etc. being proposed.

(2) Affirmative fair housing marketing plan.

(A) The affirmative fair housing marketing plan must be in writing and must be submitted to, and receive written approval from, the director at least three months prior to the start of pre-leasing.

(B) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that informs potential renters of the existence of the affordable units.

(C) The director must approve or deny the affirmative fair housing marketing plan within 60 days after a complete plan is submitted.

(i) Approval. The director shall approve the affirmative fair housing marketing plan if it complies with the requirements of this section and meets the purpose of the marketing requirements.

(ii) Denial. The director shall deny the affirmative fair housing marketing plan if it does not comply with the requirements of this section or does not meet the purpose of the marketing requirements. If the director denies the affirmative fair housing marketing plan, he or she shall state in writing the specific reasons for denial. If denied, a new affirmative fair housing marketing plan may be submitted.

(3) Certificate of occupancy. Before the issuance of a certificate of occupancy, the developer must submit to the building official an incentive zoning affordable housing plan that must include:

(A) The approved affirmative fair housing marketing plan.

(B) A statement that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with a multiple family structure that exceeds 36 feet in height.

(C) A statement and acknowledgement from the developer that the qualifications in Subsection (c) will be continuously met.

(D) The signature of the director verifying that the developer has informed the Office of Fair Housing that the developer intends to apply for a certificate of occupancy.

(e) Annual report.

(1) An annual report must be submitted to the director in writing and must include the following:

(A) a rent roll;

(B) a list of dwelling units deemed affordable units;

(C) a list of the affordable units currently offered for lease;

(D) the income and household size for each eligible household or voucher holder;

(E) a signed statement by the developer acknowledging compliance with Subsection (c); and

(F) any other reasonable and pertinent information the director deems necessary to demonstrate compliance with Subsection (c).

(2) The first annual report must be submitted to the director on the one year anniversary of the beginning of the affordability period. After the first annual report, the developer shall submit annual reports on subsequent anniversary dates.

(3) The final annual report must be signed by the director verifying that the rental affordability period has ended and must be filed with the building official.

(f) Consent to substitute.

(1) Notwithstanding the pro-rata distribution requirements in this section, if the developer cannot locate eligible households or voucher holders to lease two-bedroom or larger dwelling units, and if the director is satisfied that the developer has made best efforts to lease the two-bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, developer may from time to time substitute on a two-for-one basis additional one bedroom dwelling units and/or on a three-to-one basis additional efficiency units to meet the pro rata distribution requirements described in this subsection.

(2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the developer will target marketing to larger households who could qualify to lease the two-bedroom dwelling units (and larger dwelling units, if applicable). The director's written consent shall include a time period during which the agreed-upon substitutions satisfy the pro rata distribution requirements.

(g) Audit and income verification.

(1) The annual report may be audited by the director to verify the information provided in the annual report.

(2) The director may also randomly, regularly, and periodically select a sample of tenants occupying affordable units for the purpose of income verification. Any information received pursuant to this subsection remains confidential and may only be used for the purpose of verifying income to determine eligibility for occupation of the affordable units. All prospective tenants of an affordable unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this section as a condition to leasing the unit.

**SEC. 51P-\_\_\_\_.116.**

**ADDITIONAL PROVISIONS.**

(a) General merchandise or food store greater than 50,000 square feet.

(1) No more than five percent of required parking may be provided as surface parking.

(2) Except as provided in this article, compliance with the design standards in Section 51A-4.605 is required. If there is a conflict between this article and Section 51A-4.605, this article controls

(b) Screening. The vehicle sales lots for vehicle display, sales, and service uses, excluding points of ingress and egress, must be screened from the street by using one or more of the three methods listed in Section 51A-4.301(f)(5) to separately or collectively attain a minimum height of three feet above the parking surface.

(c) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open.

(d) Maintenance. The Property must be properly maintained in a state of good repair and neat appearance.

(e) Compliance. Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

**SEC. 51P-\_\_\_\_.117.**

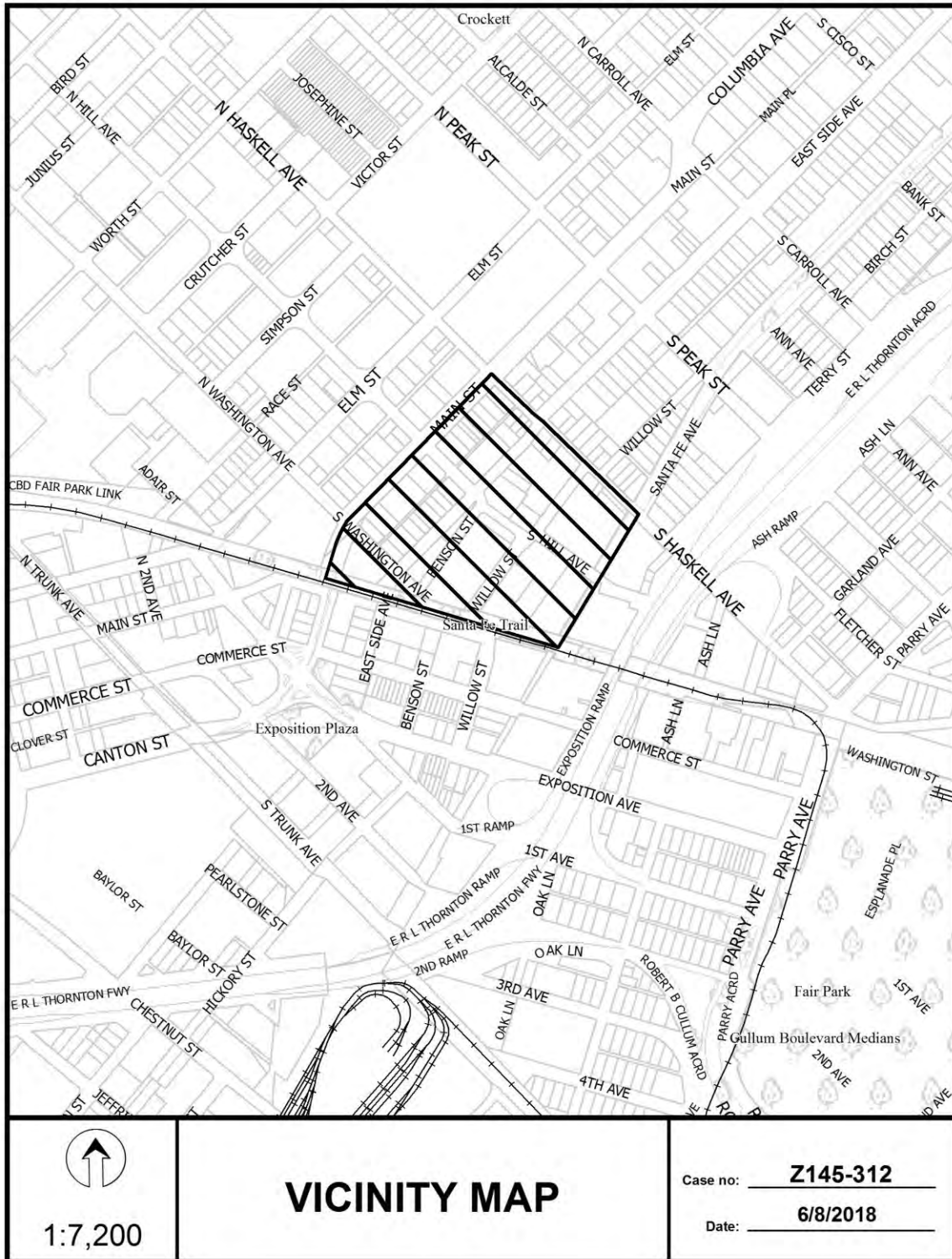
**COMPLIANCE WITH CONDITIONS.**

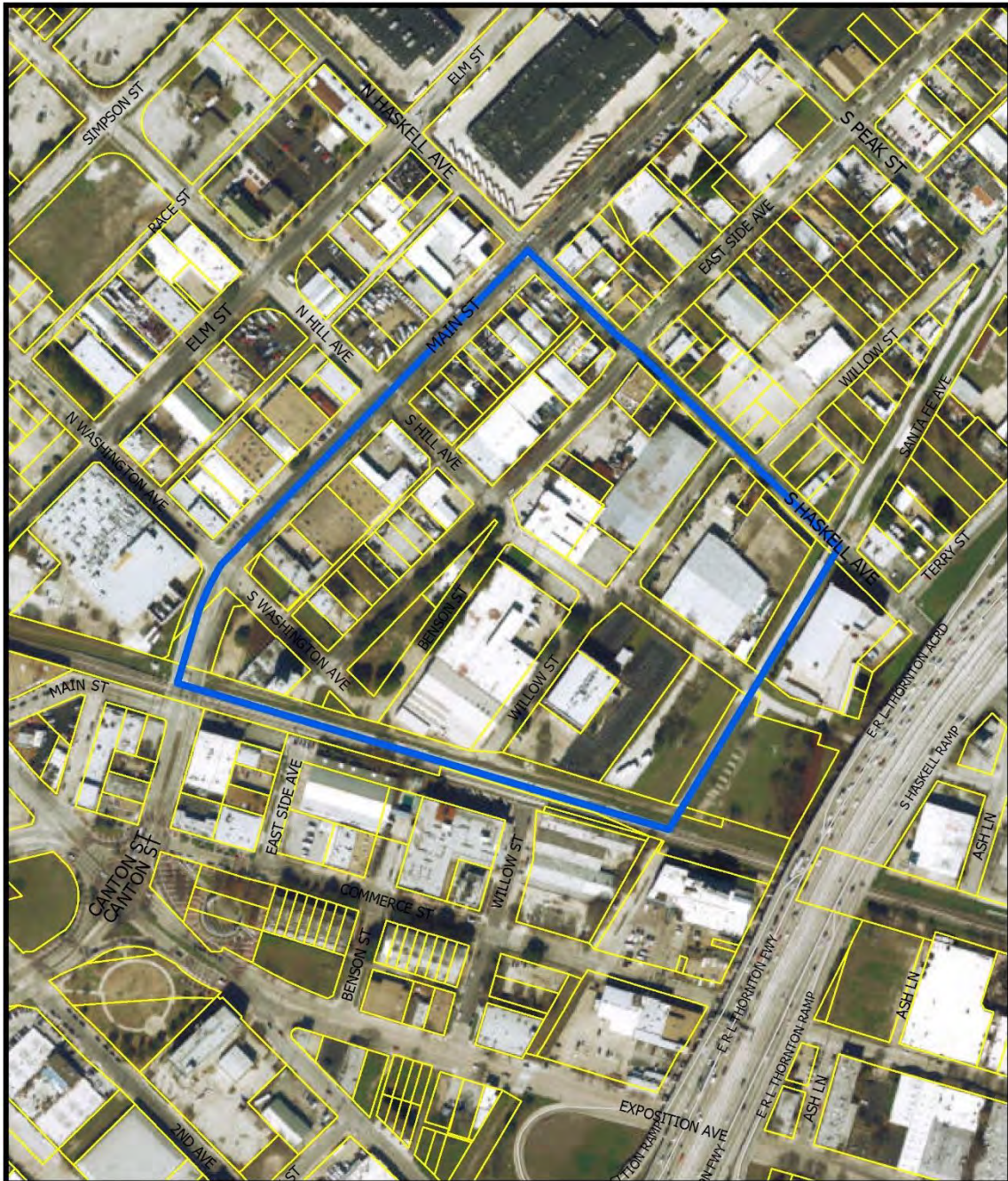
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

Z145-312(PT)

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.”







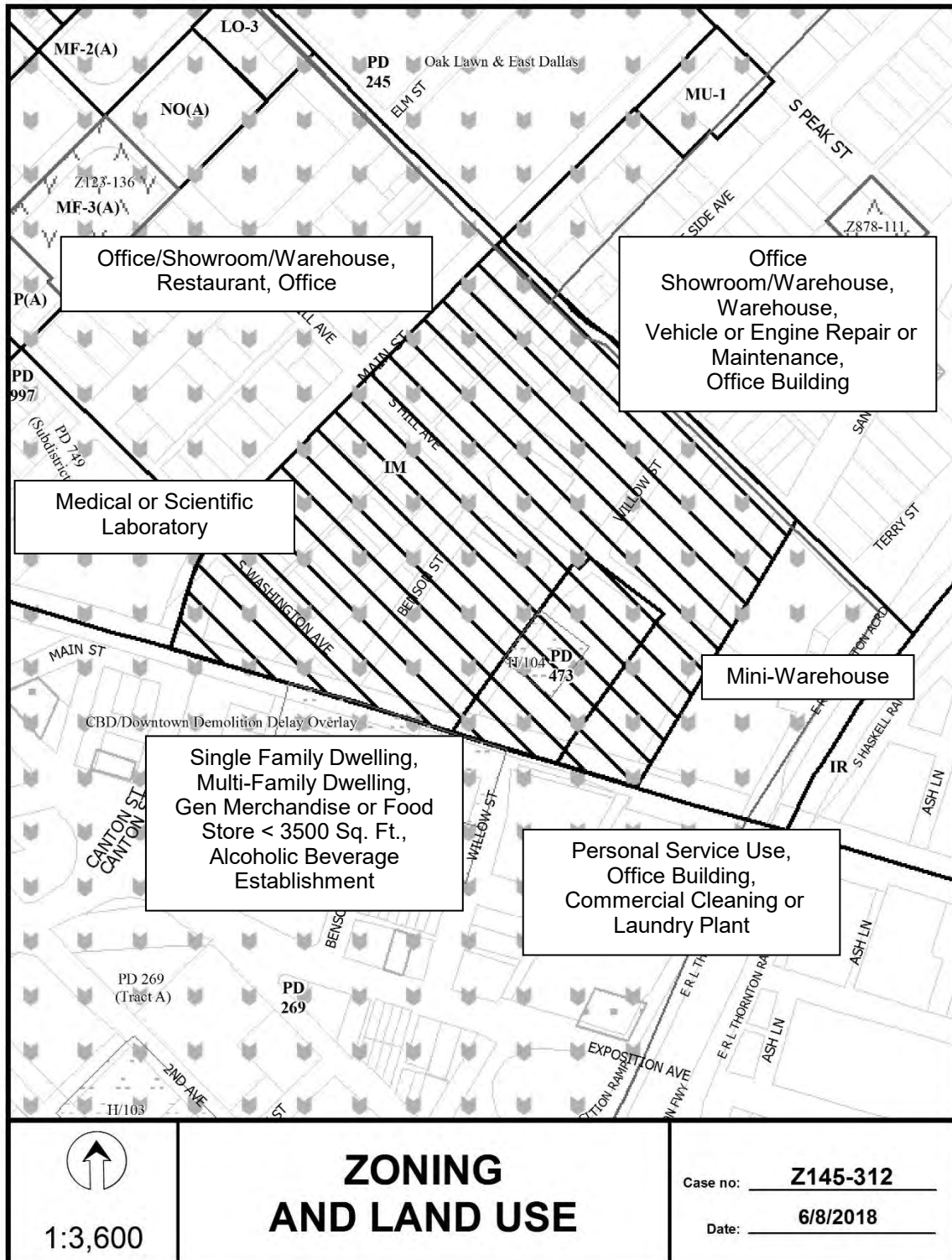
1:3,600

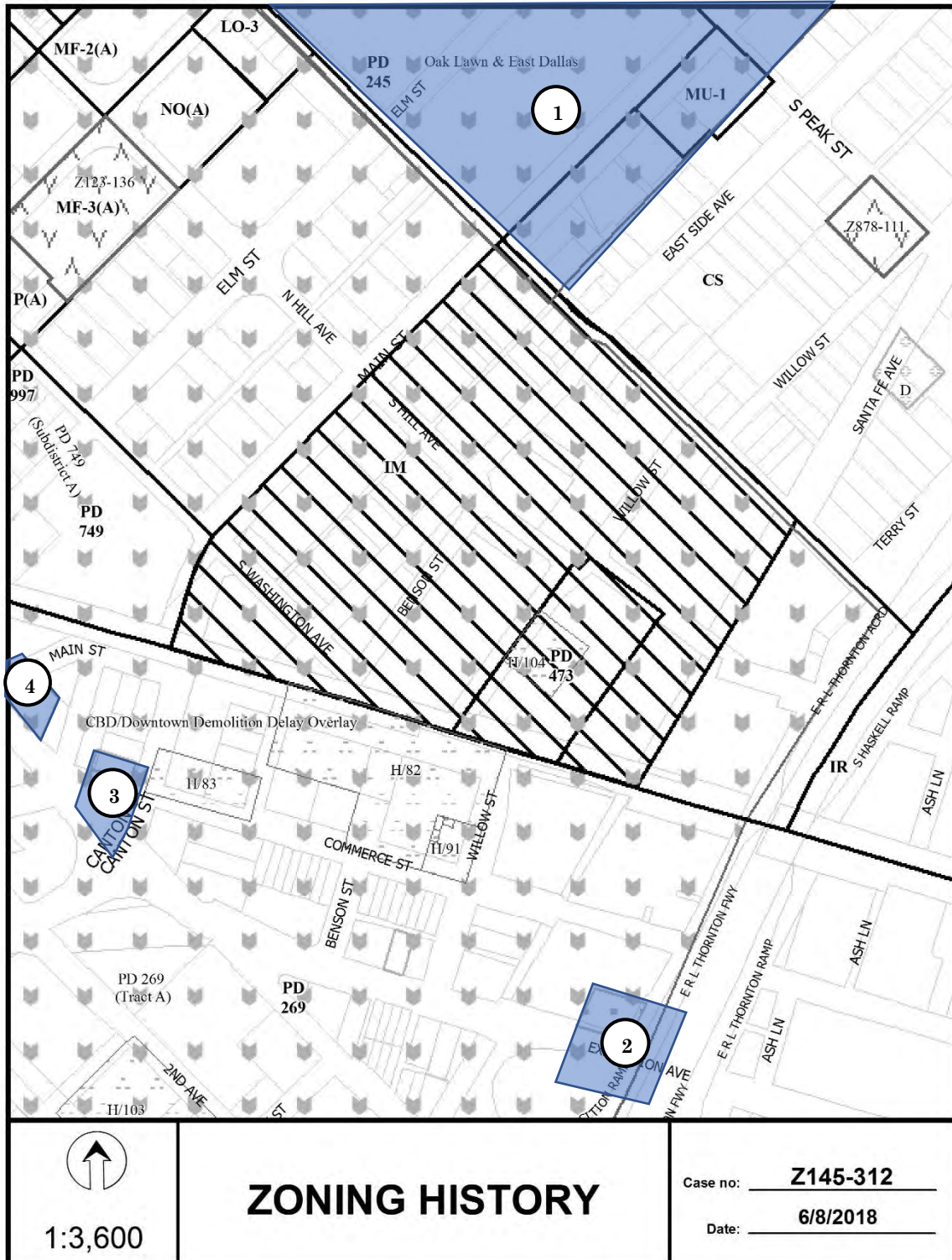
# AERIAL MAP

Case no: Z145-312

Date: 6/8/2018

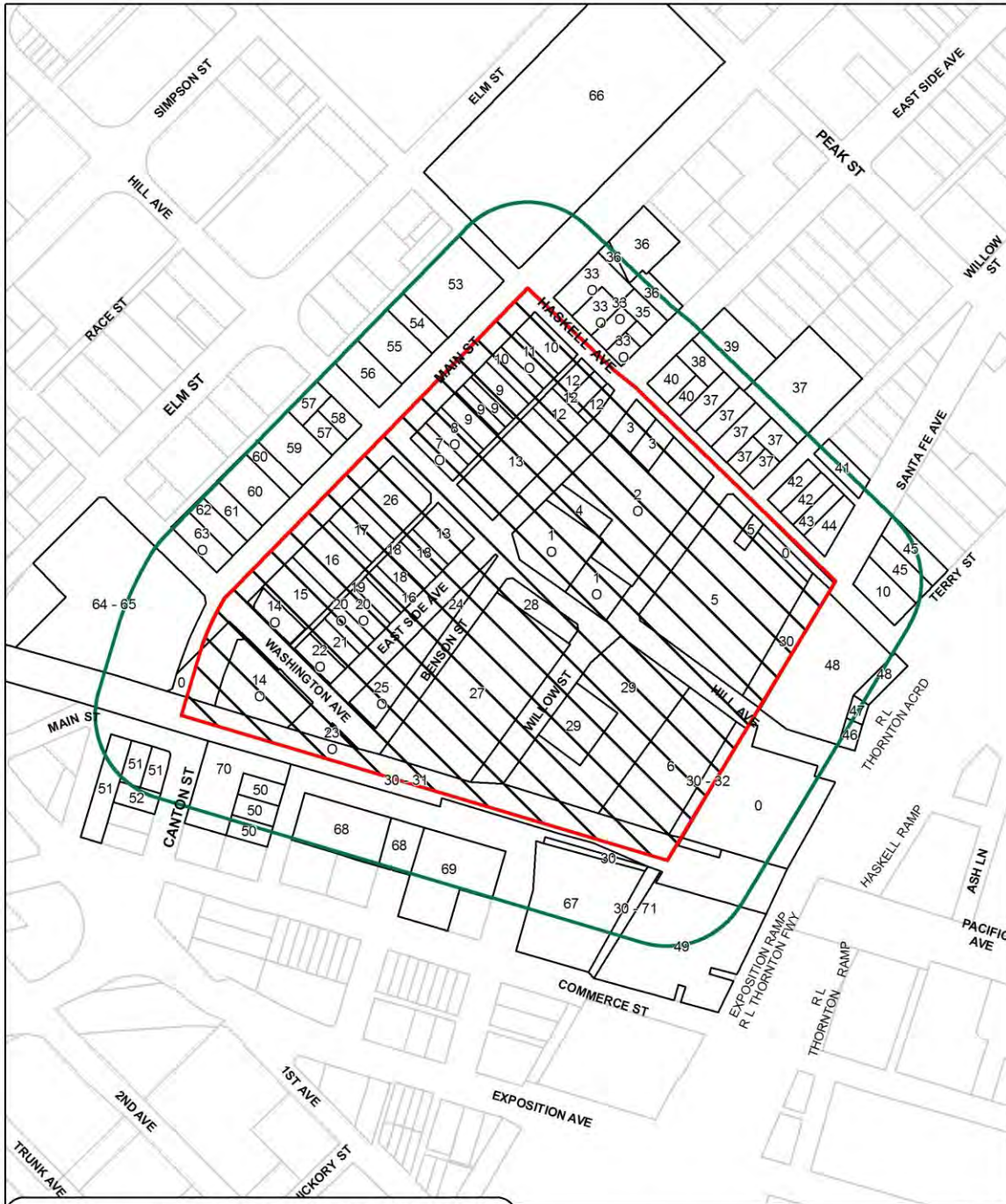








**CPC Responses**



<u>71</u>	Property Owners Notified (117 parcels)
<u>12</u>	Replies in Favor (19 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>6/21/2018</u>	Date

**Z145-312**  
**CPC**



1:3,600

06/20/2018

***Reply List of Property Owners******Z145-312******71 Property Owners Notified******12 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	224 S HILL AVE	DEEP SIDE WAREHOUSES LLC
O	2	305 S HASKELL AVE	305 HASKELL PARTNERS LLC
	3	207 S HASKELL AVE	HASKELL HOTEL REDEFINED LLC
	4	4010 EAST SIDE AVE	BWK VENTURES LLC
	5	407 S HASKELL AVE	WILLOW SOUTH HASKELL HOLDINGS LLC
	6	317 S HILL AVE	DALLAS AREA RAPID TRANSIT
O	7	4002 MAIN ST	SKG BLACK ROSE PRODUCTIONS LLC
O	8	4004 MAIN ST	KLEIN RICHARD PHOTOGRAPHY LLC
	9	4008 MAIN ST	CAMPBELL DAVID L
	10	500 S HASKELL AVE	SAMADIAN FAMILY LTD PS
O	11	4024 MAIN ST	4024 MAIN STREET LLC
	12	113 S HASKELL AVE	ESPARZA JOSE DE JESUS
	13	4001 EAST SIDE AVE	CUNNINGHAM WARREN &
O	14	3902 MAIN ST	CANTON MAIN PROP LTD
	15	3904 MAIN ST	ARNOLD JOHN A III
	16	3912 MAIN ST	CUNNINGHAM WARREN P &
	17	3922 MAIN ST	ROJAS KRUSE
	18	3923 EAST SIDE AVE	CUNNINGHAM WARREN & KATHY
	19	3917 EAST SIDE AVE	CUNNINGHAM WARREN P III &
O	20	3915 EAST SIDE AVE	EAST SIDE RECYCLE LLC
	21	3905 EAST SIDE AVE	MITCHELL RUDY INVESTMENTS INC
O	22	3901 EAST SIDE AVE	CANTON MAIN PROPERTIES LTD
O	23	3828 EAST SIDE AVE	CANTON MAIN PROP LTD
	24	3990 EAST SIDE AVE	EAST SIDE SPACE LLC
O	25	3995 BENSON ST	CANTON/MAIN PROPERTIES LTD
	26	3930 MAIN ST	DRURY DIANNA

Z145-312(PT)

06/20/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3917 WILLOW ST	CA WILLOW LLC
	28	201 S HILL AVE	DODD CG INVESTMENTS LLC
	29	3912 WILLOW ST	SIMBOLWOOD LTD
	30	3812 WILLOW ST	DART
	31	555 2ND AVE	DART
	32	555 2ND AVE	DART
O	33	4101 EAST SIDE AVE	CORNER MAIN HASKELL LLC
	34	4107 EAST SIDE AVE	MEDINA SIXTO E &
	35	4109 EAST SIDE AVE	MEDINA SIXTO E &
	36	4113 EAST SIDE AVE	DELAY JAMES C &
	37	4201 WILLOW ST	HINCKLEY HAL GREGORY SR
	38	4108 EAST SIDE AVE	SUDDATH JOSEPH ANTHONY
	39	4118 EAST SIDE AVE	STREET GENE
	40	204 S HASKELL AVE	SUDDATH JOSEPH A
	41	4112 WILLOW ST	WILLOW SOUTH HASKELL HOLDINGS LLC
	42	400 S HASKELL AVE	ANDERSON BRENT
	43	406 S HASKELL AVE	ORCHARD JAMES W III
	44	412 S HASKELL AVE	JGT HOLDINGS, LLC
	45	4111 TERRY ST	HOLY DAVID E
	46	514 S HILL AVE	PERRY LOTS LLC
	47	514 S HILL AVE	TOPLETZ INVESTMENTS
	48	603 S HASKELL AVE	EXTRA SPACE PROPERTIES TWO LLC
	49	4008 COMMERCE ST	4008 COMMERCE OPERATIONS
	50	3815 EAST SIDE AVE	REEVES GEORGE M ET AL
	51	3500 COMMERCE ST	EAST ELLUM PPTIES LLC
	52	3719 LA FRANCE ST	3700 CANTON PROPERTIES
	53	4027 MAIN ST	CHANDLER REAL ESTATE INC
	54	4015 MAIN ST	SANDY MCCORQUODALE PC
	55	4009 MAIN ST	CAMPBELL DAVID L
	56	4001 MAIN ST	DRURY DIANA
	57	115 N HILL AVE	MCDONALD BILLY MARION



06/20/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	3935 MAIN ST	MAIN ST ROSS PARTNERS LTD
	59	3927 MAIN ST	MAIN ST ROSS PARTNERS LTD
	60	3921 MAIN ST	K & R SCREEN GRAPHICS
	61	3909 MAIN ST	GOODMAN FAMILY TRUST
	62	3905 MAIN ST	ROBINSON MICHAEL ANDREW
O	63	3901 MAIN ST	MAIN WASHINGTON PARTNERS LLC
	64	3801 MAIN ST	BAYLOR UNIVERSITY MED CTR
	65	3812 ELM ST	BAYLOR UNIVERSITY MED CTR
	66	4101 MAIN ST	DALLAS AREA RAPID TRANSIT
	67	3808 WILLOW ST	WILLOW BUILDING 3800 LTD
	68	3800 COMMERCE ST	MITCHELL INV PTNS LTD
	69	3800 COMMERCE ST	MITCHELL INV PTNS LTD
	70	3720 CANTON ST	METRO PACIFIC EQUITIES IN
	71	555 2ND AVE	DART

**AGENDA ITEM # 54**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 43 L

**SUBJECT**

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a new tract for MF-2(A) Multifamily District uses; **(2)** an ordinance granting the termination of Specific Use Permit No. 1636 for multifamily uses; and, **(3)** an ordinance granting the termination of Specific Use Permit No. 2213 for single family uses, on property zoned Tract 12 for MU-1 Mixed Use District uses and Tract 13 for MF-2(A) Multifamily District uses within Planned Development District No. 508, on the north line of Singleton Boulevard, east of Westmoreland Road

Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, and conditions; approval of the termination of Specific Use Permit No. 1636 for multifamily uses; and approval of the termination of Specific Use Permit No. 2213 for single family uses  
Z167-404(SM)



---

**FILE NUMBER:** Z167-404(SM)                      **DATE FILED:** September 29, 2017  
**LOCATION:** North line of Singleton Boulevard, east of Westmoreland Road  
**COUNCIL DISTRICT:** 6                                      **MAPSCO:** 43 L  
**SIZE OF REQUEST:** Approx. 18.25 acres              **CENSUS TRACT:** 205

---

**APPLICANT/OWNER:** Greenleaf Ventures

**REPRESENTATIVE:** Victor Toledo

**REQUEST:** An application for **(1)** a new tract for MF-2(A) Multifamily District uses; **(2)** the termination of Specific Use Permit No. 1636 for multifamily uses; and, **(3)** the termination of Specific Use Permit No. 2213 for single family uses, on property zoned Tract 12 for MU-1 Mixed Use District uses and Tract 13 for MF-2(A) Multifamily District uses within Planned Development District No. 508.

**SUMMARY:** The applicant proposes to construct a residential development with a maximum number of 233 dwelling units, of which no more than 73 may be multifamily units. The proposed development plan depicts approximately 117 single family lots in the central portion of the property and approximately 17 multifamily lots on the southern and northern portions of the property.

**CPC RECOMMENDATION:** Approval, subject to a revised conceptual plan and conditions; approval of the termination of Specific Use Permit No. 1636 for multifamily uses; and approval of the termination of Specific Use Permit No. 2213 for single family uses.

**STAFF RECOMMENDATION:** Approval, subject to a revised conceptual plan and conditions; approval of the termination of Specific Use Permit No. 1636 for multifamily uses; and approval of the termination of Specific Use Permit No. 2213 for single family uses.

**BACKGROUND INFORMATION:**

- The request site is undeveloped.
- On June 26, 2006, the City Council approved Specific Use Permit No. 1636 for multifamily uses for 233 multifamily units for a permanent time period.
- On September 28, 2016, the City Council approved Specific Use Permit No. 2213 for a maximum of 104 single family units for a permanent time period.
- The applicant also proposes to terminate the two existing Specific Use Permits on site since the proposed tract allows both uses without a specific use permit.

**Zoning History:**

There have been four zoning changes requested in the area during the past five years.

1. **Z156-264:** On September 28, 2016, City Council approved Specific Use Permit No 2213 for single family uses on property zoned as Tract 12 within Planned Development District No. 508 [subject site].
2. **Z156-117:** On February 24, 2016, City Council approved an amendment to a development plan for Tract 12 of Planned Development District No. 508.
3. **Z145-115:** On June 10, 2015, City Council approved an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District.
4. **Z167-239:** On January 10, 2018, City Council denied the renewal of Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use for a concrete batch plant on property zoned an IR Industrial Research District.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Singleton Boulevard	Principal Arterial	100 ft.	100 ft.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the development or on the surrounding street system if staff's recommended conditions are approved.

**Comprehensive Plan:**

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

**LAND USE ELEMENT**

GOAL 1.1           ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5       Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

GOAL 1.3           PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1       Create housing opportunities throughout Dallas.

**ECONOMIC ELEMENT**

GOAL 2.5           FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1       Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

**URBAN DESIGN ELEMENT**

GOAL 5.1           PROMOTE A SENSE OF PLACE, SAFETY, AND WALKABILITY

Policy 5.5.1       Promote pedestrian-friendly streetscapes.

The request meets the vision of the *forwardDallas! Comprehensive Plan* by providing an additional housing opportunity adjacent to an established residential community. According to the Comprehensive Plan, "objective standards help establish a level playing field and take the guesswork out of the development process for both developers and neighbors." Staff's recommended conditions for the proposed residential development will provide a streetscape that will accommodate pedestrian use and encourage walkability, thus making it a unique and desirable housing option within the community.

**Area Plan:**

The *Trinity River Corridor Comprehensive Land Use Plan* was adopted by City Council March 9, 2005. The Plan identifies the area of request as being located within the West Dallas District. The preferred Land Use Plan of the West Dallas District, notes the frontage along Singleton Boulevard as a Community Corridor and the remainder of the property as within the Residential Traditional Land Use Module. The Plan states the following on page 74:

While the Residential Traditional land use module can generally accommodate some multi-family, office and/or retail development, these uses should not extend into the single family neighborhoods. Community Corridor development is planned along three major roadways in this district – Singleton Boulevard and Westmoreland and Hampton Roads.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	Tracts 12 and 13 within PDD No. 508 w/SUP Nos. 1636 and 2213	Undeveloped
<b>North</b>	Tract 12 w/SUP No. 1407 within PDD No. 508	Multifamily
<b>East</b>	Tracts 11 and 13 within PDD No. 508	Multifamily
<b>South</b>	IR	Public school
<b>West</b>	Tract 12 within PDD No. 508	Warehouse distribution

**Land Use Compatibility:**

The surrounding land uses consist of multifamily uses to the north and east, a public school to the south across Singleton Boulevard, and a warehouse distribution center to the west. Properties east of the site are developed with single family uses. Staff supports the request for an MF-2(A) Multifamily District based tract within PDD No. 508 because it is consistent with the surrounding land uses.

**Development Standards:**

The request site is primarily zoned Tract 12 and includes a narrow portion zoned Tract 13 on the easternmost property line that abuts the Kingbridge drainage channel. Tract 12 development standards are based on the MU-1 Mixed Use District standards and Tract 13 development standards are based on the MF-2(A) District standards.



DISTRICT	SETBACKS		Density	Height	Lot Coverage	Minimum Lot Size	PRIMARY Uses
	Front	Side/Rear					
PD 508 (Tr 12) Mixed use (Existing)	15'	0' 20' adjacent to resident.	35 units per acre	50'	80%	No minimum	Residential, retail and office
PD 508 (Tr 13) Multi-family (Existing)	15'	0' for SF	No maximum	36'	60%	1,000 sq. ft.	Residential
PD 508 (Tr 13A) Multi-family (Proposed)	15' on Singleton, none otherwise	0'	233 unit max overall 73 max MF units	30' 36' for lots on Singleton	75%	No minimum	Residential

The applicant proposes to build affordable housing units per a separate process with the Housing and Neighborhood Revitalization Department and therefore requests the following modifications to development standards which will be offset by the proposed urban design standards.

**Front yard:**

The existing front yard setback in Tracts 12 and 13 is 15 feet. The applicant proposes to provide a minimum 15-foot front yard along Singleton Boulevard, with the flexibility to not provide front yard setbacks on any new rights-of-way. Front yard setback continuity is important and will need to be maintained along Singleton Boulevard, but staff supports the applicant’s request for flexibility within the development on the condition that urban design standards are required.

**Dwelling unit density and minimum lot size:**

The applicant’s proposed development includes 817,310 square feet of raw land which he intends to dedicate a minimum of 87,120 square feet as open space and 129,291 square feet of dedicated right-of-way. Therefore, 600,899 square feet would remain to construct the maximum number of 233 dwelling units. This equates to an average 2,579 square feet of lot area per dwelling unit, which is less dense than the minimum 1,000 square feet that is required of a single family unit in Tract 13. Similarly, Tract 12 limits maximum dwelling unit density to 35 units per acre, or 1,244.57 square feet per dwelling unit. Since the applicant has added an overall maximum number of dwelling units for the proposed tract that essentially decreases the maximum number of dwelling units allowed in Tracts 12 or 13, staff supports the request to exempt the site from minimum lot size requirements.

**Height and stories:**

The maximum height and stories in Tract 12 is 50 feet and four stories; the maximum height and stories in Tract 13 is 36 feet and does not limit the number of stories. Staff supports the applicant's request for a maximum height of 30 feet (36 feet for lots that abut Singleton Boulevard) and three stories plus a rooftop deck because it is less than the maximum height of the current zoning district (primarily Tract 12) and the proposed limitation on the maximum number of stories will limit the structures to be compatible with surrounding multifamily districts.

**Development Plan:**

The applicant requests to allow a plat to serve as a development plan for open space, single family, and multifamily uses. Staff supports the concept of a final plat serving as a development plan for single family and open space uses since the subdivision process would more thoroughly vet the subdivision of single family lots and open space. However, staff does not support the applicant's request to allow a plat to serve as a development plan for a multifamily use, regardless of unit size, because multifamily uses are required to obtain a CPC approved development plan for all other tracts in the remainder of the PDD.

**Urban design requirements:**

In exchange for the relaxation on front yard setbacks, the applicant has proposed some urban design requirements to ensure the street-facing building facades promote a pleasing pedestrian environment.

**Blank wall:**

The applicant proposes a 30-foot maximum blank wall area. *Blank wall area* means any portion of the exterior of a building that does not include a material change, windows or doors, or columns, pilasters, or other articulation greater than 12 inches in depth. Blank wall area is measured horizontally on each story. This standard is consistent with the apartment, townhouse stacked, townhouse, manor house, and single family development types of Article XIII: Form District regulations.

**Direct entries on Singleton Boulevard:**

Ground-story activation is important to the street frontage on Singleton Boulevard. Therefore, staff supports the request to require a permeable or impermeable path to

connect individual ground-level dwelling units along Singleton Boulevard to the public sidewalk.

**Fences:**

Fences in single family districts are restricted to four feet in height only if constructed within the front yard setback. The proposed fence conditions require fences between the street and street-facing building facade to be no more than four feet in height and for all other fences to be a minimum 50 percent open when 1) it exceeds six feet in height, 2) is located within 10 feet of an area used as open space, or 3) is located within 35 feet of the Singleton Boulevard right-of-way. Staff supports the proposed conditions because it is important to regulate how fences separate private and public spaces and because the applicant proposes to not have a front yard setback, with the exception of Singleton Boulevard.

**Transparency:**

Since the Singleton Boulevard street-facing facade and multifamily building street-facing facades are paramount to promoting visibility to streets, staff supports the transparency requirements included in the proposed conditions. This standard is consistent with the apartment, townhouse stacked, townhouse, and manor house development types of Article XIII: Form District regulations.

Staff requested the applicant comply with a 20-percent minimum transparency for the ground and upper stories of a single family structure, which would have been consistent with Article XIII: Form District regulations; however, the applicant objected. Since each single family lot will provide a two-car enclosed parking space, which could be up to 19 feet wide on a 30-foot-wide building facade; the garage would occupy approximately 63 percent of the ground story street-facing building facade. Since the ground story is expected to be 11-and-a-half feet tall, the ground story building facade without a garage would leave approximately 126 square feet to provide 69 square feet of transparency. The applicant objected because of the building costs and energy inefficiencies required to provide more than half of the building facade without a garage with glass.

**Parking:**

The parking requirement for a single family unit is a minimum of two off-street parking spaces. The applicant intends to construct two enclosed parking spaces (garage or carport) for each single family lot; however, the Dallas Development Code requires enclosed parking spaces to be constructed no closer than 20 feet from any right-of way. Staff supports the applicant's requested modification of this requirement to be 20 feet

from the sidewalk in lieu of the right-of-way in exchange for architectural elements to soften the presence of a garage door that is expected to occupy approximately two-thirds of the building facade. Staff notes that although a typical parking space is 18 feet deep, a minimum of two feet are expected between the vehicle and garage door, and therefore, a minimum 20-foot space between garage door and sidewalk is staff's recommended minimum to ensure pedestrians need not enter the street to avoid a vehicle parked across the sidewalk.

**Landscaping:**

Landscaping in PDD No. 508 refers to Article X landscaping standards. Staff supports the applicant's request for an increased number and caliper of street trees on Singleton Boulevard.

<b>Landscaping Standard</b>	<b>Article X</b>	<b>Proposed</b>
Street trees per feet of frontage	50	40
Minimum street tree caliper	3 inches	4 inches
Maximum distance from curb	30 feet	20 feet

**Street Design:**

**Minimum pavement and right-of-way width:**

Staff does not support the applicant's requested minimum right-of-way width of 45 feet with a minimum 26 feet of pavement as illustrated on the attached exhibit. Staff recommends that street and right-of-way standards be governed by the subdivision process and not altered in planned development district regulations because it has the potential to create substandard street conditions that could prevent emergency access and create utility conflicts. For instance, the Dallas Fire Department requires a minimum 20-foot-wide clear path to maneuver and operate fire apparatuses when it serves structures that do not exceed 30 feet in height. Since a parked car occupies approximately eight to eleven feet in pavement width, and since it is common for residents, visitors, and service vehicles to park on either or both sides of a public street, regardless if no parking signs are posted, the applicant's minimum 26-feet of pavement could prevent or delay emergency fire access to the proposed development. Additionally, if utilities do not have adequate right-of-way, they begin to stack upon each other, which could potentially complicate upgrades and repairs; or, they may refuse to provide service to the development altogether.

If staff's recommendation is followed and the planned development regulations were silent on right-of-way width and pavement width, the right-of-way dedication for the

development could be 56 feet. This right-of-way width would contain the following elements as illustrated on the next page: 1) because the request limits lots that do not front on Singleton Boulevard to 30 feet in height, the Dallas Fire Department would require 20 feet of clearance for fire apparatuses; 2) since a parked car or service vehicle would obstruct the clearance needed for fire vehicles and equipment, a minimum of eight feet of pavement with a six-inch curb is required for each side of the roadway, or an additional 17 feet of pavement; 3) staff recommends a minimum five-foot wide sidewalk on each side of the street; and 4) the remaining right-of-way width would be available for utilities which utilize the entire right-of-way width to place utilities to the development.

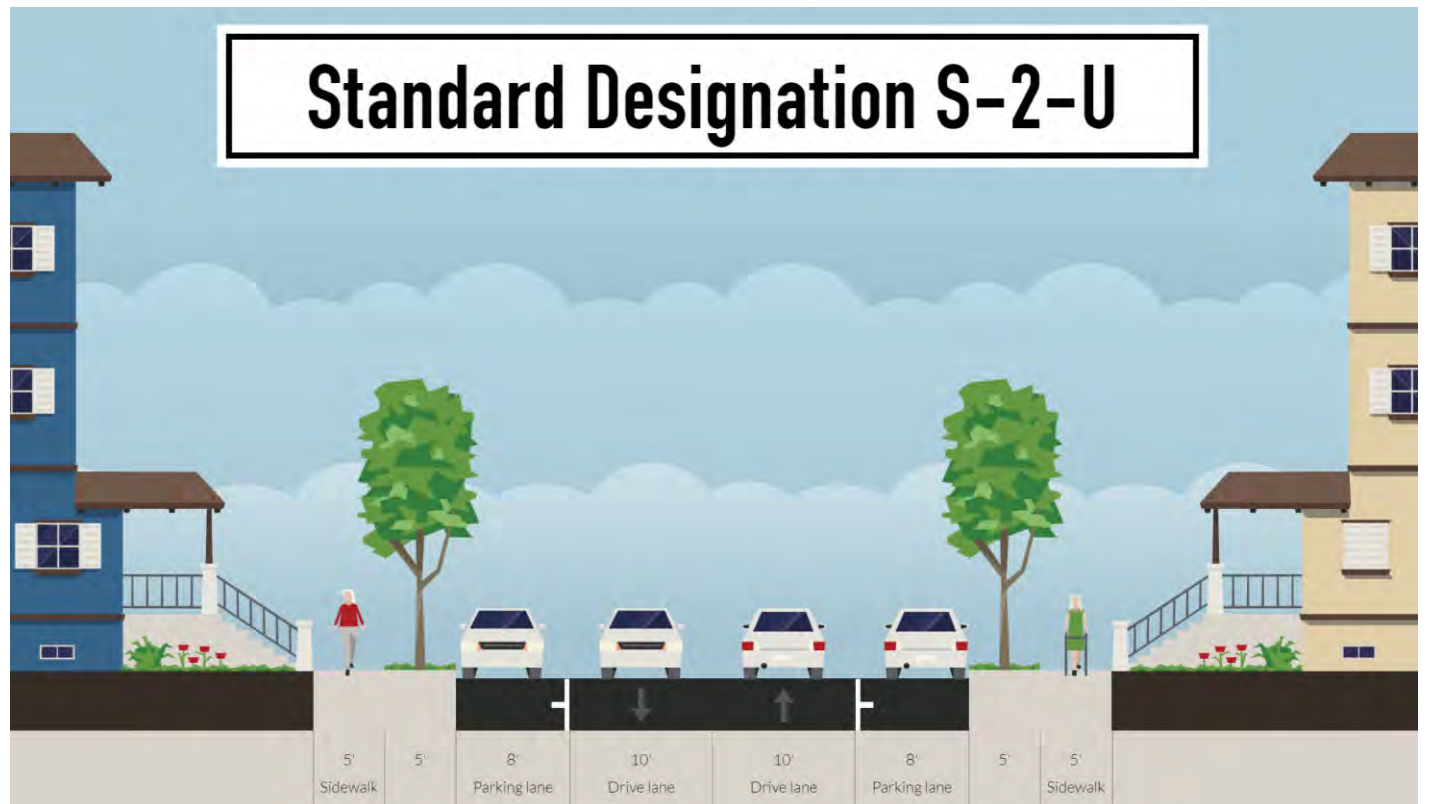
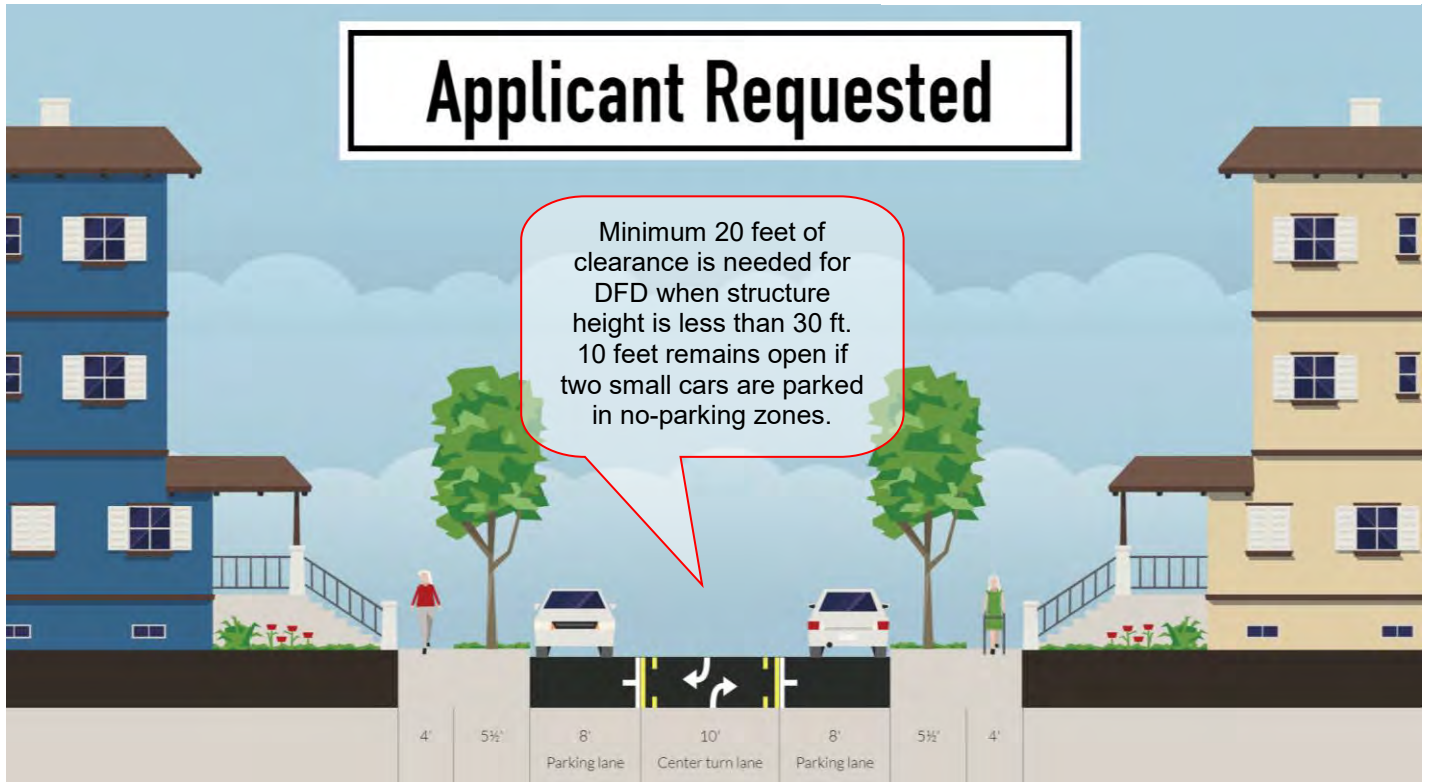
Finally, staff's recommendation for a right-of-way width that meets City standards is not only for public health, safety, and welfare, but also because the proposed conditions do not require front yard setbacks and because the proposed conditions include relief for a garage door to be located closer than 20 feet from the right-of-way.

**Allowed uses in a shared access easement:**

The applicant has also requested that any allowed use need only to have frontage on a shared access easement instead of a dedicated public right-of-way. Since public rights-of-way are integral to providing access, emergency services, and utilities, and because shared access developments are restricted by plat to single family uses in the Dallas Development Code, staff does not support this portion of the request.

**Emergency access:**

The applicant has requested a provision to memorialize a reported conversation with the Dallas Fire Department which is predicated on whether or not the applicant is able to secure an access point through adjoining private property for emergency access. The applicant proposes that if emergency access is not granted via an adjacent property, then automatic sprinkler systems would serve as a substitute fire protection. Staff does not support the request 1) because not all emergency access problems, such as medical attention, can be solved with fire sprinklers and 2) zoning regulations should not be used as leverage to pervert other regulations that do not pertain to zoning and land use.



**Example Shown Above – Standard Designation: S-2-U, [56 feet ROW, 36' pavement + 10' parkway]**

**Prior CPC Action – May 17, 2018:**

**Motion:** In considering and application for 1) a new tract for MF-2(A) Multifamily District uses; 2) the termination of Specific Use Permit No. 1636 for multifamily uses; and, 3) the termination of Specific Use Permit No. 2213 for single family uses, on property zoned Tract 12 for MU-1 Mixed Use District uses and Tract 13 for MF-2(A) Multifamily District uses within Planned Development District No. 508, on the north line of Singleton Boulevard, east of Westmoreland Road, it was moved to **hold** this case under advisement until June 21, 2018.

Maker: Carpenter  
Second: Houston  
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Schultz\*, Peadon,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Housewright  
Vacancy: 1 - District 8

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 29  
**Replies:** For: 0 Against: 0

**Speakers:** None



**Prior CPC Action – June 21, 2018:**

**Motion:** It was moved to recommend **approval** of 1) a new tract for MF-2(A) Multifamily District uses, subject to a revised conceptual plan, and staff's recommended conditions with an additional condition to allow single family residential uses in Tract 13A as shared access developments; 2) **approval** of the termination of Specific Use Permit No. 1636 for multifamily uses; and, 3) **approval** of the termination of Specific Use Permit No. 2213 for single family uses, on property zoned Tract 12 for MU-1 Mixed Use District uses and Tract 13 for MF-2(A) Multifamily District uses within Planned Development District No. 508, on the north line of Singleton Boulevard, east of Westmoreland Road.

Maker: Carpenter  
Second: West  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy

Against: 0  
Absent: 2 - Ridley, Tarpley  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 29  
**Replies:** For: 0 Against: 1

**Speakers:** For: Victor Toledo, 3100 Singleton Blvd., Dallas, TX, 75212  
Against: None

**CPC RECOMMENDED AMENDMENTS TO:**

**ARTICLE 508.**

**PD 508.**

**SEC. 51P-508.101. LEGISLATIVE HISTORY.**

PD 508 was established by Ordinance No. 23536, passed by the Dallas City Council on June 10, 1998. Ordinance No. 23536 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 23536 was amended by Ordinance No. 24076, passed by the Dallas City Council on October 27, 1999; Ordinance No. 24374, passed by the Dallas City Council on September 13, 2000; Ordinance No. 24655, passed by the Dallas City Council on June 27, 2001; Ordinance No. 24725, passed by the Dallas City Council on September 26, 2001; and Ordinance No. 25982, passed by the Dallas City Council on May 25, 2005. (Ord. Nos. 19455; 23536; 24076; 24374; 24655; 24725; 25982; 26042)

**SEC. 51P-508.102. PROPERTY LOCATION AND SIZE.**

PD 508 is established on property generally bounded by Hampton Road on the east, Dennison Street, Fish Trap Road and Singleton Boulevard on the South, Westmoreland Road and the centerline of Old Trinity River on the west, and Canada Drive on the north. The size of PD 508 is approximately 481.26 acres. (Ord. Nos. 23536; 26042)

**SEC. 51P-508.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A. In this district,

(1[€]) COMMERCIAL AMUSEMENT CABLE SKI PARK AND RECREATION AREA means a facility offering water skiing and wakeboarding by an automated cable pulling system and other recreation or games of skill to the general public for a fee. This use must include water skiing and wakeboarding by an automated cable pulling system, but may also include other recreation activities and games of skill. Office, retail, and restaurant uses are permitted as part of this use but are limited to a total of 5,000 square feet of floor area.

(2) OPEN SPACE means an area that is open to the public and is unobstructed to the sky without permanent structures except structures supporting pedestrian or outdoor recreational uses; kiosks that provide information related to the open space; water features, including fountains, ponds, and waterfalls; and security, audio-visual, or maintenance equipment.

(3) WOONERF means a street with no traditional curb and gutter to accommodate pedestrian use and allow storm water to drain as a sheet flow across the street.

(c) Tract 13A is considered to be a residential zoning district.

(Ord. Nos. 23536; 25982; 26042; 27771)

**SEC. 51P-508.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 508A: conceptual plan.
- (2) Exhibit 508B: development plan for Tract 12A.
- (3) Exhibit 508C: development plan for a portion of Tract 3.
- (4) Exhibit 508D: development plan for a portion of Tract 14.
- (5) Exhibit 508E: development plan for a portion of Tract 12.
- (6) Exhibit 508F: athletic field traffic management plan. (Ord. Nos. 28758; 30024; 30230)

**SEC. 51P-508.104. CONCEPTUAL PLAN.**

Use of the Property must comply with the conceptual plan (Exhibit 508A). In the event of a conflict between the provisions of this article and the conceptual plan, the provisions of this article control. Ord. Nos. 23536; 25982; 26042; 27175)

**SEC. 51P-508.105. DEVELOPMENT PLAN.**

- (a) A development plan for each phase of development must be approved by the city plan commission prior to the issuance of a building permit for each phase.
- (b) A development plan for Tract 12A is labeled Exhibit 508B.
- (c) A development plan for a portion of Tract 3 is labeled Exhibit 508C.
- (d) A development plan for a portion of Tract 14 is labeled Exhibit 508D.

*CPC recommendation:*

(e) For open space and single family uses in Tract 13A, a final plat may serve as a development plan.

*Applicant requested:*

(e) For multifamily uses limited to 40 units, open space, and single family uses in Tract 13A, a final plat may serve as a development plan.

**SEC. 51P-508.106. CREATION OF TRACTS.**

This district is divided into 17 [16] tracts: Tracts 1, 2, 3, 4, 5, 6, 7, 7A, 8, 9, 10, 11, 12, 12A, 13, 13A, and 14. The boundaries of all areas are described in Exhibit A of Ordinance No. 23536, as amended by Ordinance No. 25982. The boundaries of the areas are shown on the conceptual plan. If there is a conflict, the descriptions in Exhibit A of Ordinance No. 23536, as amended, control over the graphic description on the conceptual plan. (Ord. Nos. 23536; 24725; 25982; 26042; 30230)

**SEC. 51P-508.107. TRACT REGULATIONS.**

(a) Tracts 1 and 9 [CLUSTERED HOUSING (CH) Tracts].

*OMITTED FOR BREVITY*

(b) Tracts 4, 8, 10, 11, ~~and~~ 13, and 13A (MULTI-FAMILY [MF-2(A)] Tracts).

(1) Main uses permitted.

(A) Agricultural uses.

-- None permitted.

(B) Commercial and business service uses.

-- None permitted.

(C) Industrial uses.

-- None permitted.

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Child-care facility. [SUP]

- Church.
  - College, university, or seminary. [SUP]
  - Community service center. [SUP]
  - Convalescent and nursing homes, hospice care, and related institutions.
  - Convent or monastery. [SUP]
  - Foster home. [SUP]
  - Hospital. [SUP]
  - Library, art gallery, or museum. [SUP]
  - Public or private school. [SUP]
  - Cemetery or mausoleum.
- (E) Lodging uses.
- None permitted.
- (F) Miscellaneous uses.
- Carnival or circus (temporary). [By special authorization of the building official.]
  - Temporary construction or sales office.
- (G) Office uses.
- None permitted.
- (H) Recreation uses.
- Private recreation center, club, or area. [SUP]
  - Public park, playground, or golf course.
- (I) Residential uses.
- Multifamily.
  - Single family.
  - Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(3.1) is not met.]
  - Retirement housing. [Tract 4 only.]
- (J) Retail and personal service uses.
- None permitted. [Tracts 4, 8, 10, 11 only.]
  - Commercial amusement cable ski park and recreation area. [Tract 13 only.]
- (K) Transportation uses.
- Transit passenger shelter.

-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities.
- Police or fire station. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. [SUP]
- Utility or governmental installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

- Recycling drop-off container.
- Recycling drop-off for special occasion collection.

(2) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.

(B) The following accessory use is permitted by SUP only:

- Accessory helistop.

(3) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, this paragraph controls.

(A) Front yard.

- (i) Tract 4. Minimum front yard is 50 feet.
- (ii) Tracts 8, 10, 11, and 13. Minimum front yard is 15 feet.

(iii) Tract 13A. Except as provided in this subparagraph, no minimum front yard. Minimum front yard is 15 feet along Singleton Boulevard.

(B) Side and rear yard.

(i) Tract 4. Minimum side and rear yard is 50 feet.

(ii) Tracts 8, 10, 11, and 13, and 13A.

(aa) No minimum side and rear yard for single family structures.

(bb) Minimum side yard for other permitted structures is 10 feet.

(cc) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density. Except as provided in this subparagraph, n[No] maximum dwelling unit density. In Tract 13A, maximum number of multifamily dwelling units is 73 and maximum total number of dwelling units is 233.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height.

(aa) Unless further restricted under Subparagraph (E)(i) and except as provided in this paragraph, maximum structure height is 36 feet.

(bb) In Tract 4, maximum structure height is 50 feet.

(cc) In Tract 13, maximum height for towers for a commercial amusement cable ski park and recreation area is 60 feet.

(dd) In Tract 13A, except as further restricted under Subparagraph (E)(i) and as provided in this maximum height is 30 feet. For lots with frontage on Singleton Boulevard, maximum height is 36 feet.



(F) Lot coverage.

coverage is:

(i) Except as provided in this subparagraph, m[M]aximum lot

(aa) 60 percent for residential structures; and

(bb) 50 percent for nonresidential structures;

(cc) 75 percent in Tract 13A.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

unit is as follows:

(i) Except for Tract 13A, m[M]inimum lot area per dwelling

<u>Type of Structure</u>	<u>Minimum Lot Area Per Dwelling Unit</u>
Single family	1,000 s[S]q. ft.
Multifamily:	
No separate bedroom	800 sq. ft.
One bedroom	1,000 sq. ft.
Two bedroom	1,200 sq. ft.
More than two bedrooms	150 sq. ft.
(Add this amount for each bedroom over two)	

(ii) In Tract 13A, no minimum lot size.

(H) Stories. Except as provided in this subparagraph, n[N]o maximum number of stories. In Tract 13A, except for a rooftop deck, maximum number of stories is three.

(I) Tract 13A urban design requirements. The requirements in this subparagraph apply in Tract 13A.

(i) Blank wall. Maximum blank wall area on street-facing facades is 30 feet.

(ii) Direct entries on Singleton Boulevard. Street-fronting, ground-level dwelling units along Singleton Boulevard must have an improved path connecting individual dwelling units facing Singleton Boulevard to the public sidewalk. The improved path may be constructed of concrete or a permeable hardscape material such as decomposed granite.

(iii) Fences. Fences between the right-of-way and the street-facing building facade may not exceed four feet in height. For all other fences, a fence must be a minimum 50 percent open when the fence:

(aa) exceeds six feet in height,

(bb) is located within ten feet of an area used as required open space, or

(cc) is located within 35 feet of the Singleton Boulevard right-of-way.

(iv) Transparency.

(aa) In general. Ground story transparency is calculated as a percentage of the ground story building facade that contains openings filled with glass. Upper story transparency is calculated as a percentage of the building facade above the ground story building facade that contains openings filled with glass. Transparency applies to street-facing facades and to facades that face open space. Transparency does not apply to detached single family structures.

(bb) Ground story transparency. A minimum of 30 percent of the ground story facade must contain openings filled with glass.

(cc) Upper story transparency. A minimum of 25 percent of the upper story facade must contain openings filled with glass.

(v) Walking distance to open space. Maximum walking distance to open space from the nearest point of a ground story entrance of a residential building is 500 feet, measured along the most convenient pedestrian walkway.

(vi) Open space.

(aa) In general. A minimum of 87,120 square feet must be provided as open space.

(bb) Pedestrian amenities. In each open space area, a minimum of one of the following pedestrian amenities is required:

(I) Art or an architectural element. This pedestrian amenity is required within the open space area at the southeast corner of Tract 13A fronting on Singleton Boulevard.

(II) Fishing pier or boat launch.

(III) Playground.

(IV) Dog park with a minimum four-foot tall, minimum 50 percent open perimeter fence and a minimum of one pet waste station for every 2,000 square feet of fenced dog park area.

(V) Public seating or gathering areas.

(VI) Bicycle racks

(dd) Maintenance. All pedestrian amenities must be maintained by the owner of the lot or the home owner's association; if there is more than one owner, all owners are jointly and severally responsible for maintenance.

(4) Off-street parking and loading.

(A) In general. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(B) Commercial amusement cable ski park and recreation area. A commercial amusement cable ski park and recreation area is required to provide 150 parking spaces. The parking must be paved or of a surface approved by the Building Official.

(C) Tract 13A.

(aa) Garage design. Front loading, street facing enclosed parking spaces must not project out from the ground story street-facing building facade. When an enclosed parking space is recessed less than seven feet from the ground story street-facing building facade, it must incorporate four different architectural elements. Architectural elements include:

(i) Arches.

(ii) Balconies or other decorative overhangs above an enclosed parking space.

(iii) Columns flanking an enclosed parking space.

(iv) Decorative banding or moldings.

(v) Decorative vent covers on a gable facade just above the enclosed parking space.

(vi) Multiple raised panel garage door designs.

(vii) Architectural detailing including decorative brackets on garage doors.

(viii) Sconce lighting.

(ix) Windows or openings on garage doors.

(bb) Garage location. Except as provided in this subparagraph, a parking space in an enclosed structure must be at least 20 feet from the right-of-way line adjacent to a street or alley when the space faces upon or can be entered directly from the street or alley. A parking space in an enclosed structure may be within 20 feet of the right-of-way line adjacent to a street or alley when:

(i) The parking space can be entered directly only from a street or alley that is not designated as a thoroughfare in the city's thoroughfare plan;

(ii) The garage door has a remote automatic control installed that is maintained in working condition; and

(iii) The garage door is a minimum of 20 feet from the sidewalk.

(5) Environmental performance standards.

(A) Except as provided in this paragraph, see Article VI.

(B) All of the following are required for a commercial amusement cable ski park and recreation area in Tract 13:

(i) A plan and design to preserve and enhance the water quality of the lake prepared by a Certified Professional Wetland Scientist by the Society of Wetland Scientists must be submitted with the development plan for City Plan Commission approval. The plan must show the location and type of aquatic vegetation.

(ii) Aquatic vegetation must be planted adjacent to all storm water outfalls.

(iii) The wetland buffer must be an area shown on the development plan with a minimum of 7,000 square feet adjacent to the outfall at the southeast corner of Fish Trap Lake. Native wetland plants suitable for planting include, but are not limited to:

(aa) Grasses:

-- Sedges (Carex, Eleocharis sp.)

-- Rushes (Juncus sp.)

-- Bulrushes (Schoenoplectus, Scirpus sp.)

- (bb) Herbs:
  - Sweetflag (Acorus sp.)
  - Cannas (Canna sp.)
  - Horsetails (Equisetum sp.)
  - Irises (Iris sp.)
  - Arrowheads (Sagittaria sp.)
  - Lilies (Nymphaea sp.)

(iv) Sediment discharge from the storm water outfalls shall be removed annually for the duration of the commercial amusement cable ski park and recreation area use.

(v) A person operating a commercial amusement cable ski park and recreation area must test the water in Fish Trap Lake on a quarterly basis using the current state standard for contact water sports. The test results must be made available to the Building Inspector and the Director of Storm Water Management, upon request.

(6) Landscaping.

(A) In general. Except as provided in this section, [L]andscaping must be provided in compliance with the requirements of Article X.

(B) Tract 13A. Along Singleton Boulevard, one large street tree with a minimum four caliper inches must be provided for every 40 feet of frontage and must be located within two and one-half feet and 20 feet from the back of the projected Singleton Boulevard street curb.

(7) Additional provisions.

(A) In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(B) Access to a commercial amusement cable ski park and recreation area in Tract 13 must be off Toronto Street as shown in the traffic management plan (Exhibit 508C).

(C) In Tract 13, single family residential uses are allowed as shared access developments.

(c) Tracts 3, 5, 6, 7, 7A, and 14 (LIMITED OFFICE [LO-I(A)] Tracts).

*OMITTED FOR BREVITY*

(d) Tracts 2, 12, and 12A [MIXED USE (MU-1) Tracts].

(1) Main uses permitted.

(A) Agricultural uses.

-- None permitted.

(B) Commercial and business service uses.

- Catering service.
- Custom business service.
- Electronics service center.
- Labor hall. *[SUP]*
- Medical or scientific laboratory. *[SUP]*
- Custom woodworking, furniture construction or repair. *[Permitted on Tract 12 only.]*
- Commercial cleaning or laundry plant. *[Permitted on Tract 12 only.]*
- Machinery, heavy equipment or truck sales and service. *[Permitted on Tract 12 only.]*

(C) Industrial uses.

-- None permitted.

(D) Institutional and community service uses.

- Adult day care facility. *[SUP]*
- Child-care facility. *[SUP]*
- Church
- College, university, or seminary. *[SUP]*
- Community service center, Tracts 2 and 12. *[SUP]*
- Community service center, Tract 12A.
- Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*
- Foster home. *[SUP]*
- Hospital. *[SUP]*
- Library, art gallery, or museum. *[SUP]*
- Public or private school.

(E) Lodging uses.

-- Hotel or motel. *[SUP]*

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- Duplex. *[SUP]*
- Group residential facility. *[SUP]*
- Handicapped group dwelling unit. *[SUP]*
- Residential hotel. *[SUP]*
- Retirement housing. *[SUP]*
- Single family. *[SUP]*
- Multifamily. *[SUP]*

(J) Retail and personal service uses.

- Animal shelter or clinic without outside run.
- Auto service center.
- Business school.
- Car wash.
- Commercial amusement (inside). *[SUP]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage. *[SUP]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[DIR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Theater.



(K) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP or city council resolution.]*

(L) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[Use is permitted on these tracts as if the tracts were located in an MU-1 Mixed Use District; see Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse. *[SUP]*
- Recycling buy-back center. *[SUP]*
- Recycling collection center. *[SUP]*
- Recycling drop-off container. *[SUP]*
- Recycling drop-off for special occasion collection. *[SUP]*
- Warehouse. *[Permitted on Tract 12 only.]*

(2) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory use is not permitted in this district:

- Private stable.

(B) The accessory helistop use is permitted by SUP only.

(3) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, this paragraph controls.

(A) Front yard.

- (i) Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet.

(C) Dwelling unit density.

(i) Tract 2. Maximum dwelling unit density in Tract 2 varies depending on whether the development is a “mixed use project” as follows:

<b>Maximum Dwelling Unit Density (dwelling units per net acre)</b>		
<b>Base (No MUP)</b>	<b>MUP with Mix of 2 Categories</b>	<b>MUP with Mix of 3 or More Categories</b>
15	20	25

(ii) Tract 12. Maximum dwelling unit density in Tract 12 is 35 units per acre. Maximum number of residential dwelling units permitted in Tract 12 is 1770.

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a “mixed use project” as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is “residential.” The third column (MUP=2/with Res) is the FAR for an MUP with a mix of “residential” plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is “residential.” The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of “residential” plus two or more other use categories.]

<b>Use Categories</b>	<b>Maximum Floor Area Ratio</b>				
	<b>Base (no MUP)</b>	<b>MUP=2 (no Res)</b>	<b>MUP=2 (with Res)</b>	<b>MUP=3 (no Res)</b>	<b>MUP=3 (with Res)</b>
<b>Lodging</b>	0.8	0.85	0.9	0.85	0.95

Office	0.8	0.85	0.9	0.85	0.95
Residential	0.8	----	0.95	----	0.95
Retail and personal service	0.4	0.5	0.5	0.6	0.6
<b>TOTAL DEVELOPMENT</b>	<b>0.8</b>	<b>0.9</b>	<b>1.0</b>	<b>1.0</b>	<b>1.1</b>

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys and sports lighting, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height. Residential proximity slope does not apply to sports lighting standards in Tract 2 only.

(ii) Maximum height.

(aa) Unless further restricted under Subparagraph (E)(i), maximum structure height is 50 feet.

(bb) In Tract 2, maximum height for sports lighting standards is 80 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories is four.

(4) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. For the community service center in Tract 12A, off-street parking must be provided as shown on the development plan for Tract 12A.

(5) Environmental performance standards. See Article VI.

(6) Landscaping. Landscaping must be provided in compliance with the requirements of Article X.

(7) Additional provisions.

(A) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this provision, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(B) Creation of a building site on Tract 12 A. The building official may issue a certificate of occupancy or building permit for a building site on Tract 12A if the building permit that authorized the existing structure was issued on or before August 1, 1984, and the proposed work will not increase the floor area of the structure by more than 80 percent. The total floor area of the proposed work must not exceed 10,000 square feet. No certificate of occupancy or building permit may be issued for a single family or duplex use in Tract 12A.

(8) Screening.

(A) The provisions for off-street parking contained in Section 51A-4.301(f) apply to this PD except as provided in this Subparagraph (B).

(B) Screening of off-street parking on Tract 12 may be a wrought iron fence that is not less than six feet in height in combination with evergreen plant materials recommended for local area use by the director of parks and recreation. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed. (Ord. Nos. 23536; 24076; 24374; 24655; 24725; 25982; 26042; 27175; 27771; 27785; 28758; 30230)

**SEC. 51P-508.108. SIGNS.**

Signs must comply with the following regulations:

(1) For Tracts 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, **13A**, and 14, signs must comply with the provisions for non-business zoning districts contained in Article VII.

(2) For Tracts 2, 7A, 12, and 12A, signs must comply with the provisions for business zoning districts contained in Article VII. (Ord. Nos. 23536; 25982; 26042; 30230)

**SEC. 51P-508.108.1. ADDITIONAL PROVISIONS FOR ATHLETIC FIELDS IN TRACTS 2 AND 7A.**

*OMITTED FOR BREVITY*

**SEC. 51P-508.109. ADDITIONAL PROVISIONS.**

(a) The Property [~~entire premises~~] must be properly maintained in a state of good repair and neat appearance at all times.

(b) Use of the Property must comply with all applicable federal and state laws and regulations, and with all applicable ordinances, rules, and regulations of the city. (Ord. Nos. 23536; 25982; 26042)

*CPC recommended:*

**SEC. 51P-508.110. SIDEWALKS AND PAVING.**

**(a) In general.** All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

**(b) Tract 13A.** Sidewalks must be a minimum of five feet wide.

*Applicant requested:*

**SEC. 51P-508.110. STREET DESIGN, SIDEWALKS, PAVING, AND EMERGENCY ACCESS.**

**(a) In general.** All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

**(b) Tract 13A.** When on-street parking is prohibited:

(1) Minimum right-of-way width is 45 feet.

(2) Minimum street pavement width is 26 feet.

(3) When streets are constructed as a Woonerf, bollards or other traffic barriers must be located to direct and separate automobile traffic from pedestrian traffic.

(4) All allowed uses in Tract 13A are allowed in a shared access development.

(5) All shared access areas must front on a public street (not an alley) or a mutual access and public utility easement, have a minimum width of 20 feet, and have a minimum paving width of 16 feet..

**(c) Emergency access to Tract 13A.** Tract 13A will include a minimum of three access points provided that the adjoining landowner to the north and east of Tract 13A is agreeable. If the adjoining landowner is not agreeable, a minimum of two access points will be sufficient in Tract 13A provided that automatic sprinkler systems are provided in all structures that are not located within 600 feet of an access point.

(Ord. Nos. 24655; 26042)

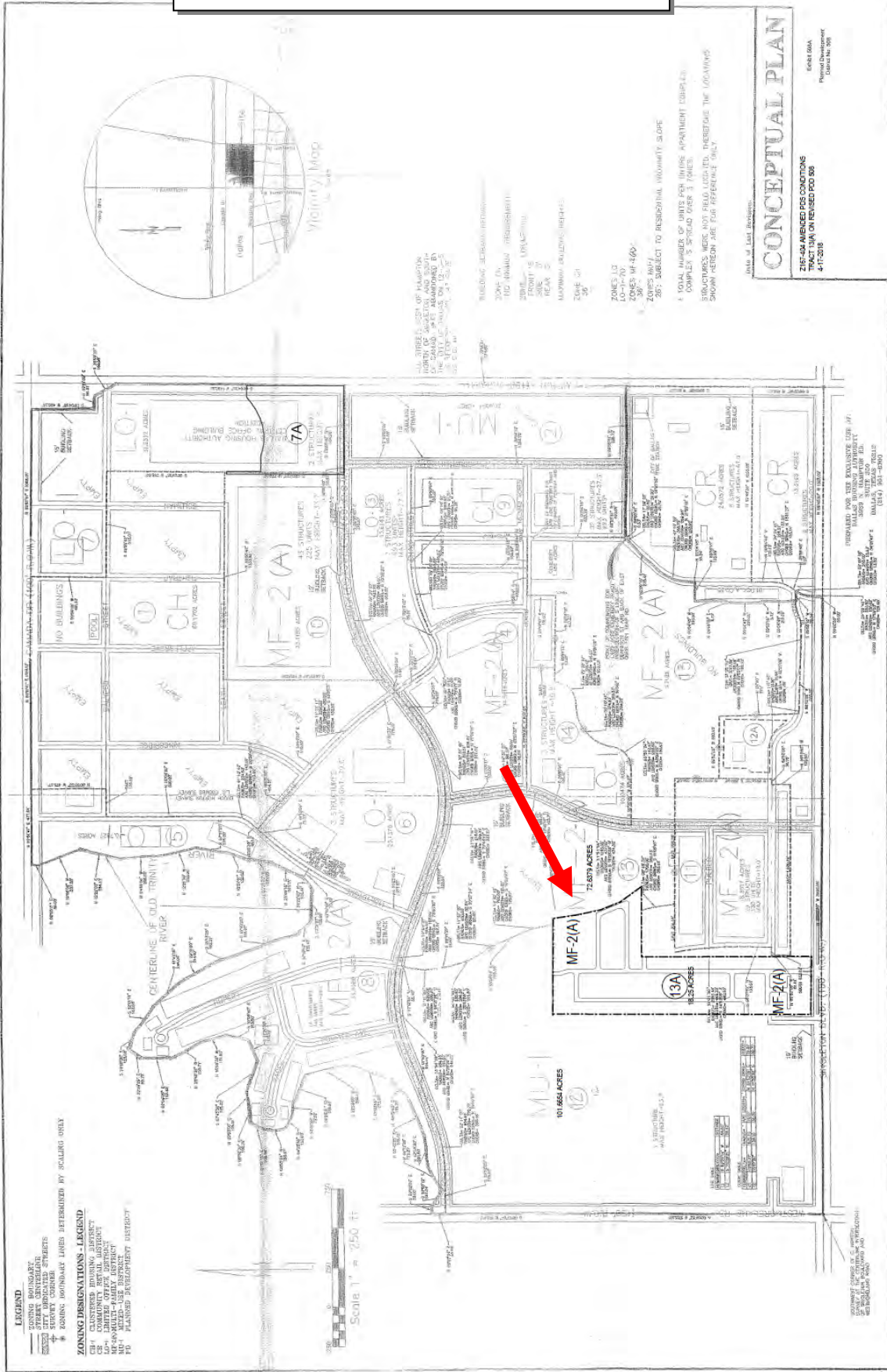
**SEC. 51P-508.111. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 24655; 26042)





# Proposed Revised Conceptual Plan



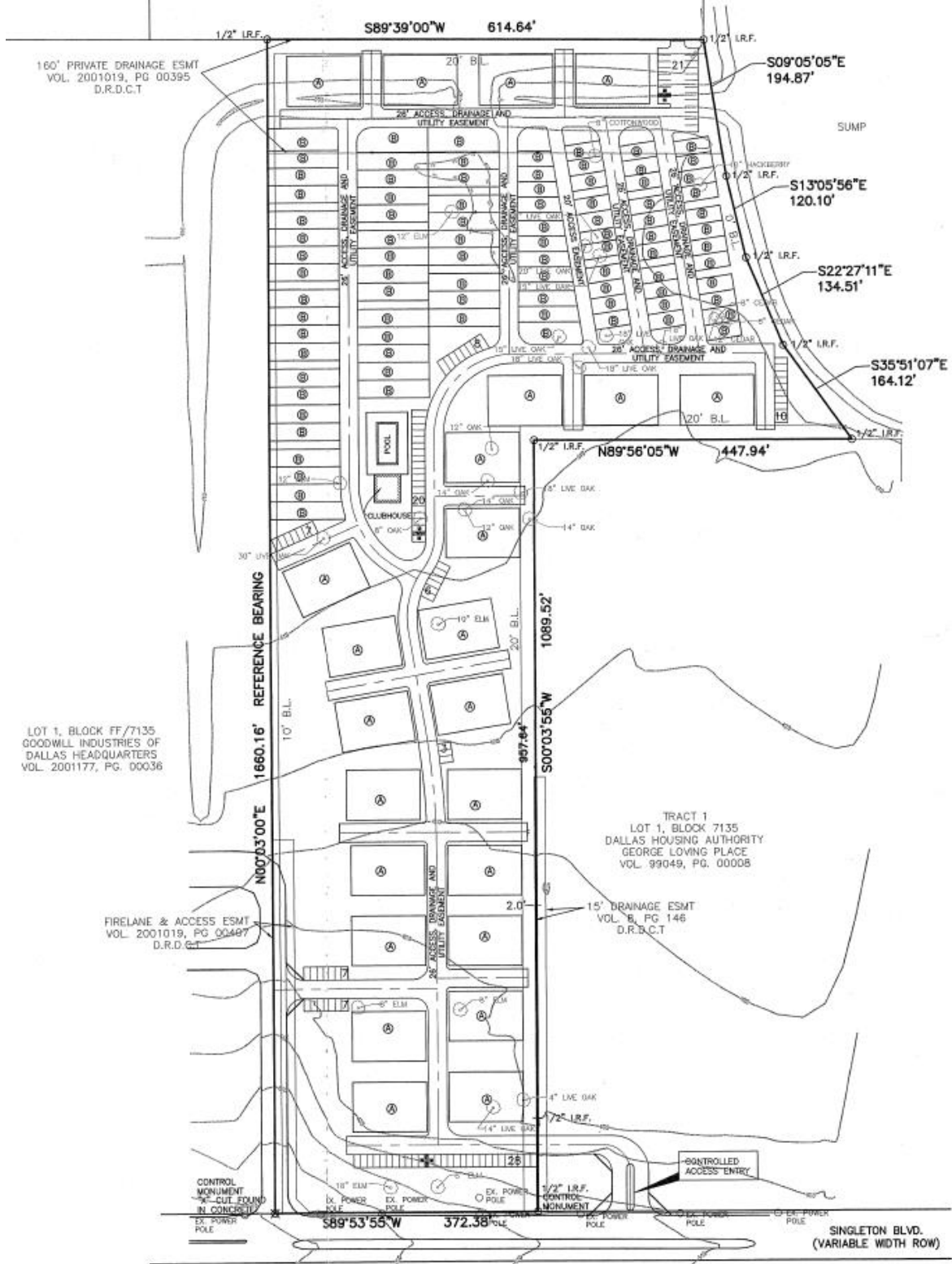
**PROPOSED TERMINATION  
SUP NO. 1636**

1. ~~[USE: The only use authorized by this specific use permit is multifamily use.]~~
2. ~~[SITE PLAN: Use and development of the Property must comply with the attached site plan.]~~
3. ~~[TIME LIMIT: This specific use permit has no expiration date.]~~
4. ~~[LANDSCAPING: Landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.]~~
5. ~~[DENSITY: The maximum number of dwelling units is 233.]~~
6. ~~[INGRESS AND EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.]~~
7. ~~[OFF-STREET PARKING: A minimum of 583 off-street parking spaces must be provided in the location shown on the attached site plan.]~~
8. ~~[SCREENING: A minimum eight-foot-high solid masonry fence must be provided along the western boundary of the Property.]~~
9. ~~[SETBACKS: Setbacks must be provided as shown on the attached site plan.]~~
10. ~~[MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.]~~
11. ~~[GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.]~~

**Existing Site Plan  
SUP NO. 1636  
(To be terminated)**

2.3 ACRE TRACT  
BLOCK 7135  
HOUSING AUTHORITY  
ERS STREET TRACT

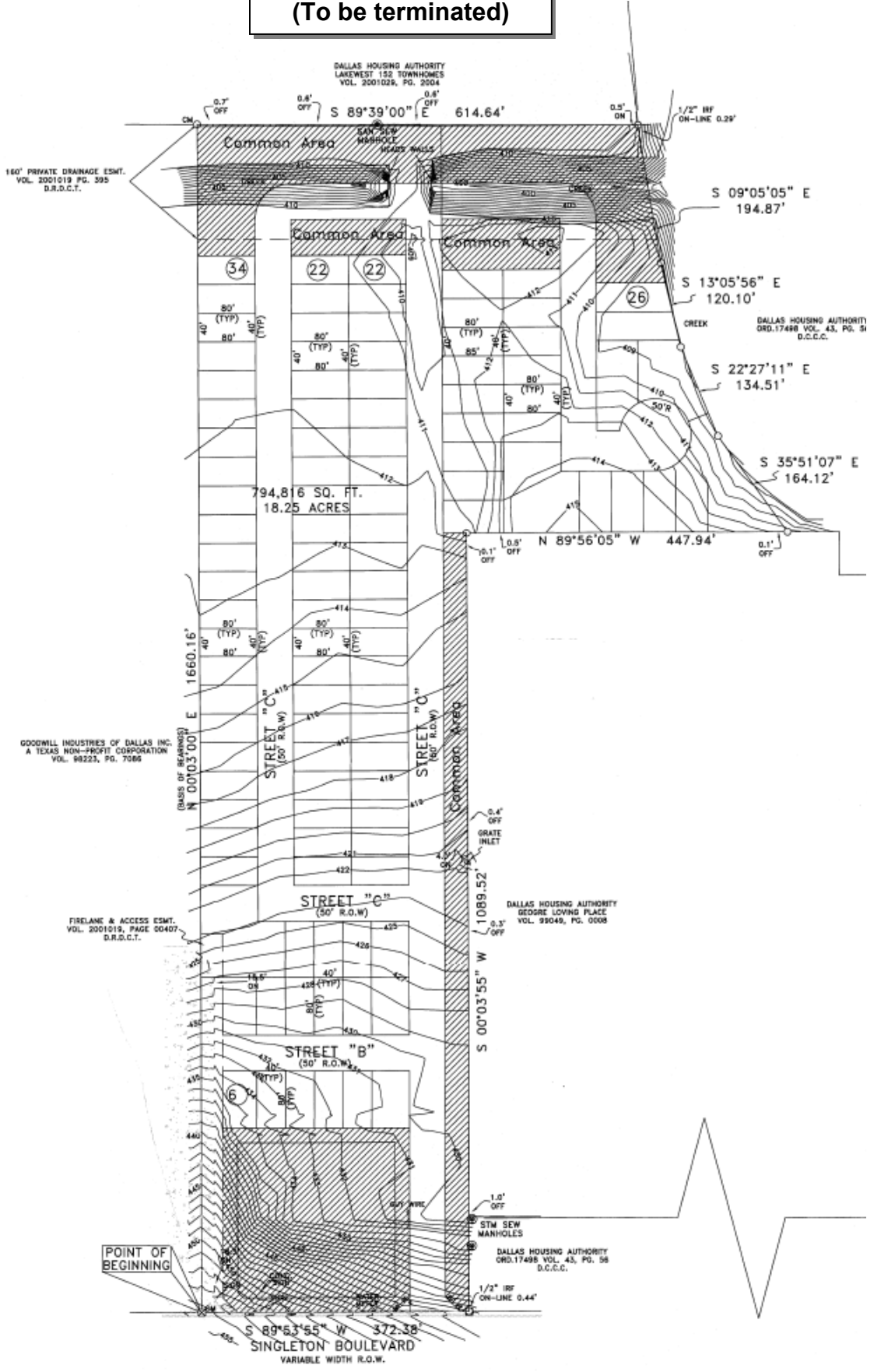
152 TOWNHOMES  
VOL. 2001029, PG. 02004

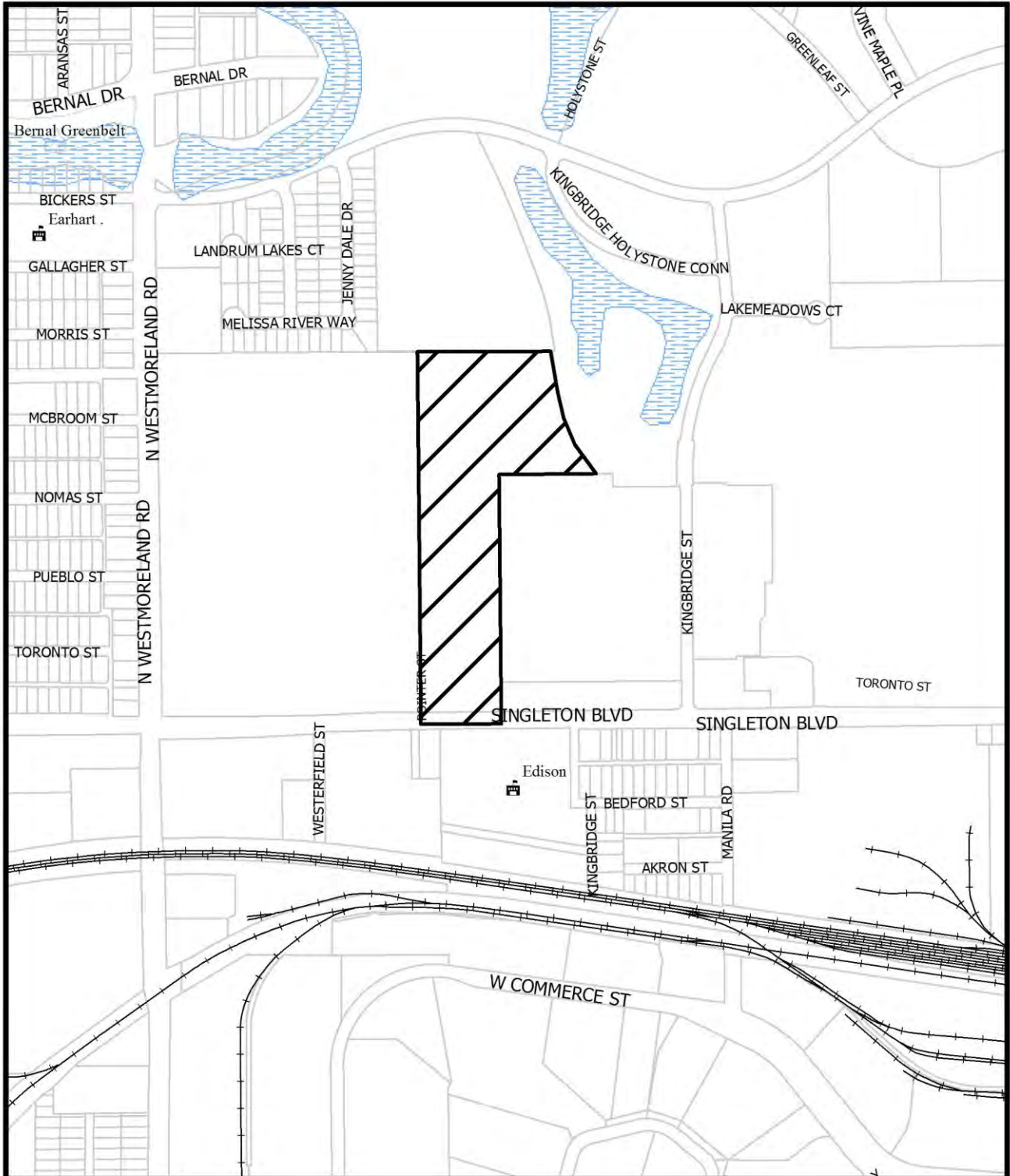


**PROPOSED TERMINATION  
SUP NO. 2213**

1. ~~[USE: The only use authorized by this specific use permit is single family.]~~
2. ~~[SITE PLAN: Use and development of the Property must comply with the attached site plan.]~~
3. ~~[TIME LIMIT: This specific use permit has no expiration date.]~~
4. ~~[LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.]~~
5. ~~[DENSITY: The maximum number of dwelling units is 104.]~~
6. ~~[INGRESS AND EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.]~~
7. ~~[SCREENING: A minimum eight-foot-high solid masonry fence must be provided along the western boundary of the Property except where existing pavement is located.]~~
8. ~~[MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.]~~
9. ~~[GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules and regulations of the City of Dallas.]~~

**Existing Site Plan  
SUP NO. 2213  
(To be terminated)**





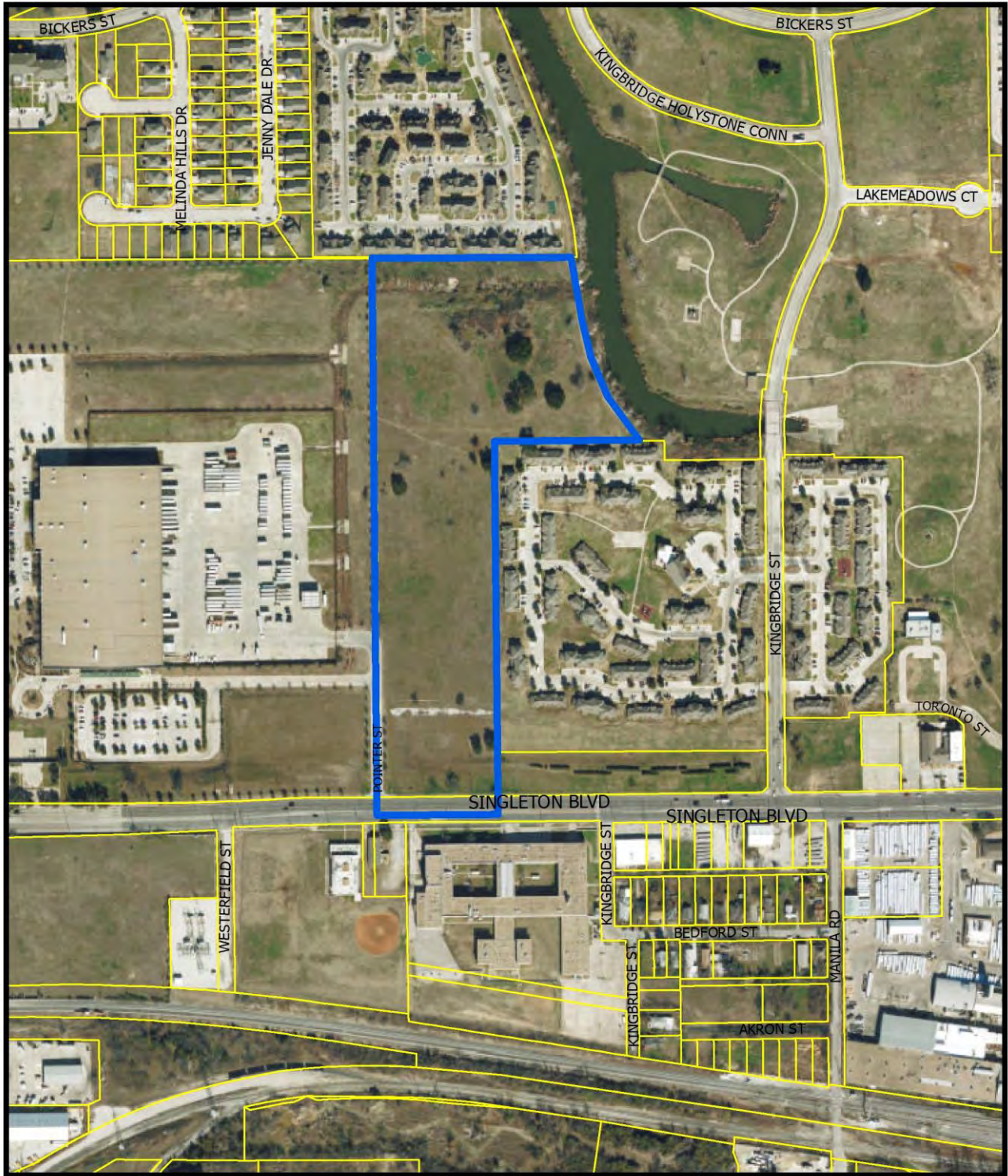
1:7,200

### VICINITY MAP

Case no: **Z167-404**

Date: **1/31/2018**





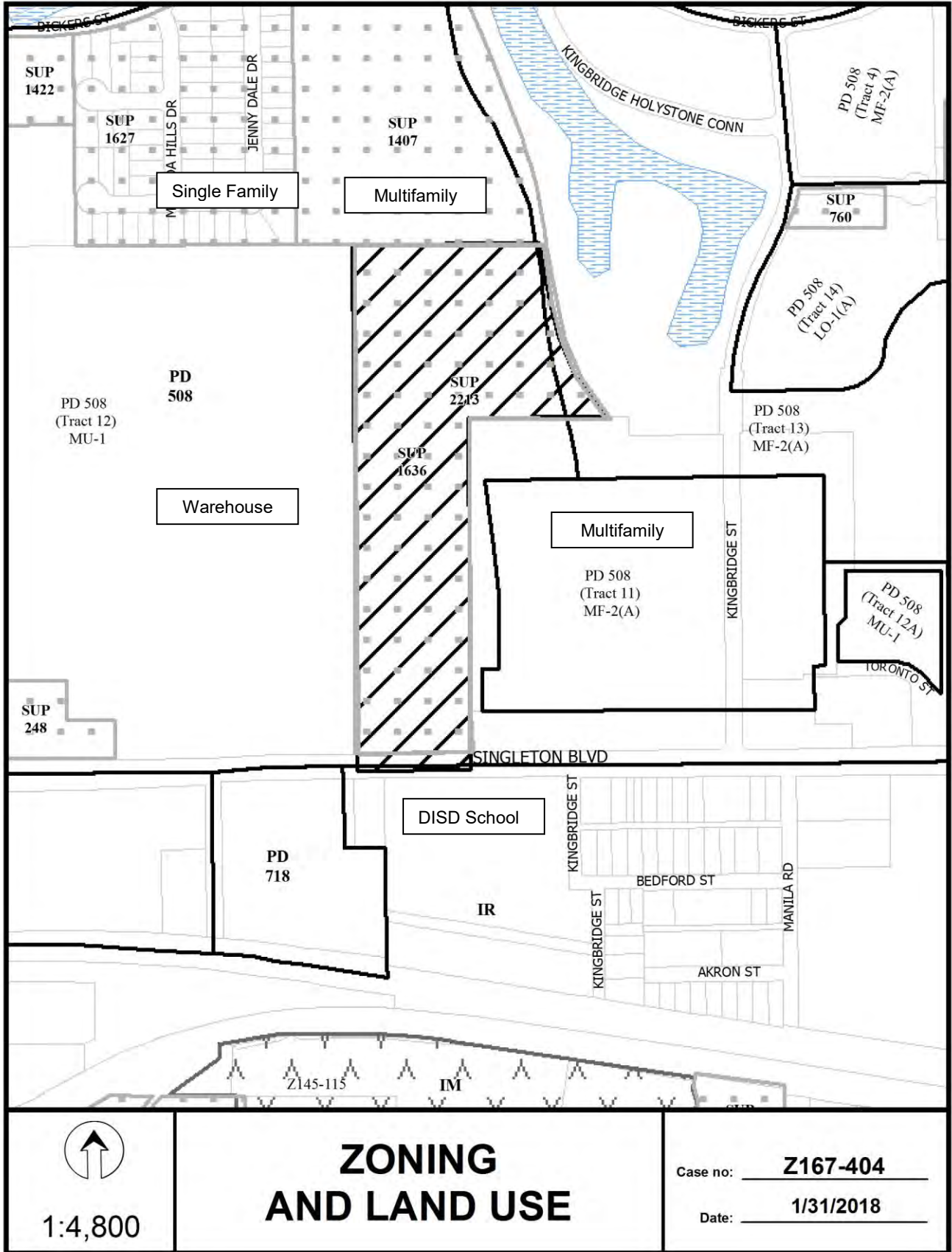
1:4,800

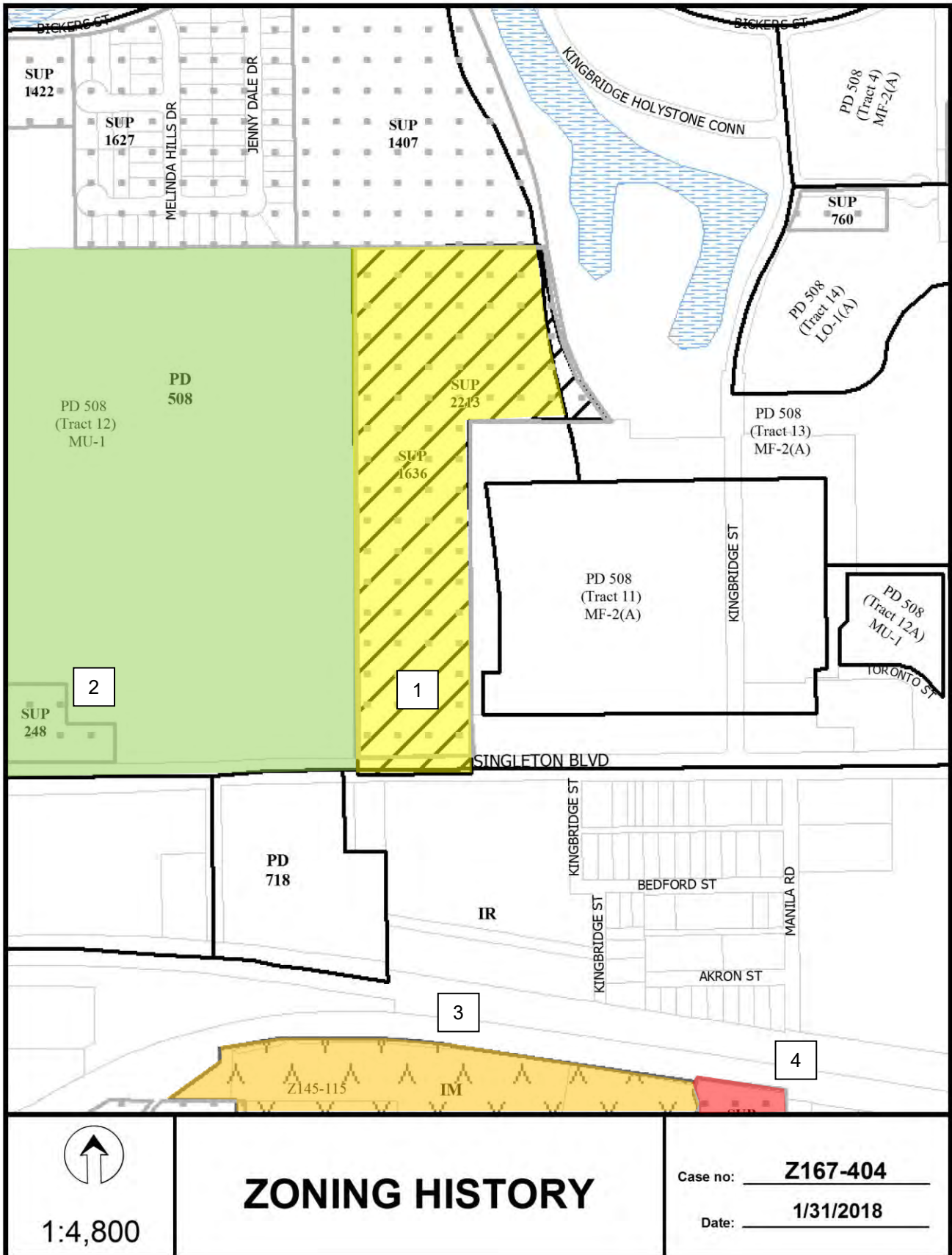
# AERIAL MAP

Case no:           Z167-404          

Date:           1/31/2018





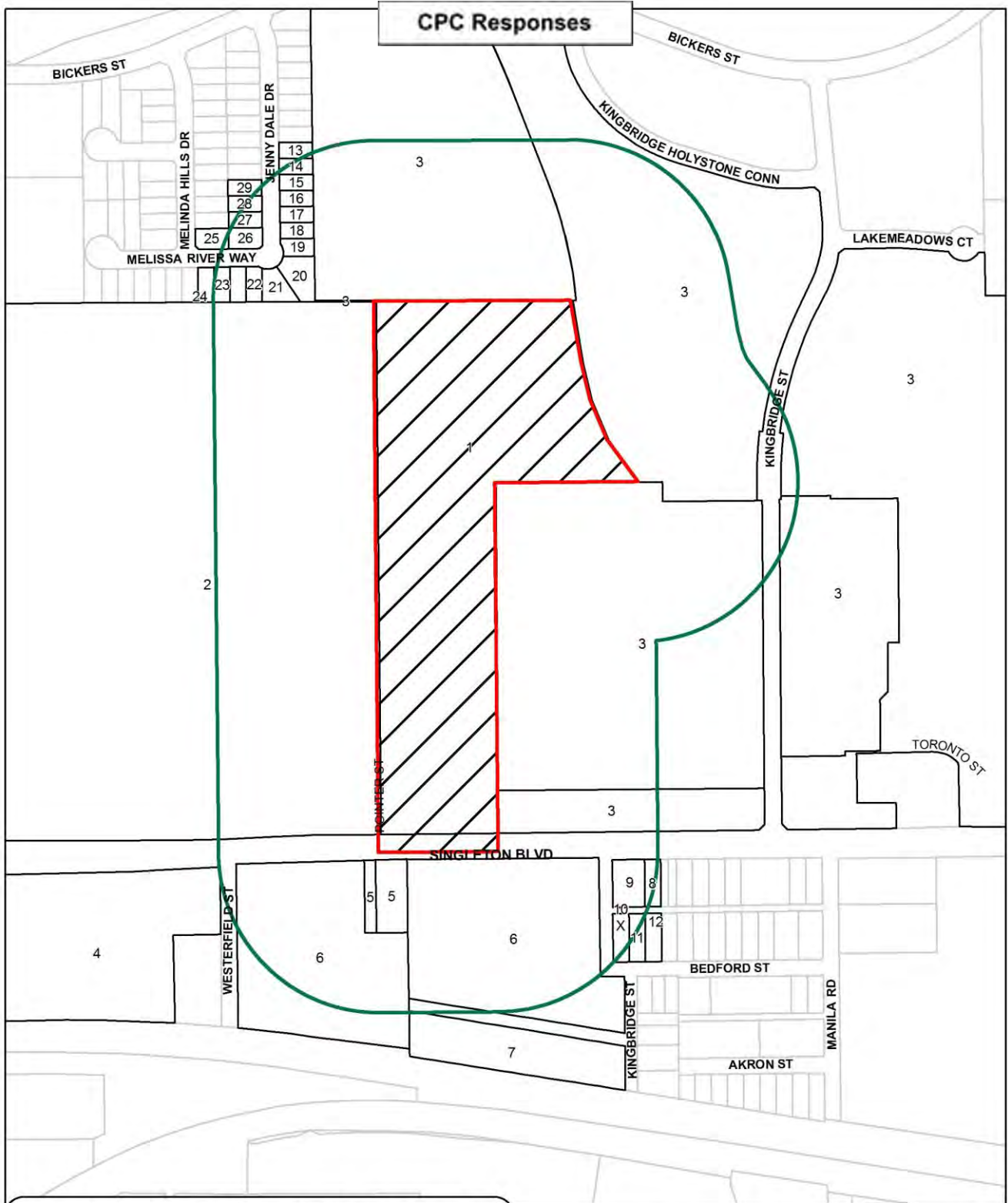


1:4,800

# ZONING HISTORY

Case no: **Z167-404**

Date: **1/31/2018**



<u>29</u>	Property Owners Notified (38 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>6/21/2018</u>	Date

**Z167-404**  
**CPC**



1:4,800

06/20/2018

**Reply List of Property Owners**

**Z167-404**

**29 Property Owners Notified**

**0 Property Owners in Favor**

**1 Property Owners  
Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	3020 BICKERS ST	GREENLEAF VENTURES LLC
	2	3020 N WESTMORELAND RD	GOODWILL INDUSTRIES OF
	3	3130 KINGBRIDGE ST	DALLAS HOUSING AUTHORITY
	4	2826 N WESTMORELAND RD	EZS TRUCKING INC
	5	2950 SINGLETON BLVD	REDEEMER BAPTIST CHURCH
	6	3002 SINGLETON BLVD	Dallas ISD
	7	2701 KINGBRIDGE ST	CENTRO CRISIANO PARA LA FAMILIA
	8	2840 SINGLETON BLVD	JHD III INVESTMENTS LLC
	9	2850 SINGLETON BLVD	KATIE LITTLE ANGEL DAY CARE
X	10	2849 BEDFORD ST	ZAMUDIO MARIA DE LA PAZ
	11	2847 BEDFORD ST	LOPEZ MICHELLE
	12	2843 BEDFORD ST	ZAMUDIO JUAN
	13	3528 JENNY DALE DR	GARCIACORDOVA CHRISTOPHER
	14	3524 JENNY DALE DR	LAWAL OLABISI O
	15	3520 JENNY DALE DR	ODA HAREGEWOIN
	16	3516 JENNY DALE DR	HARRINGTON DONNA
	17	3512 JENNY DALE DR	FELEKE DANIEL & W KIRKOS RAHEL
	18	3508 JENNY DALE DR	FEYE TESFAYE & EMEBET GEBRETSADIK
	19	3504 JENNY DALE DR	QUEZADA JUAN ANTONIO & MARIA
	20	3502 JENNY DALE DR	ESTALA BRYAN
	21	3106 MELISSA RIVER WAY	ASHRAF MUHAMMAD
	22	3110 MELISSA RIVER WAY	JUAREZ RAMON &
	23	3118 MELISSA RIVER WAY	VARGAS JOSEFINA
	24	3122 MELISSA RIVER WAY	ESHETU TIGIST
	25	3502 MELINDA HILLS DR	RUAN NINA DANDAN &
	26	3507 JENNY DALE DR	FERNANDEZ ADELAIDE &

Z167-404(SM)

06/20/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3511 JENNY DALE DR	ESTIFANOS SEMERT
	28	3515 JENNY DALE DR	METAFERIA FIKRU &
	29	3519 JENNY DALE DR	RAMOS SUSANA

**AGENDA ITEM # 55**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 10  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 26 B

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses on property zoned an R-10(A) Single Family District, southeast of Vanguard Way, west of Whittenburg Gate

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to a conceptual plan and conditions Z178-108(PD)





**FILE NUMBER:** Z178-108(PD)

**DATE FILED:** October 10, 2017

**LOCATION:** Southeast of Vanguard Way, west of Whittenburg Gate

**COUNCIL DISTRICT:** 10

**MAPSCO:** 26 B

**SIZE OF REQUEST:** ±5.6 acres

**CENSUS TRACT:** 78.05

---

**APPLICANT/OWNER:** David Weekley Homes

**REPRESENTATIVE:** Rob Baldwin

**REQUEST:** An application for a Planned Development District for R-7.5(A) Single Family District uses on property zoned an R-10(A) Single Family District.

**SUMMARY:** The request proposes to allow a shared access development consisting of approximately 33 single family dwelling units, with a minimum lot area of 3,500 square feet per dwelling unit.

**CPC RECOMMENDATION:** Approval, subject to a conceptual plan and conditions.

**STAFF RECOMMENDATION:** Denial.

**BACKGROUND INFORMATION:**

- The approximately 5.6-acre site is undeveloped and partially wooded.
- The applicant’s current request will allow for the construction of a shared access development with a maximum of 33 single family dwelling units on individual lots with a minimum lot area of 3,500 square feet.
- The proposed conceptual plan depicts seven designated common areas and eight internal shared access areas.
- The proposed PDD conditions limit the development to main uses currently permitted in the R-7.5(A) Single Family District.

**Zoning History:** There has been no zoning change requested in the area in the past five years.

**Thoroughfare/Street:**

Thoroughfares/Street	Type	Existing ROW
Rockmount Drive	Local	24 ft.
Stults Road	Local	70 ft.

From the proposed new street, six homes will share an access drive on one side and front a common green space on the other. The proposed public or private street will extend Rockmount Drive through the subject site and connect to Vanguard Way.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

**Surrounding Land Uses:**

	Zoning	Land Use
<b>North</b>	PDD No. 220	Private Lutheran High School
<b>East</b>	R-10(A)	Single Family
<b>South</b>	R-7.5(A)	Single Family
<b>West</b>	PDD No. 717	Single Family

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The proposed zoning request **does not meet** the following goals and objectives of the comprehensive plan:

**LAND USE ELEMENT**

**GOAL 1.1      ALIGN    LAND    USE    STRATEGIES    WITH    ECONOMIC  
DEVELOPMENT PRIORITIES**

Policy 1.1.5      Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

**GOAL 1.2      PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.2      Establish clear and objective standards for land use planning.

Implementation Measure 1.2.1.1 Use the Vision Illustration and Building Blocks as a general guide to shape zoning and land use concepts, while also considering site specific and area specific issues. Site specific zoning cases must consider relevant policy statements contained within the Policy Plan, such as environmentally sensitive land, the site's proximity to the edge of a Building Block and appropriate transitions between Building Blocks.

**ECONOMIC ELEMENT**

**GOAL 2.5      FOSTER A CITY OF GREAT NEIGHBORHOODS**

Policy 2.5.1      Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

**Land Use Compatibility:**

The approximate 5.6-acre request site is located southeast of Vanguard Way, west of Whittenburg Gate. There are established single family communities located to the east, south and west of the subject site, and a private school to the north, across Vanguard Way.

With an exception to the Urban Reserve, a single family residential development that adjoins the subject site to the west and contains lots with a minimum area of 5,000 square feet, the development pattern within the surrounding area is largely comprised of single family dwelling units on approximately 10,000-square-foot lots and 5,000-square-foot lots, both consistent with R-10(A) and R-5(A) standards, respectively. Conversely, the applicant is proposing to construct approximately 33 single family dwelling units on individual lots with a minimum lot size of 3,500 square feet. Section 51A-4.411(f)(3) of the Development Code expressly requires that each lot within a shared access development **must** meet the minimum lot area requirement for the zoning district in which it is located and this request does not. The applicant proposes to further hinder compliance with the minimum lot area of 7,500 square feet by requesting that the shared access area be used to determine lot coverage, which is typically an allowance only afforded to shared access developments in multifamily districts. Additionally, reducing the buildable area and deviating from the R-7.5(A) standards, the PDD conditions requests a maximum lot coverage of 75 percent when the R-7.5(A) standards restrict the maximum lot coverage to 45 percent. Additionally, the front yard setbacks are being reduced from the requirements of the R-7.5(A) standards of a 25-foot front yard, with 5 feet side and rear yards. The applicant's request proposes front yard setbacks of 5 feet, 8 feet side and rear yards setbacks with 5-foot encroachments. The 5-foot encroachments will leave only a 3-foot side and rear yard. Further, while staff acknowledges the applicant's increase in the minimum lot size area from the previously proposed 2,500 square feet to a minimum lot area of 3,500 square feet, this increase is still inconsistent with the minimum lot area requirement for the proposed underlying R-7.5(A) zoning district and incompatible with surrounding properties with respect to minimum lot area.

As depicted on the conceptual plan, the applicant further proposes to reduce the amount of open space from the originally proposed 26,820 square feet, or 0.61 acres to a minimum of 23,160 square feet, or 0.53 acres of dedicated open space within the development, with sidewalks provided solely along Vanguard Way; while the site will be served by two access points, one from Vanguard Way and the other from Rockmount Drive. Further, the applicant's request proposes noncompliance with the landscape requirement for a shared access development within a single-family district. Rather a condition is proposed to allow compliance with landscaping for a multifamily district, which will interfere with the even distribution of landscaping that is intended for single family lots within shared access developments. Although, the applicant's request will not comply with the spacing requirement of three trees per lot (two within the front yard and one within the back yard), the applicant will comply with the total number of trees required.

The general purpose of the Planned Development District is to provide flexibility in the planning and construction of development projects by allowing a combination of land

uses developed under a uniform plan that protects contiguous land uses and preserves significant natural features, the purpose of this particular request is only to allow for reduced yard, lot and space regulations, and deviation from the standards for Complete Streets and Appendix D of the Fire Apparatus Access Roads which require a minimum road width of 26-feet. Unfortunately, while the request designates an underlining zoning district of R-7.5(A) Single Family standards, the only R-7.5(A) regulation that complies with this request is the maximum height of 30 feet. Consequently, in applying for “up zoning” through this Planned Development District, the applicant fails to provide design standards and/or enhanced landscape requirements to support approval of the request.

Lastly, while staff cannot support the request, and staff’s concern with the density of the proposed development and its compatibility and consistency with the surrounding built environment to the east, west and south of the development are legitimate, additional information was briefed comparing the original request to the current request. As such, staff briefed that the site could accommodate 26 lots if it were a traditional R-7.5(A) development with each parcel consisting of 50x150 lots. The applicant decreased the original request of 40 lots to a proposal for 33 lots. This reflects 7 more lots than could be achieved with an R-7.5(A) zoning consisting of a 50 foot right-of-way splitting the property and lots on either side yielding 26 lots.

In addition to reducing the lots from what was originally proposed, the applicant has also agreed to have street facing entries with direct connection to sidewalks for all homes adjacent to the street right-of-way (Rockmount Drive). This gives a more traditional single-family appearance as you enter the lower density single family development to the south and is more in character with the surrounding single-family development. The applicant also agreed to only allow covered porches between 5 feet and 10 feet back from the ROW which also lends a more traditional single-family character to the street facing facade. In the end, while the revisions the applicant has provided to the original request does make the proposed development more palatable with respect to the character of the existing developments to the east, west and south; staff still supports a recommendation of denial of the request.

**Development Standards:**

District	Setbacks		Height	Lot Coverage	Lot Area	Special Standards	Primary Uses
	Front	Side/Rear					
<b>Existing:</b> R-10(A)	30'	6' res.	30'	45% res.	10,000	RPS	Residential
		6' res.					
<b>Standard:</b> R-7.5(A)	25'	5' res.	30'	45% res.	7,500	RPS	Residential
		5' res.					
<b>Proposed:</b> PDD for R-7.5(A)	5'	8' with 5' encroachments	30'	75% res.	3,500	RPS	Residential

Z178-108(PD)

**Parking:**

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

**Landscaping:**

All landscaping for the proposed development must comply with the requirements of Article X, as amended.

**List of Partners/Principals/Officers**

David Weekley Homes

David Weekley, Chairman / CEO

Dick Weekley, Vice President

John Johnson, COO

Heather Humphrey, CFO

Ken McDonald, Dallas Area President

Ruby Slipper Properties

Diane Cheatham, President

Dallas Lutheran School

Tom Howell, President

David Bangert, Executive Director

Rev. Mark Couser, Secretary

Mark Buchanan, Board member

Cheryl Stanley, Board member



**CPC ACTION:  
June 7, 2018**

**Motion:** It was moved to recommend **approval** of a Planned Development District for R-7.5(A) Single Family District uses, subject to a conceptual plan and conditions with a modification to the planned development language to read as follows: "All individual dwelling units that face Rockmount Drive must have an individual entry that faces the street. All street facing dwelling units must have direct access to the street from an improved path connecting to the sidewalk." on property zoned an R-10(A) Single Family District, southeast of Vanguard Way, west of Whittenburg Gate.

Maker: Housewright  
Second: Ridley  
Result: Carried: 10 to 3

For: 10 - Houston, Shidid, Carpenter, Mack, Jung,  
Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 3 - Rieves, Davis, Schultz  
Absent: 1 - West  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 126  
**Replies:** For: 8 Against: 28

**Speakers:** For: Robert Baldwin, 3904 Elm St., Dallas, TX, 75226  
Robert Meckfessel, 115 W. Greenbriar Ln., Dallas, TX, 75208  
Wes Homeyer, 3301 N. I-35, Carrollton, TX, 75007  
Larry Melby, 8841 LaValle Ln., Dallas, TX, 75243  
Diane Cheatham, 1 Vanguard Way, Dallas, TX, 75243  
Against: Woot Lervisit, 8319 Floyd Lake Dr., Dallas, TX, 75243  
Kent Binfield, 8474 Birchcroft Dr., Dallas, TX, 75243  
Kristi Caplan, 8947 Woodshore Dr., Dallas, TX, 75243  
Ernell Smith, 9315 Whittenburg Gate Ave., Dallas, TX, 75243  
Traci Williams, 9194 Orbiter Cir., Dallas, TX, 75243  
Against (Did not speak): Tammy Lynn, 8807 Lavalley Ln., Dallas, TX, 75243  
Robert Troy, 31 Vanguard Way, Dallas, TX, 75243  
Mary Raines, 9219 Pinewood Dr., Dallas, TX, 75243  
Roland Vasquez, 9223 Pinewood Dr., Dallas, TX, 75243  
Lois McCulloch, 9309 Pinewood Dr., Dallas, TX, 75243  
Charlotte Jones, 9252 Orbiter Dr., Dallas, TX, 75243  
Lorena Vaughn, 9259 MarKanne Dr., Dallas, TX, 75243

**CPC RECOMMENDED CONDITIONS**

**“ARTICLE \_\_\_\_.**

**PD \_\_\_\_.**

**SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No.\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. 51P- \_\_\_\_ .102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_\_ is established on property located at on the north side of the terminus of Rockmount Drive. The size of PD \_\_\_\_\_ is approximately 5.6 acres.

**SEC. 51P- \_\_\_\_ .103. DEFINITIONS AND INTERPRETATIONS.**

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a residential zoning district.

**SEC. 51P- \_\_\_\_ .104. EXHIBIT.**

The following exhibit is incorporated into this article:

Exhibit \_\_A: conceptual plan.

**SEC. 51P- \_\_\_\_ .105. CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan (Exhibit \_\_\_\_). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

**SEC. 51P- \_\_\_\_ .106. DEVELOPMENT PLAN.**

- (a) Except as provided, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there

is a conflict between the text of this article and the development plan, the text of this article controls.

- (b) For single family uses, a final plat may serve as the development plan.

**SEC. 51P-\_\_\_\_.107. MAIN USES PERMITTED.**

The only main uses permitted in this district are those uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP, and a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district; etc.

**SEC. 51P-\_\_\_\_.108. ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) Accessory community center (private) is permitted by right, may be located on a separate lot from the main use, and is permitted within a shared access development.

**SEC. 51P-\_\_\_\_.109. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply. For the purposes of yard, lot, and space regulations, the Property is considered two lots, divided by the public street as shown on the Conceptual Plan.

(b) Front yard. Minimum front yard is five feet.

(c) Side and rear yard. Minimum side yard is eight feet. Balconies, cantilevered roof eaves, unenclosed porches, stairs, stoops, and awnings may project up to five feet into the side yard.

(d) Height. For single family uses, maximum structure height is 30 feet measured to the midpoint of the roof.

(e) Lot area. Minimum lot area for single family structures is 3,500 square feet per dwelling unit. For a shared access development, the shared access area may be used to satisfy minimum lot area requirements.

(f) Density. For single family uses, maximum number of dwelling units is 33.

(g) Lot coverage. Maximum lot coverage is 75 percent. Unenclosed structures are not included in lot coverage calculations. For a shared access development, the shared access area may be used to determine lot coverage.

**SEC. 51P- \_\_\_\_ .110. OFF-STREET PARKING AND LOADING.**

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

**SEC. 51P- \_\_\_\_ .111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_ .112. LANDSCAPING.**

(a) Landscaping must be provided in accordance with Article X. For a shared access development, the District is treated as a multifamily district.

(b) Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P- \_\_\_\_ .113. SHARED ACCESS DEVELOPMENT.**

(a) A shared access development may have a maximum of 33 individual lots on a single plat.

(b) A shared access development may be completed by a phased final plat.

(c) A shared access development may provide up to eight access points onto a public street.

(d) Guest parking may be provided on a public street as shown on the street section on the Conceptual Plan (Exhibit \_\_\_\_ A).

**SEC. 51P- \_\_\_\_ .114. SIGNS.**

Signs must comply with the provisions for non-business zoning districts in Article VII.

**SEC. 51P- \_\_\_\_ .115.                    ADDITIONAL PROVISIONS.**

(a)     The Property must be properly maintained in a state of good repair and neat appearance.

(b)     Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c)     The extension of Rockmount Drive may be a minimum right-of-way width of 50 feet. A minimum of 20 feet of travel lanes must be provided.

(d)     On structures adjacent to the eastern and western Property lines, windows directly facing the east or west boundary of the Property must utilize translucent glass in that part of a window from the finished floor to six feet above the finished floor.

(e)     All individual dwelling units that face Rockmount Drive must have an individual entry that faces the street.

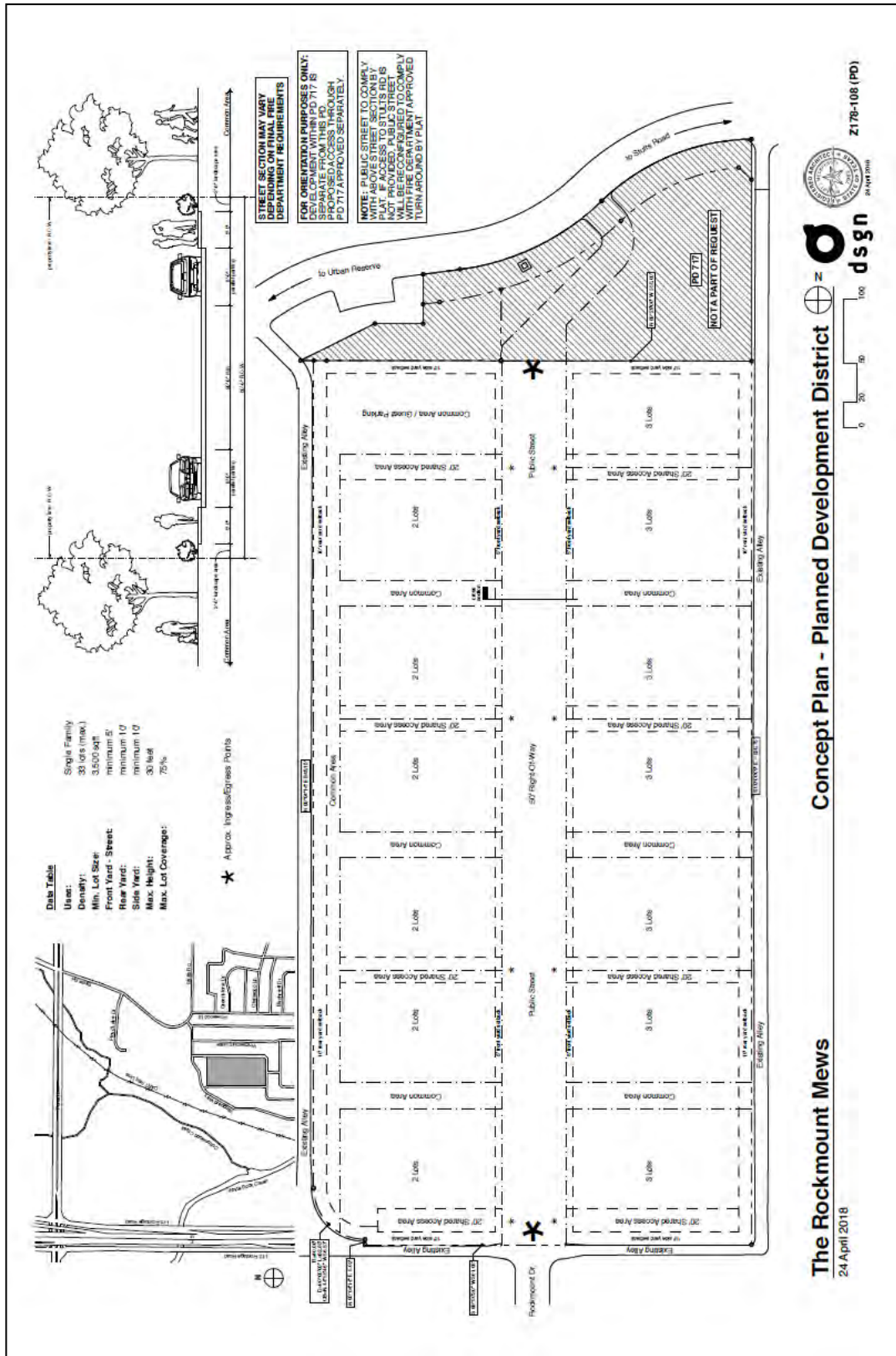
(f)     All street facing dwelling units must have direct access to the street from an improved path connecting to the sidewalk.

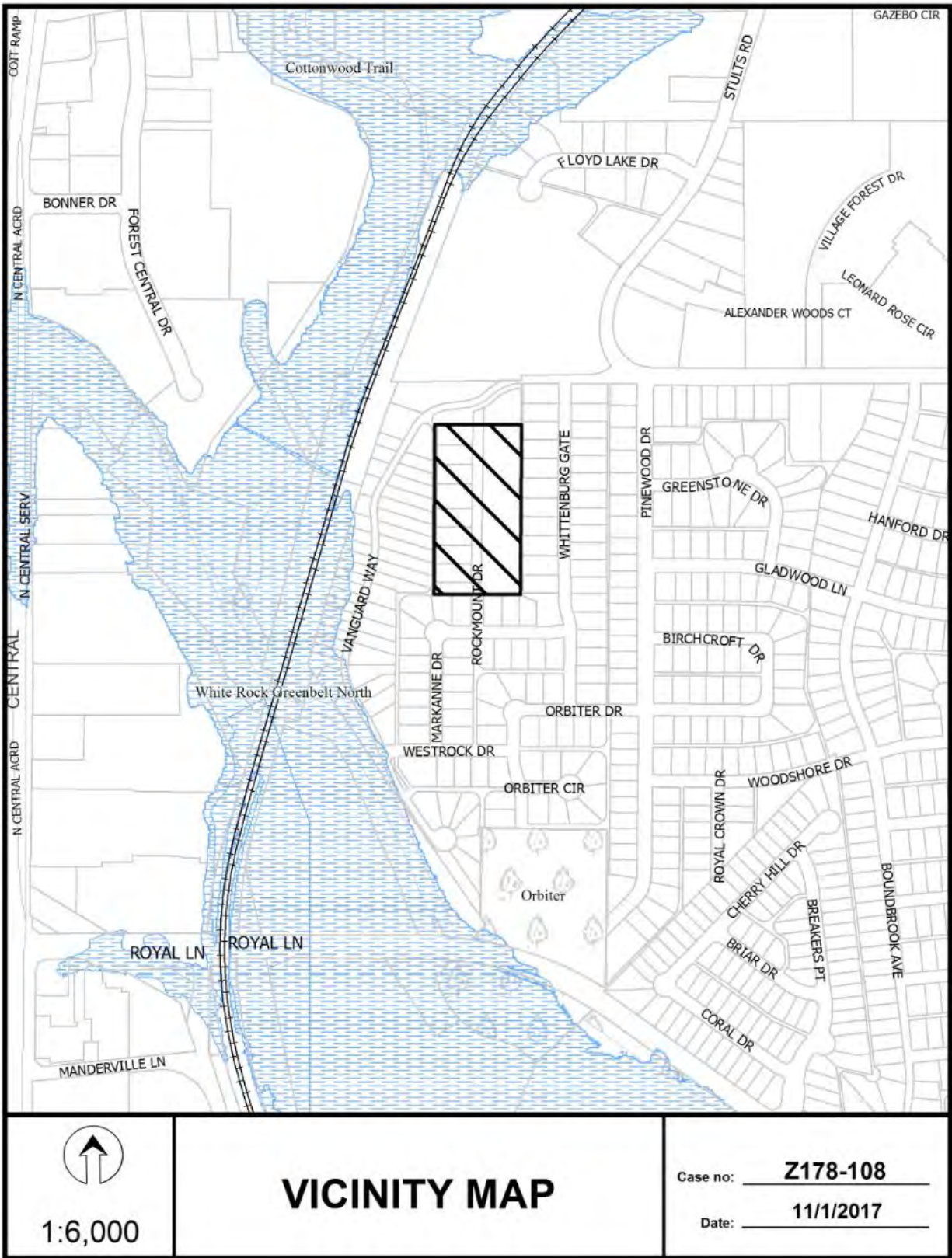
**SEC. 51P- \_\_\_\_ .116.                    COMPLIANCE WITH CONDITIONS.**

(a)     All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

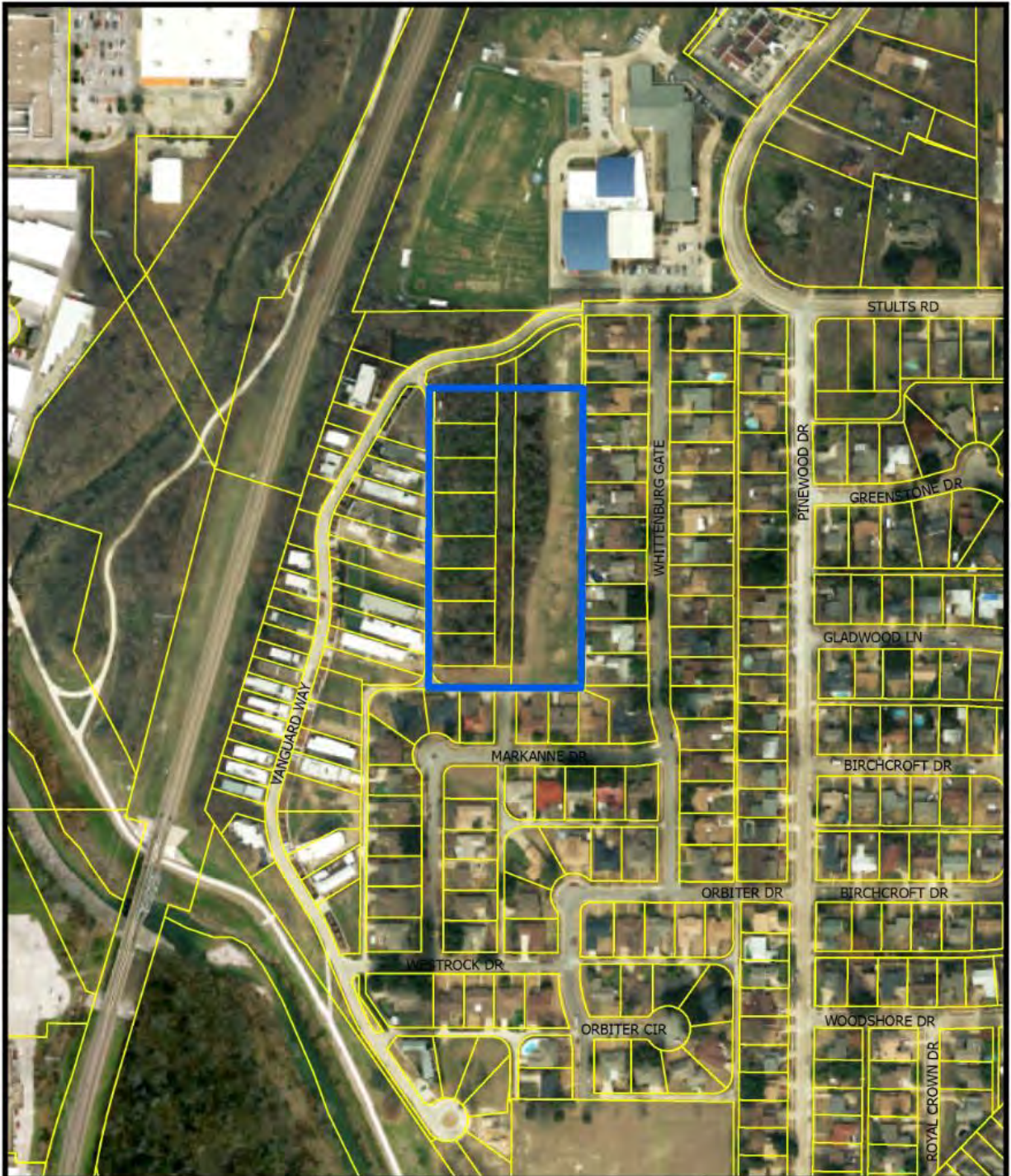
(b)     The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

Proposed Conceptual Plan









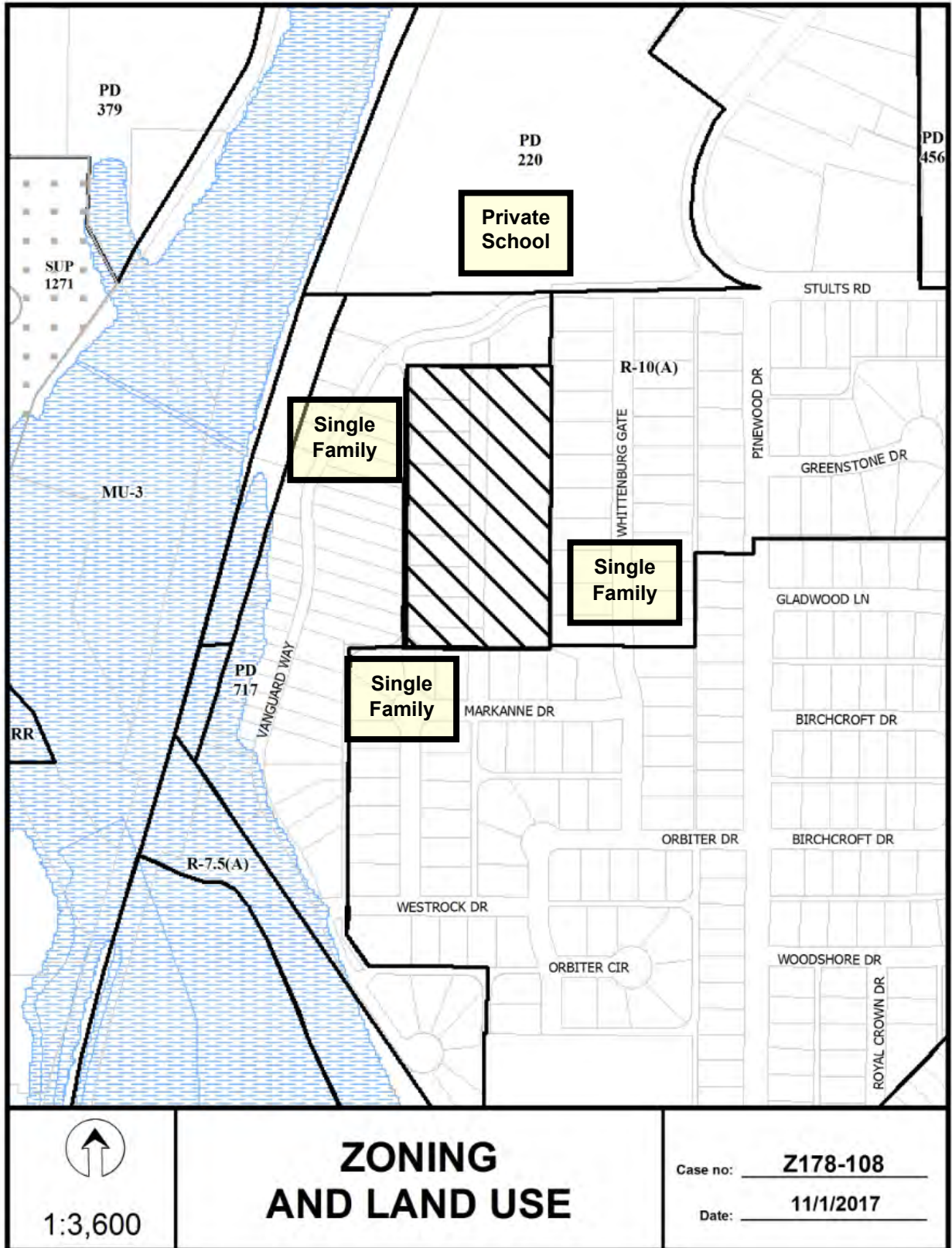
1:3,600

# AERIAL MAP

Case no:     Z178-108    

Date:     11/1/2017





CPC Responses



<b>126</b>	Property Owners Notified (136 parcels)
<b>8</b>	Replies in Favor (9 parcels)
<b>28</b>	Replies in Opposition (28 parcels)
<b>500'</b>	Area of Notification
<b>6/7/2018</b>	Date

**Z178-108**  
**CPC**



1:3,600

06/06/2018

***Reply List of Property Owners******Z178-108******126 Property Owners Notified******8 Property Owners in Favor******28 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	8496 STULTS RD	LUTHERAN SECONDARY
	2	9315 CLASSON DR	LUTHERAN SECONDARY ASSOC
	3	9417 CLASSON DR	LUTHERAN SECONDAR ASN INC
	4	9405 CLASSON DR	LUTHERAN SECONDARY ASSN
O	5	9421 CLASSON DR	RUBY SLIPPER PROPERTIES
	6	9329 CLASSON DR	LUTHERN SECONDAR ASN INC
	7	9411 CLASSON DR	LUTHERAN SECONDARY ASSN
	8	11600 FOREST CENTRAL DR	TEXAS UTILITIES ELEC CO
	9	9430 WHITTENBURG GATE AVE	EVERETT RUBY
	10	9426 WHITTENBURG GATE AVE	HARRISON IKE A JR
	11	9422 WHITTENBURG GATE AVE	WANG CYNTHIA
	12	9418 WHITTENBURG GATE AVE	TU PAU LY & LIN
	13	9412 WHITTENBURG GATE AVE	MORRIS EMMETT D JR
	14	9406 WHITTENBURG GATE AVE	ABBRUZZESE KARA & ALAN
	15	9338 WHITTENBURG GATE AVE	CLASEN MARLENE LF EST
	16	9334 WHITTENBURG GATE AVE	SHANKLES JAMES W &
	17	9328 WHITTENBURG GATE AVE	MURPHY BETTYE
X	18	9324 WHITTENBURG GATE AVE	YOON YOO J & JOON
	19	9318 WHITTENBURG GATE AVE	BUTLER MITCHELL L &
	20	9314 WHITTENBURG GATE AVE	SALINAS FRANCISCO E &
	21	9417 WHITTENBURG GATE AVE	EASTER KELVIN ANTHONY &
	22	9421 WHITTENBURG GATE AVE	RAMSEY MARIE
X	23	9429 WHITTENBURG GATE AVE	SMYLIE JOHN A & ELIZABETH
X	24	9425 WHITTENBURG GATE AVE	GARGIULO LORAIN H
X	25	9411 WHITTENBURG GATE AVE	BURRELL EMANUEL C
X	26	9405 WHITTENBURG GATE AVE	YOUNG LESTER B

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	9335 WHITTENBURG GATE AVE	PEEPLER HENRY
	28	9329 WHITTENBURG GATE AVE	MASON CONCHETTA
	29	9325 WHITTENBURG GATE AVE	CLAY ROBBIE &
	30	9319 WHITTENBURG GATE AVE	WHITLEY LAFAYETTE
	31	9315 WHITTENBURG GATE AVE	SMITH ERNELL
	32	9211 MARKANNE DR	BLUITT DORIS W
	33	9217 MARKANNE DR	SMITH CHARLOTTE DENMON
	34	9223 MARKANNE DR	JACKSON ELIZABETH
	35	9229 MARKANNE DR	FIELDS VINCE HOWARD
	36	9235 MARKANNE DR	MECKFESSEL ROBERT L &
	37	9241 MARKANNE DR	AVERY BETTYE J
X	38	9247 MARKANNE DR	MCDavid CHARLES &
X	39	9253 MARKANNE DR	THOMAS CLINTON R JR
X	40	9259 MARKANNE DR	VAUGHN LORENA S
	41	9265 MARKANNE DR	SHEPPARD R L J
X	42	9271 MARKANNE DR	LUPO VELMA
X	43	9277 MARKANNE DR	BROWN DOROTHY
X	44	9283 MARKANNE DR	ALEXANDER JULIA
	45	9206 WHITTENBURG GATE AVE	PRICE ALISSA J
	46	9212 WHITTENBURG GATE AVE	LOVE NEPHA BONNER
	47	9218 WHITTENBURG GATE AVE	CARAWAY CURTIS J
	48	9224 WHITTENBURG GATE AVE	PERRY ROY JR
	49	9230 WHITTENBURG GATE AVE	STANTON DAVID &
	50	9236 WHITTENBURG GATE AVE	BAE RICHARD Y
X	51	9212 MARKANNE DR	HOLLINS JESSIE FAYE
X	52	9218 MARKANNE DR	ROBERTSON F S JR
X	53	9224 MARKANNE DR	SYLVIA MENTHA L
	54	9230 MARKANNE DR	ROSENBLUM JOEL D
	55	9236 MARKANNE DR	DAVIS MARCELLUS
	56	9266 MARKANNE DR	ROBINSON WANDA
	57	9272 MARKANNE DR	CHRISTIAN MYRA

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	9278 MARKANNE DR	MYERS EVERETTE L
X	59	9290 MARKANNE DR	MCDONALD CLIFFORD
O	60	9235 ORBITER DR	PAYNE MICHAEL JEFF
X	61	9229 ORBITER DR	GONZALEZ MARIANA GUADALUPE
X	63	9217 ORBITER DR	PIERSON SHARRON L
X	64	9211 ORBITER DR	GOLD BRAD S &
	65	9228 ORBITER DR	SMITH ERIC S & ABIGAIL LEIGH
	66	9433 PINWOOD DR	SCHMITZ NANCY J
X	67	9425 PINWOOD DR	MATUS GREGORY J & JUDY S MARTINS
	68	9417 PINWOOD DR	GAUTT JIMMIE E
	69	9411 PINWOOD DR	JAMES DEANE A &
X	70	9405 PINWOOD DR	HUANG Y T LIFE ESTATE
	71	9321 PINWOOD DR	WILSON WESLEY J &
O	72	9315 PINWOOD DR	COHEN TODD J
X	73	9309 PINWOOD DR	MCCULLOCH LOIS D
X	74	9303 PINWOOD DR	COCHRAN KEVIN &
	75	9235 PINWOOD DR	SHINNEMAN DREW WAYNE &
	76	9231 PINWOOD DR	CANADA PROPERTIES LTD
	77	9227 PINWOOD DR	FARST TRAVIS D & NATALIE S
	78	9223 PINWOOD DR	VASQUEZ ROLAND C &
X	79	9219 PINWOOD DR	RAINES MARY D
X	80	9215 PINWOOD DR	GASPARD WHITNEY &
	81	9211 PINWOOD DR	JENNINGS MELANIE STOVER & MICHAEL PUAL
O	82	101 VANGUARD WY	URBAN RESERVE HOA INC
	83	51 VANGUARD WY	ANDERSEN BOLETTE S
	84	47 VANGUARD WY	SOUTHERN PAUL M JR & PAMELA
X	85	45 VANGUARD WY	ANDERSON BRENT E & TARA B
	86	43 VANGUARD WY	AINI ANDREA SINGER
O	87	41 VANGUARD WY	DEMPSEY DAVID D &
	88	39 VANGUARD WY	PIERCE FAMILY TRUST
	89	37 VANGUARD WY	CONWAY ROSS & AARON

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	90	35 VANGUARD WY	ZERANGUE REVOCABLE TRUST
	91	33 VANGUARD WY	WISE GLORIA JOHNSTON
	92	31 VANGUARD WY	TROY ROBERT D & SANDRA L
	93	29 VANGUARD WY	KEETON JENCEY L & COLE STANLEY
	94	27 VANGUARD WY	HARDTKE JAY DRAKE
	95	25 VANGUARD WY	FU YINGHONG &
	96	23 VANGUARD WY	HARRISON HANVEY LIVING TRUST
	97	21 VANGUARD WY	CHAVEZ KRISTINE BERGSLI
	98	19 VANGUARD WY	MUSTAINE THOMAS WILLIAM &
	99	17 VANGUARD WY	AGRUPPO LLC
	100	15 VANGUARD WY	DEWAN MAHBUB & AFREEN
	101	11 VANGUARD WY	CASTANEDA JAEL ANDREA &
	102	9 VANGUARD WY	LEE SHI JIN
O	103	7 VANGUARD WY	URBAN EDGE DEVELOPERS LTD
O	104	1 VANGUARD WY	CHEATHAM DIANE T &
	105	2 VANGUARD WY	CRAWFORD PATRICK &
	106	6 VANGUARD WY	KIM DANIEL J
	107	10 VANGUARD WY	L & M FAMILY TRUST
X	108	12 VANGUARD WY	LUNA YANUARIA D & JOSE ANTONIO LUNA JR
	109	16 VANGUARD WY	HAMILTON JEFFREY S
	110	18 VANGUARD WY	COSTA FLAVIO
X	111	20 VANGUARD WY	TALMAGE SUSAN ANN LIVING TRUST
	112	22 VANGUARD WY	MILLER SCOTT D & ROSLYN A
	113	24 VANGUARD WY	GRAHAM CLIFTON D
	114	26 VANGUARD WY	PORTNOY DAVID &
	115	28 VANGUARD WY	MCCLEARY PATRICK S
	116	30 VANGUARD WY	MODERN LIFE REALTY LLC
	117	34 VANGUARD WY	HOLCOMBE DECATUR J &
	118	38 VANGUARD WY	MURPHY KATHY JANE
	119	42 VANGUARD WY	COFFEL CAREN LEIGH &
	120	46 VANGUARD WY	KOGUT MARK & MINA



Z178-108(PD)

06/06/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	121	50 VANGUARD WY	OTERO JANE F
	122	54 VANGUARD WY	SACCO DAVID JOHN & JODI CAIN
	123	58 VANGUARD WY	JANSING WILLIAM S
	124	60 VANGUARD WY	DYMAXION INVESTMENTS LLC
	125	401 S BUCKNER BLVD	DART
	126	401 S BUCKNER BLVD	DART
X	A1	9223 ORBITER DR	MERVIS JACOB & JIA LI SHAO

**AGENDA ITEM # 56**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 46 T

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast corner of Peabody Avenue and Myrtle Street  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval  
Z178-200(MB/CT)

**FILE NUMBER:** Z178-200(MB/CT)      **DATE FILED:** March 5, 2018

**LOCATION:** Northeast corner of Peabody Avenue and Myrtle Street

**COUNCIL DISTRICT:** 7      **MAPSCO:** 46 T

**SIZE OF REQUEST:** Approx. 0.14 acres      **CENSUS TRACT:** 203.00

---

**APPLICANT/ OWNER:** Connie Roth

**REPRESENTATIVE:** Connie Roth

**REQUEST:** An application for a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

**SUMMARY:** The applicant proposes to develop the site with a duplex which is defined as two dwelling units on one lot.

**CPC RECOMMENDATION:** Approval.

**STAFF RECOMMENDATION:** Denial.

**BACKGROUND INFORMATION:**

- On September 26, 2001, the City Council approved the creation of PD No. 595 comprised of nine residential and nonresidential subdistricts.
- The 0.14-acre subject site is located in the R-5(A) Single Family Subdistrict and is currently undeveloped.
- The purpose of this request is to rezone the site to a D(A) Duplex Subdistrict to allow for the construction of one two-story duplex ( two units on one lot), with each unit totaling 1,474 square feet.

**Zoning History:** There have been no zoning cases in the area over the past five years.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>
Peabody Avenue	Local Street	60 feet
Myrtle Street	Local Street	50 Feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street system.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The request does not support the following Plan’s goals or policies.

**LAND USE ELEMENT**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.2 Establish clear and objective standards for land use planning.

**Surrounding Land Uses:**

	<b>Subdistricts in PD No. 595</b>	<b>Land Use</b>
Site	R-5(A)	Undeveloped
Northeast	R-5(A)	Single Family
Northwest	R-5(A)	Undeveloped
Southeast	R-5(A)	Single Family
Southwest	R-5(A)	Undeveloped

**Land Use Compatibility:**

The subject site is currently undeveloped and consists of portions of four platted lots (Lots 19, 20, 21, and 22). Each lot is comprised of approximately 3,918 square feet, which does not conform to the minimum lot size requirement of the R-5(A) Single Family Subdistrict within PD No. 595. The request site is predominately surrounded by single family uses, constructed as early as 1943, on building sites formed by metes and bounds.

Staff believes that the development of a duplex unit in a predominately single family neighborhood could have a potential negative impact on the character of the surrounding area. In addition, as indicated in the development standards table below, the regulations differ between the existing R-5(A) Single Family Subdistrict and proposed (D) Duplex Subdistrict as they relate to the height, lot coverage, and lot size. The potential increase in the density and scale of the proposed development is inconsistent to the development pattern that has already been established in the adjacent residential community. As such, staff is recommending denial of the proposed zoning change as it is inappropriate in the context of the property’s surrounding zoning districts.

**Development Standards:**

<b>DISTRICT</b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
PD 595 R-5(A) - Existing Single Family	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%	Min. Lot: 5,000 sq. ft.	Single family
D(A) - Proposed Duplex	25'	5'	1 Dwelling Unit/ 3,000 sq. ft.	36'	60%	Min. Lot: 6,000 sq. ft.	Duplex & single family

**Off-Street Parking:** Parking regulations will have to comply with Chapter 51A-4.113, the Dallas Development Code. In addition, PD 595 requires additional parking setbacks and screening.

**Landscaping:** Landscaping of any development will be in accordance with the landscape regulations of PDD No. 595.

**LIST OF OFFICERS**  
4225 Gannon Lane Dallas, LLC

Contain Your Green Home LLC  
3200 Bonniebrook Drive  
Plano, TX 75075

Principles of the Corporation as of 04 March, 2018

Connie G. Roth, 3200 Bonniebrook Dr, Plano, 75075; 214-673-0331; Managing Partner

Michael A. Roth, 3200 Bonniebrook Dr, Plano, 75075; 214-662-3033; Managing Partner

Bryce A. Doganer, 3200 Bonniebrook Dr, Plano, 75075; 214-206-5977; Managing Partner

Z178-200

**PRIOR CPC ACTION:  
June 21, 2018**

**Motion:** It was moved to recommend **approval** of a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast corner of Peabody Avenue and Myrtle Street.

Maker: Mack  
Second: Rieves  
Result: Carried: 8 to 3

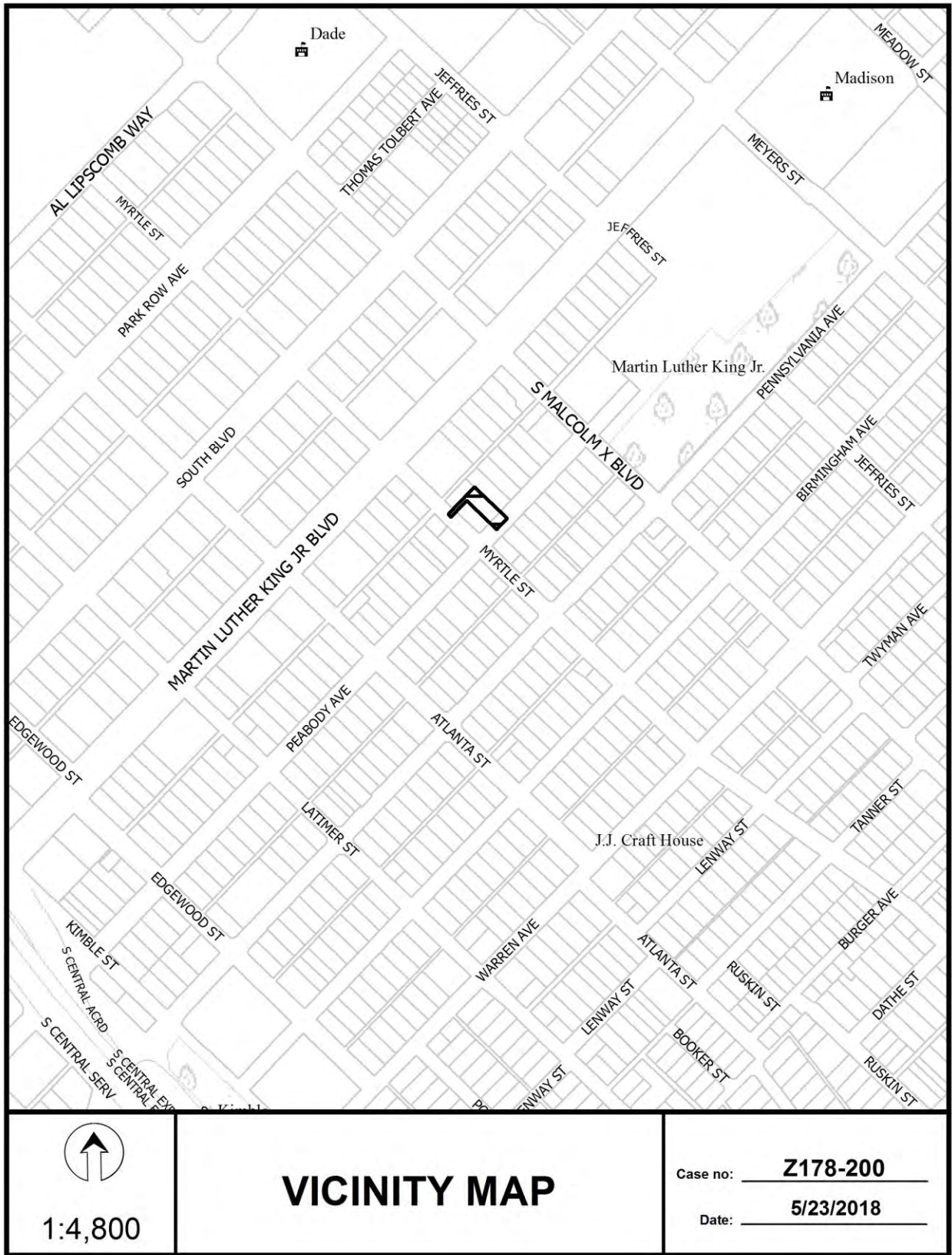
For: 8 - West, Rieves, Houston, Carpenter, Mack,  
Housewright, Schultz, Murphy

Against: 3 - Shidid, Jung, Peadon  
Absent: 3 - Davis, Ridley, Tarpley  
Vacancy: 1 - District 8

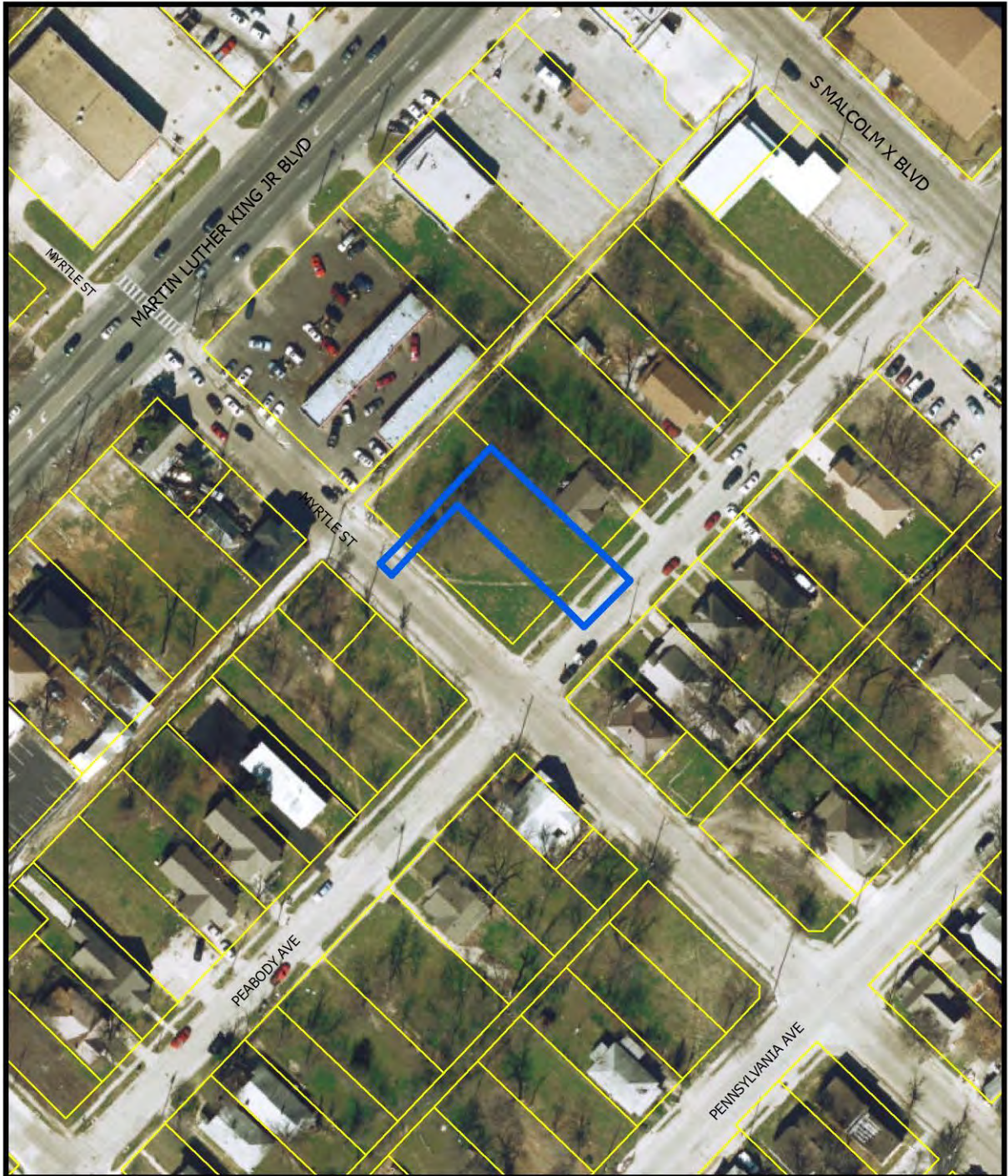
**Notices:** Area: 200 Mailed: 33  
**Replies:** For: 2 Against: 0

**Speakers:** For: Connie Roth, 3200 Bonniebrook Dr., Plano, TX, 75075  
For (Did not speak): Michael Roth, 3200 Bonniebrook Dr., Plano, TX, 75075  
Against: None







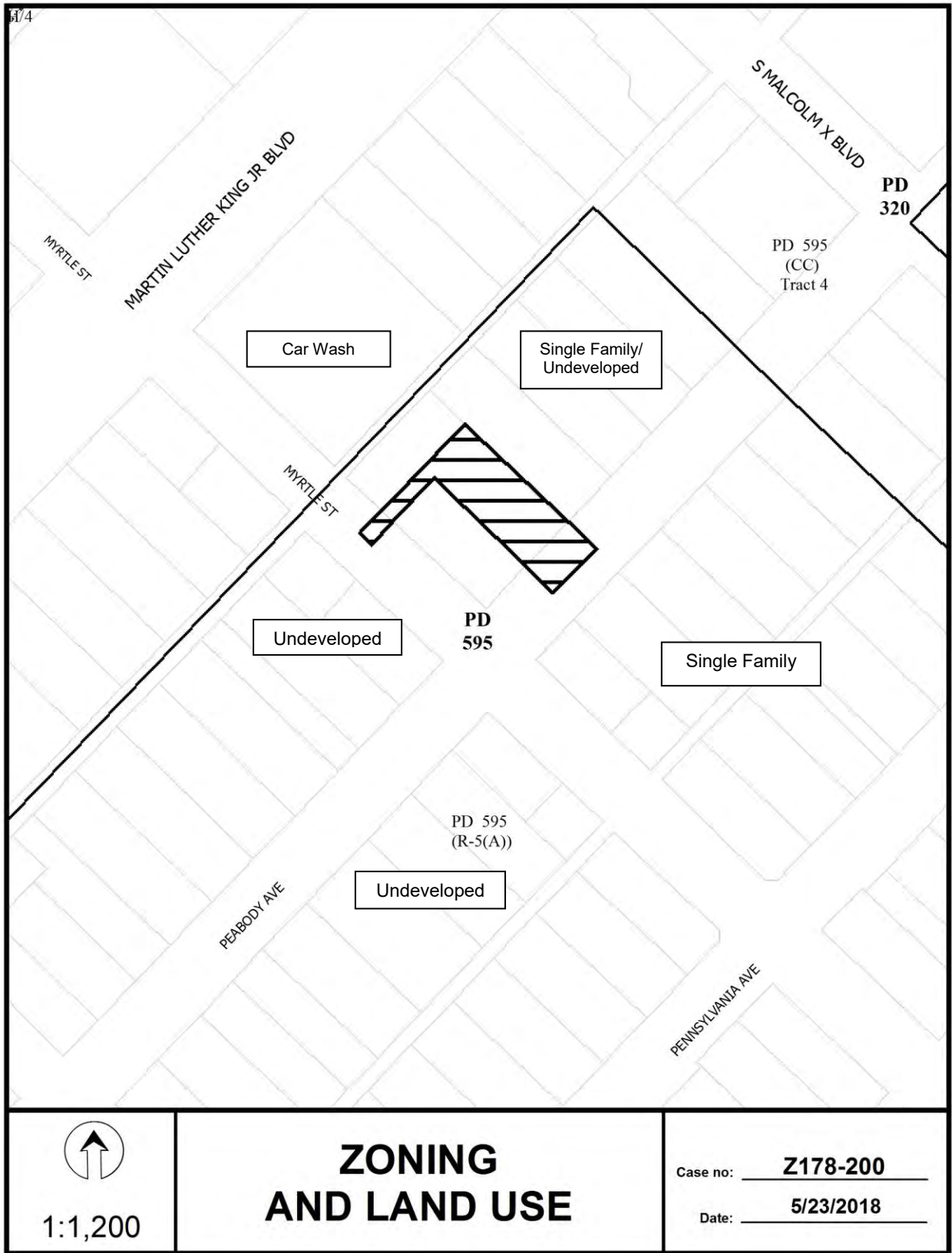


1:1,200

# AERIAL MAP

Case no:           Z178-200          

Date:           5/23/2018



1:1,200

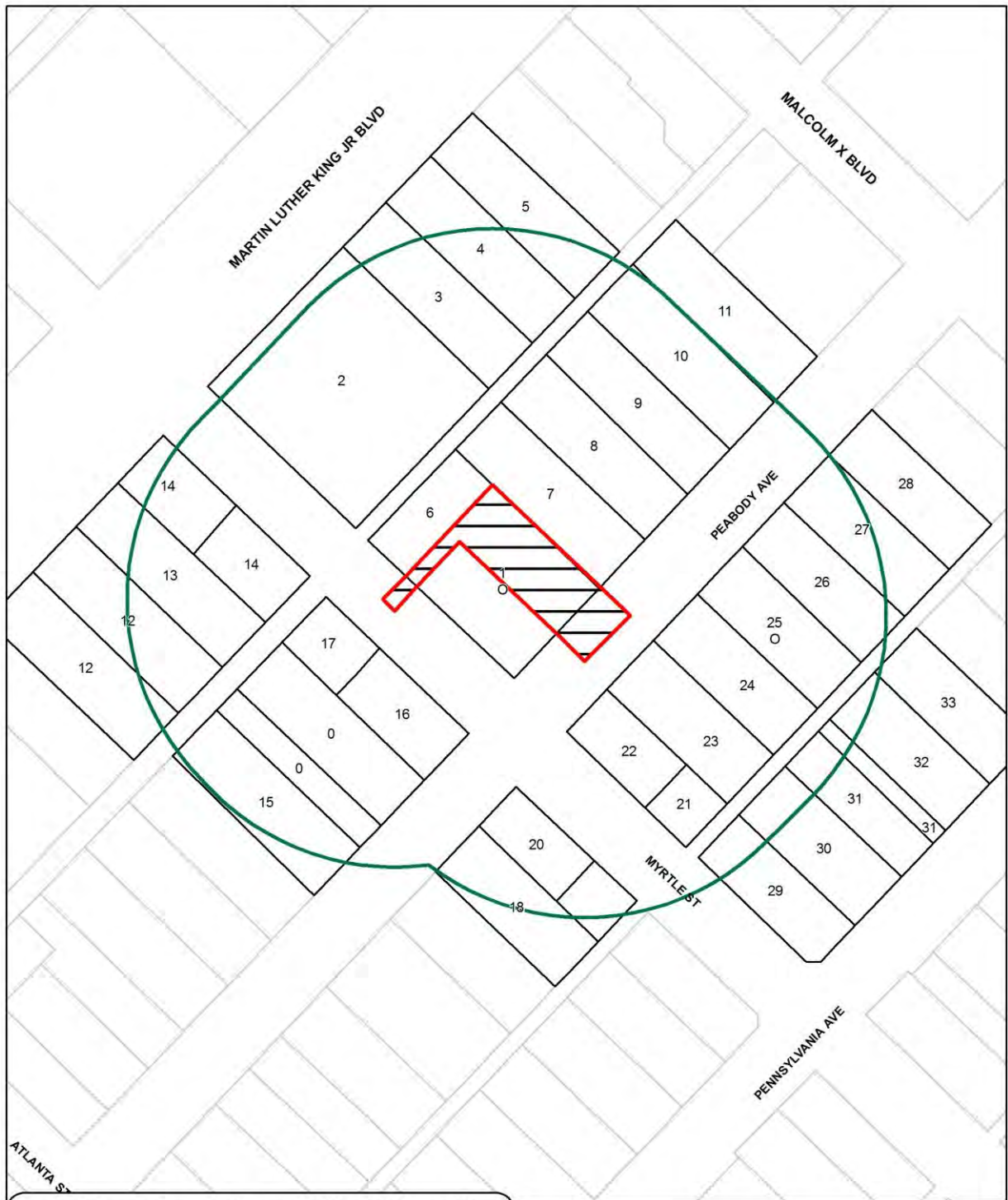
# ZONING AND LAND USE

Case no:     Z178-200    

Date:     5/23/2018



CPC RESPONSES



<u>33</u>	Property Owners Notified (38 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>6/21/2018</u>	Date

**Z178-200**  
**CPC**



1:1,200

06/20/2018

***Reply List of Property Owners******Z178-200******33 Property Owners Notified    2 Property Owners in Favor    0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	2703 PEABODY AVE	ROTH CONNIE G & MICHAEL A
	2	2702 MARTIN LUTHER KING JR BLVD	DAVENPORT FREDDY
	3	2714 MARTIN LUTHER KING JR BLVD	DALLAS SKYFALL LLC SERIES
	4	2716 MARTIN LUTHER KING JR BLVD	JEANETTE INV II LTD
	5	2720 MARTIN LUTHER KING JR BLVD	RUDBERG JOYCE A &
	6	3016 MYRTLE ST	HUNTER KEVIN
	7	2709 PEABODY AVE	CROSTIMBERS CAPITAL INC
	8	2715 PEABODY AVE	MOORE KATHRYN L MCELWEE
	9	2717 PEABODY AVE	ALVARADO JUAN G
	10	2725 PEABODY AVE	JARVIS FAMILY INVESTMENTS LLC
	11	2727 PEABODY AVE	CHURCH LORD JESUS CHRIST
	12	2622 MARTIN LUTHER KING JR BLVD	BEDFORD L A JR
	13	2628 MARTIN LUTHER KING JR BLVD	BEDFORD LOUIS A JR
	14	3011 MYRTLE ST	JOHNSON JOE W
	15	2623 PEABODY AVE	JONES TERRACE & JANICE Y
	16	2633 PEABODY AVE	BARRY GLENN
	17	3015 MYRTLE ST	BRYANY JANET M
	18	2630 PEABODY AVE	CLAYTON GARY R
	19	3109 MYRTLE ST	JOHNSON ELLA JOHNSON
	20	2632 PEABODY AVE	JOHNSON JUANE & GLENDA
	21	3108 MYRTLE ST	WILLIAMS GREGORY A
	22	2700 PEABODY AVE	CRAYCRAFT PAMELA
	23	2706 PEABODY AVE	MONTGOMERY IVORY

06/20/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	24	2708 PEABODY AVE	BURNETT WILLIAM P
O	25	2712 PEABODY AVE	WALKER LILLIAN
	26	2716 PEABODY AVE	WILLIAMS N L
	27	2720 PEABODY AVE	MUHAMMAD JEFFERY
	28	2724 PEABODY AVE	PACKING HOUSE MARKET INC &
	29	2701 PENNSYLVANIA AVE	WATTS MRS LOUISE E
	30	2705 PENNSYLVANIA AVE	TOPLETZ DENNIS D
	31	2709 PENNSYLVANIA AVE	DUFFEY LURLETER
	32	2715 PENNSYLVANIA AVE	WATSONTILLIS LINDA GAYLE
	33	2717 PENNSYLVANIA AVE	DESOTO REAL ESTATE RESOURCE LLC

**AGENDA ITEM # 57**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 9  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 38 J

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay, on Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street

Recommendation of Staff: Approval

Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant

Z178-226(JM)





**FILE NUMBER:** Z178-226(JM)

**DATE FILED:** April 10, 2018

**LOCATION:** On Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street

**COUNCIL DISTRICT:** 9

**MAPSCO:** 38 J

**SIZE OF REQUEST:** ±0.366 acres

**CENSUS TRACT:** 81.00

**APPLICANT/OWNER:** Broomfield, J.V.

**REPRESENTATIVE:** Rob Baldwin, Baldwin & Associates

**REQUEST:** An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow retail uses at the site.

**STAFF RECOMMENDATION:** Approval

**CPC RECOMMENDATION:** Approval, subject to deed restrictions volunteered by the applicant.

**BACKGROUND INFORMATION:**

- The 0.366-acre site contains a 2,900-square-foot vacant office building constructed in 1956.
- The request to rezone to a CR District would allow 31 new uses, primarily in the retail and personal service category. Additionally, the change would amend restrictions on 11 other uses (L, SUP, RAR, etc.). The D Liquor Control Overlay would remain intact.
- No specific tenant is proposed at this time.
- At the CPC hearing on June 7, 2018, the applicant volunteered deed restrictions removing 29 of the allowable uses of which 15 are from within the proposed CR District and 14 are from the existing LO-1 District.

**Zoning History:** There have been two zoning requests in the area in the last five years.

1. **Z167-201:** On September 13, 2017, the City Council denied an application for a Planned Development District for MU-1 Mixed Use District uses on property zoned an MU-1 Mixed Use District, a CR-D Community Retail District with a D Liquor Control Overlay, and an LO-1-D Limited Office District with a D Liquor Control Overlay, located on the northwest line of Garland Road, southwest of North Buckner Boulevard.
2. **Z156-281:** On April 25, 2018, the City Council approved an application for: (1) a CR Community Retail District with deed restrictions volunteered by the applicant; (2) a D-1 Liquor Control Overlay for the lot on the southwest corner of Beachview Street and Garland Road; and (3) a Specific Use Permit for the sale and service of alcoholic beverages in conjunction with a restaurant without drive-through windows for the lot on the southwest corner of Beachview Street and Garland Road, on property zoned an LO-1-D Light Office District with a D Liquor Control Overlay, located on the northwest side of Garland Road, southwest of North Buckner Boulevard.

**Traffic:**

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

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Gaston Parkway	Local	50 feet	--
Garland Road	Principal Arterial	100 feet	100 feet

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

**LAND USE ELEMENT**

**GOAL 1.1      ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.5      Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics.

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

**URBAN DESIGN**

**GOAL 5.3      Establishing Walk-to Convenience**

Policy 5.3.1      Encourage a balance of land uses within walking distance of each other.

**Garland Road Vision Plan:**

The Garland Road Vision Plan was adopted in November 2010. The plan is intended to be a Small Area Action Plan in support of the *forwardDallas* Comprehensive Plan. The plan’s Future Land Development Visions shows the area as commercial.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	LO-1-D	Vacant Office
<b>Northwest</b>	LO-1-D, MF-2(A),	Multifamily, Medical Office
<b>North</b>	MU-1	Surface Parking
<b>Northeast</b>	CR	Church, Fire Station, Retail
<b>Southeast</b>	D(A)	Duplex
<b>Southwest</b>	LO-1-D	Medical Office, Surface Parking

**Land Use Compatibility:**

The request site is currently developed with a vacant medical office structure. The properties are surrounded by medical offices and multifamily to the northwest; surface parking to the north; a church, fire station, and retail to the northeast; duplex to the southeast; and, medical office and surface parking to the southwest. The applicant proposes to expand the allowable uses for the site to include retail and personal service. The applicant is not requesting to change the D Liquor Control Overlay.

Any proposed development in the CR District will have to comply with the residential proximity slope (RPS) because of the D(A) Duplex District across Garland Road to the southeast. The maximum height allowed in CR is 54 feet, a reduction from the existing LO-1 District standard of 70 feet. Additionally, the lot coverage would be reduced from a maximum of 80 percent, to 60 percent. Finally, the floor area ratio maximum would reduce from 1.0 to a combined maximum of 0.75. The major difference is that the request to rezone to a CR District would allow 31 new uses, primarily in the retail and personal service category. Additionally, the change would amend restrictions on 11 other uses (L, SUP, RAR, etc.).

At the CPC hearing on June 7, 2018, the applicant volunteered deed restrictions removing 29 of the allowable uses of which 15 are from within the proposed CR District and 14 are from the existing LO-1 District.

**Development Standards:**

District	Setbacks		Height	Lot Cover-age	Special Standards	FAR	Primary Uses
	Front	Side/Rear					
<b>Existing:</b> LO-1-D	15'	20' adjacent to residential OTHER: No Min.	70' 5 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	1.0	Office – limited retail & personal service uses
<b>Proposed:</b> CR-D	15'	20' adjacent to residential OTHER: No Min.	54' 4 stories	60%	Proximity Slope Visual Intrusion	0.5 for office uses; and 0.75 for all uses combined.	Retail & personal service, office

**Parking:**

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

**Landscaping:**

Landscaping will be provided per Article X, as amended.

<b>Land Use Comparison:</b>	<b>Proposed</b>	<b>Proposed</b>
<b>Use</b>	<b>CR</b>	<b>LO-1</b>
Crop production.	X	X
Building repair and maintenance shop.	RAR	
Catering service.	X	L
Custom business service.	X	
Electronics service center.	X	
Tool or equipment rental.	X	
Gas drilling and production.	SUP	SUP
Temporary concrete or asphalt batching plant.	CBO	CBO
Adult day care facility.	X	L
Cemetery or mausoleum.	SUP	SUP
Child-care facility.	X	L
College, university, or seminary.	X	X
Community service center.	SUP	SUP
Convent or monastery.	X	X
Hospital.	SUP	
Hotel and motel.	SUP	
Lodging or boarding house.	SUP	
Overnight general purpose shelter.	Check Use	Check Use
Attached non-premises sign.	SUP	SUP
Carnival or circus (temporary).	CBO	CBO
Alternative financial establishment.	SUP	SUP
Financial institution with drive-in window.	DIR	SUP
Country club with private membership.	X	X
Private recreation center, club, or area.	X	SUP
College, dormitory, fraternity, or sorority house.	X	X
Ambulance service.	RAR	
Animal shelter or clinic without outside runs.	RAR	
Auto service center.	RAR	
Car wash.	DIR	
Commercial amusement (inside).	SUP	
Commercial amusement (outside).	SUP	
Commercial parking lot or garage.	RAR	
Convenience store with drive-through.	SUP	

**Land Use Comparison:**

	<u>Proposed</u>	<u>Proposed</u>
<b>Use</b>	<b>CR</b>	<b>LO-1</b>
Dry cleaning or laundry store.	X	L
Furniture store.	X	
General merchandise or food store 3,500 square feet or less.	X	L
General merchandise or food store greater than 3,500 square feet.	X	
<del>General merchandise or food store 100,000 square feet or more.</del>	<b>SUP</b>	
<del>Home improvement center, lumber, brick or building materials sales yard.</del>	<b>DIR</b>	
Household equipment and appliance repair.	X	
Liquor store.	X	
<del>Mortuary, funeral home, or commercial wedding chapel.</del>	<b>X</b>	
<del>Motor vehicle fueling station.</del>	<b>X</b>	
Nursery, garden shop, or plant sales.	X	
Paraphernalia shop.	SUP	
<b>Use</b>	<b>CR</b>	<b>LO-1</b>
<del>Pawn shop.</del>	<b>X</b>	
Personal service uses.	X	L
Restaurant without drive-in or drive-through service.	RAR	L, RAR
<del>Restaurant with drive-in or drive-through service.</del>	<b>DIR</b>	
<del>Swap or buy shop.</del>	<b>SUP</b>	
<del>Temporary retail use.</del>	<b>X</b>	
Theater.	X	
Commercial radio and television transmitting station.	X	SUP
Police or fire station.	X	SUP
Post office.	X	SUP
<del>Mini-warehouse.</del>	<b>SUP</b>	
Recycling buy-back center.	Check Use	
Recycling collection center.	Check Use	
<p><i>X indicates permitted by right.</i>  <i>SUP indicates permitted with a Specific Use Permit.</i>  <i>RAR indicates permitted, but subject to Residential Adjacency Review.</i>  <i>DIR indicates permitted, but subject to Development Impact Review.</i>  <i>Check Use indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.</i>  <i>CBO indicates that the use requires special authorization of the building official.</i>  <b>Highlighted and stricken</b> text indicates the use has been restricted by volunteered deed restrictions.</p>		
<p><b>Alternating color pattern indicates a new category of uses as separated in the Dallas Development Code.</b></p>		



Z178-226(JM)

**CPC Action**  
**June 7, 2018**

**Motion:** It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay, on Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street.

Maker: Jung  
Second: Housewright  
Result: Carried: 12 to 0

For: 12 - Rieves, Houston, Davis, Carpenter, Mack,  
Jung, Housewright, Schultz, Peadon, Murphy,  
Ridley, Tarpley

Against: 0  
Absent: 2 - West, Shidid  
Vacancy: 1 - District 8

**Notices:** Area: 200 Mailed: 11  
**Replies:** For: 2 Against: 0

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

**List of Owners**

**Broomfield J.V.**

List of Partners/Officers/Directors

**Broomfield J.V.**

a Texas general Partnership

General Partner: **Broomfield Ltd.**  
a Texas limited partnership

General Partner: West Pioneer Management, Inc.  
a Texas corporation  
Keith E. Koop – stockholder  
Barry R. Waranch – stockholder  
James E. Thweatt – stockholder

Limited Partners: Barry R. Waranch  
Keith E. Koop  
Opal Interest, L.P.  
James E. Thweatt  
Rebecca Thweatt

General Partner: **August Realty, Holdings, Ltd.**  
a Texas limited partnership

General Partner: Bow Tie, LLC  
a Texas limited liability company  
Keith E. Koop – Sole member

Limited Partners: Barry R. Waranch  
Keith E. Koop  
JET Irrevocable Trust (James Thweatt)  
RJT Irrevocable Trust (Rebecca Thweatt)

Z178-224

**Deed Restrictions Volunteered at CPC on 6-7-18**

II.

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

- (1) The following uses are prohibited:
  - (A) Agricultural uses.
    - Crop production.
  - (B) Commercial and business service.
    - Building repair and maintenance shop.
  - (C) Industrial uses.
    - Gas drilling and production.
    - Temporary concrete or asphalt batching plant.
  - (D) Institutional and community services uses.
    - Cemetery or mausoleum.
    - College, university, or seminary.
    - Community service center.
    - Convent or monastery.
  - (E) Lodging uses.
    - Lodging or boarding house.
    - Overnight general purpose shelter.
  - (F) Miscellaneous uses.
    - Attached non-premises sign.
    - Carnival or circus (temporary).
  - (G) Office.
    - Alternative financial establishment.
  - (H) Recreation uses.
    - Country club with private membership.

(I) Residential uses.

- College, dormitory, fraternity, or sorority house.

(J) Retail and personal service uses.

- Ambulance service.
- Auto service center.
- Car wash.
- Commercial amusement (outside).
- Convenience store with drive-through.
- General merchandise or food store 100,000 square feet or more.
- Home improvement center, lumber, brick or building materials sales yard.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Pawn shop.
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Temporary retail use.

(K) Wholesale, distribution, and storage uses.

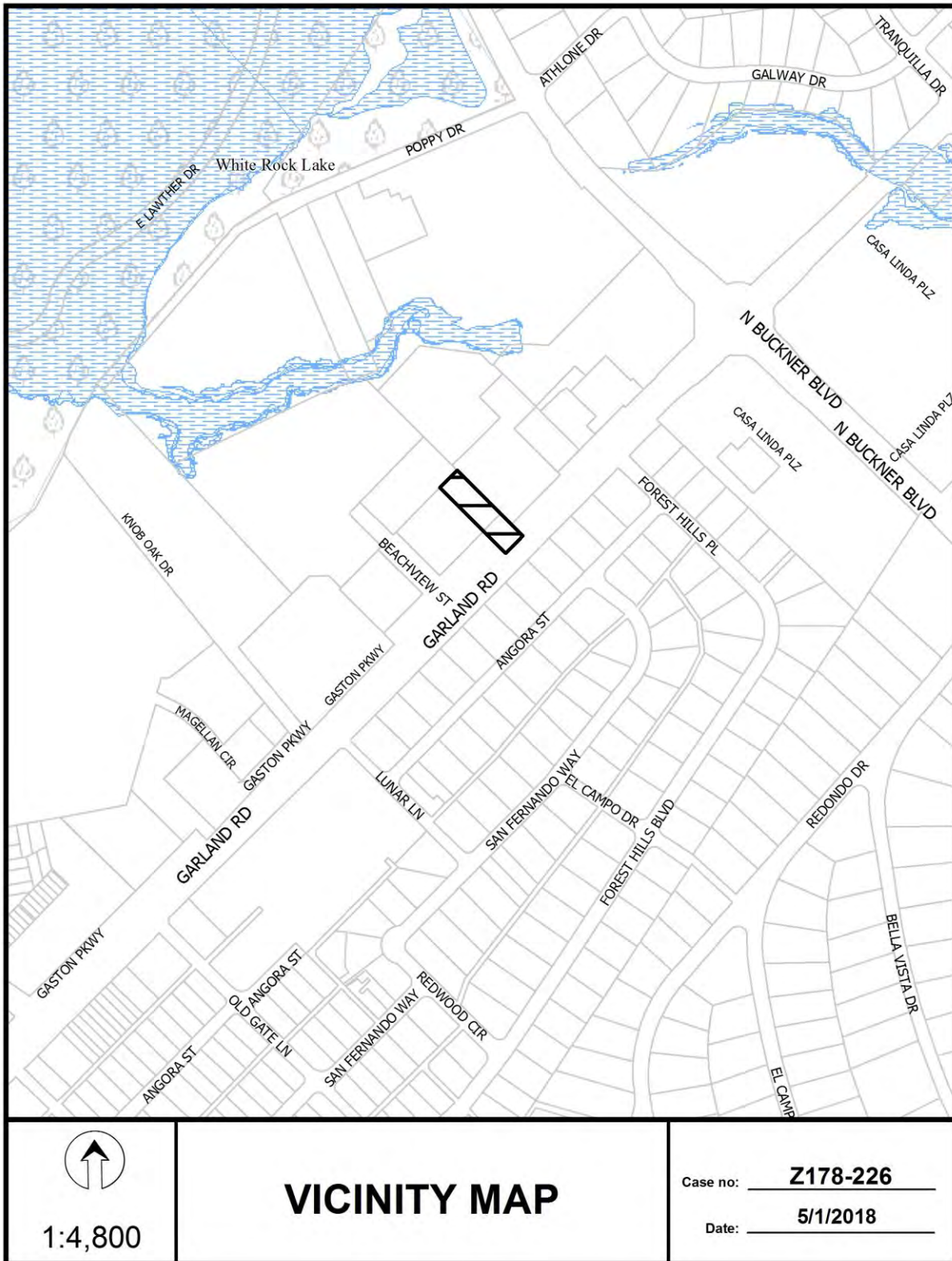
- Mini-warehouse.

III.

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

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the





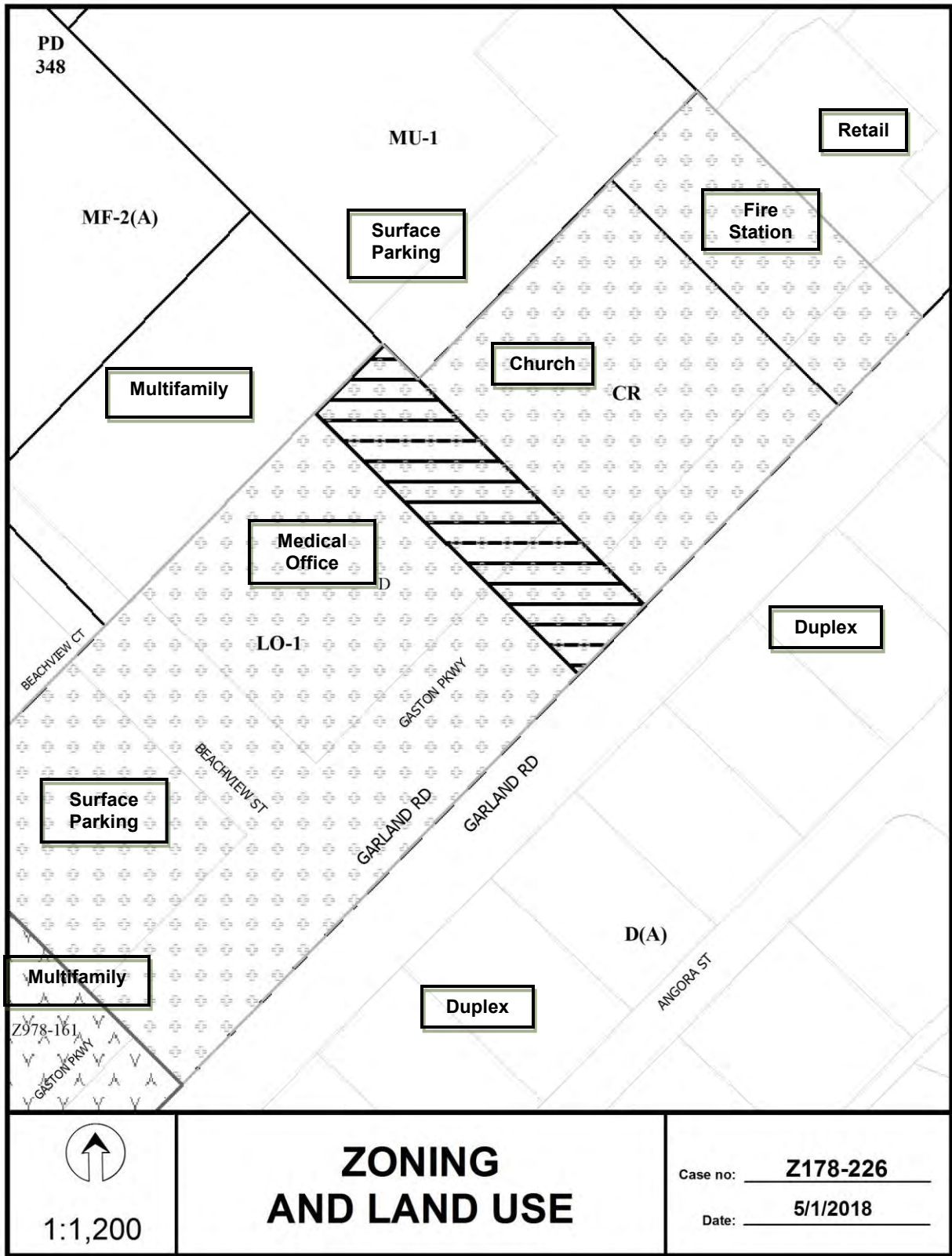


1:1,200

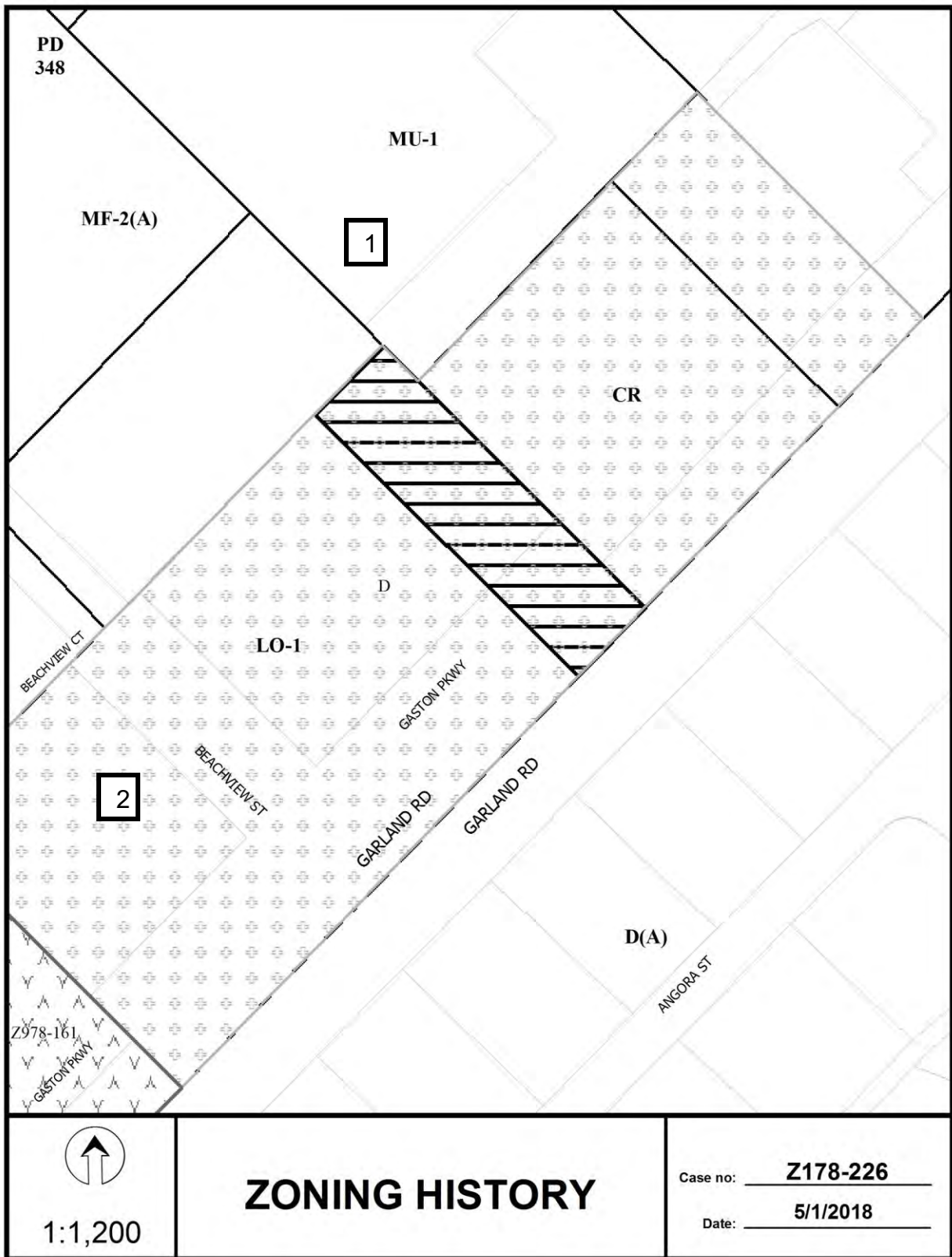
# AERIAL MAP

Case no:     **Z178-226**    

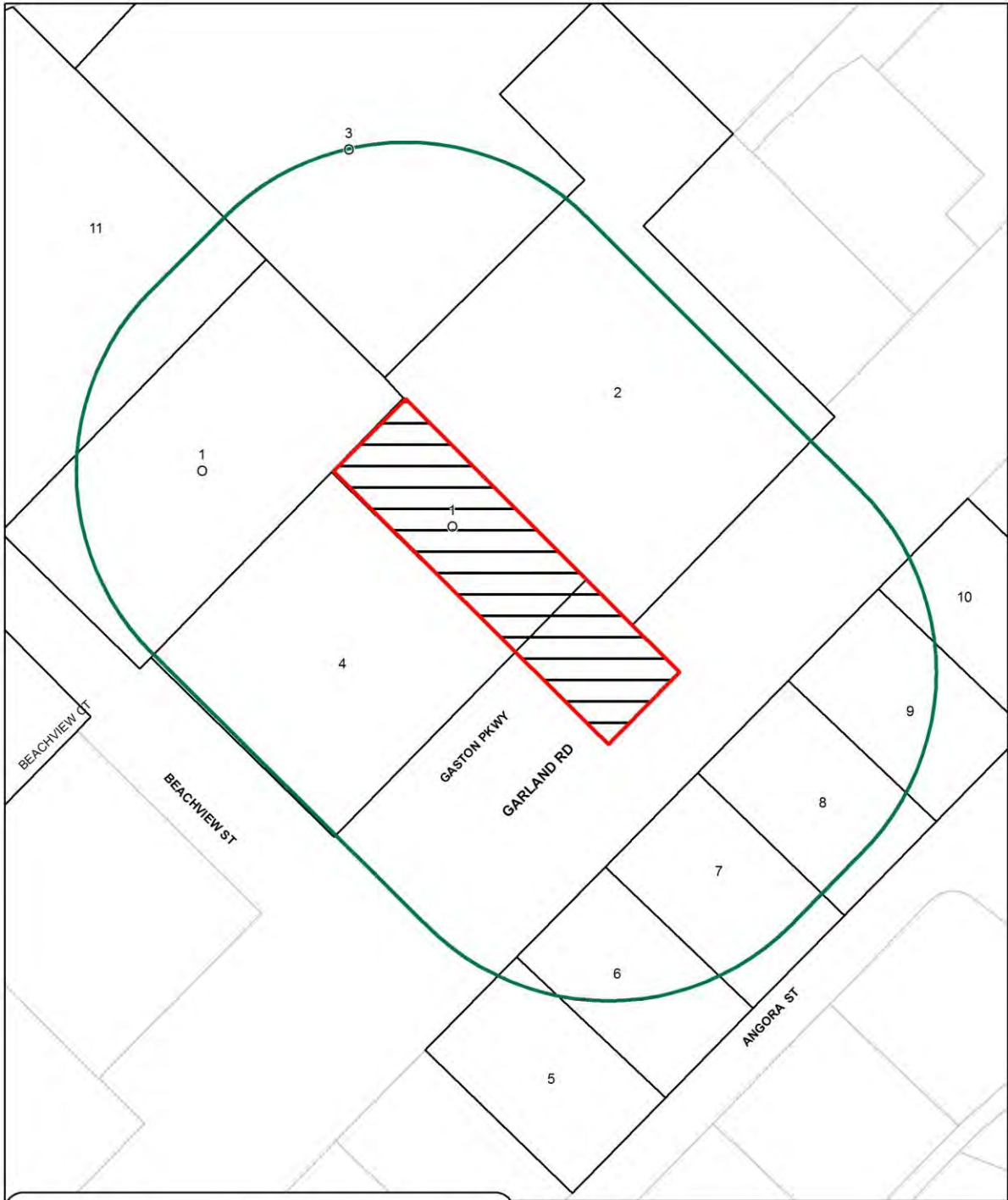
Date:     **5/1/2018**







CPC RESPONSES



<u>11</u>	Property Owners Notified (12 parcels)
<u>2</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>6/7/2018</u>	Date

**Z178-226**  
**CPC**



1:1,200

Z178-226(JM)

06/06/2018

## ***Reply List of Property Owners***

***Z178-226***

***11 Property Owners Notified***

***2 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	9335 GASTON PKWY	BROOMFIELD J V
	2	9353 GARLAND RD	WHITE ROCK COMMUNITY
O	3	9353 GARLAND RD	DOCTOR BROTHERS LTD
	4	9323 GARLAND RD	ONYX HOLDINGS LLC
	5	9315 ANGORA ST	LOUDERMILK HUBERT LEE II
	6	9321 ANGORA ST	EMMETT ROSS A
	7	9331 ANGORA ST	LANE GEOFFREY A
	8	9337 ANGORA ST	CASEY MARY TRUSTEE
	9	9347 ANGORA ST	DENTON JAMES MASON III & BRIANNE
	10	9353 ANGORA ST	TUCKER RICHARD A
	11	1111 BEACHVIEW ST	UNIFIED HOUSING OF HARVEST HILL III LLC

**AGENDA ITEM # 58**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 46 S

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southeast side of Al Lipscomb Way, between Myrtle Street and Atlanta Street

Recommendation of Staff: Denial

Recommendation of CPC: Approval

Z178-237(CY)



**FILE NUMBER:** Z178-237(CY)

**DATE FILED:** April 16, 2018

**LOCATION:** Southeast side of Al Lipscomb Way, between Myrtle Street and Atlanta Street

**COUNCIL DISTRICT:** 7

**MAPSCO:** 46 S

**SIZE OF REQUEST:** Approx. 0.19 acres

**CENSUS TRACT:** 203.00

---

**OWNER/APPLICANT:** Chris D. Lovick, Jr.

**REPRESENTATIVE:** Chris D. Lovick, Jr.

**REQUEST:** An application for an MF-2(A) Multifamily Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District

**SUMMARY:** The owner proposes to develop the property with a three-story building for a single-family dwelling use with the possibility of a one-story guest house to be constructed at a later date.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Denial

**BACKGROUND INFORMATION:**

- Planned Development No. 595, the South Dallas/Fair Park Special Purpose District, was established by the City Council on September 26, 2001.
- The approximately 0.19-acre area of request is currently undeveloped and is in a NC Neighborhood Commercial subdistrict within Planned Development No. 595.
- The owner proposes to change the zoning from NC Neighborhood Commercial subdistrict to a MF-2(A) Multifamily subdistrict and develop the property with a three-story building for a single-family dwelling use with the possibility of a one-story guest house to be constructed at a later date.
- The only residential use allowed in the current zoning is live/work unit.

**Zoning History:** There have been no zoning changes in the vicinity during the last five years.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>	<b>Required ROW</b>
Al Lipscomb Way	Major Arterial	60'	60'

**Traffic:**

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



**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support the following Plan's goals or policies.

**LAND USE ELEMENT**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

**Policy 1.2.2** Establish clear and objective standards for land use planning.

**ECONOMIC ELEMENT**

**GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT.**

**Policy 2.2.2** Maximize development opportunities around DART stations.

**URBAN DESIGN**

**GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

**Land Use Policy Plan:**

**Martin Luther King Jr. Station Area Plan**

The request site is located within the Martin Luther King Jr. Station area. The plan envisions the MLK area as a safe, walkable mixed-use neighborhood that provides a range of employment opportunities, neighborhood-serving retail, entertainment destinations and housing options.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 595 (NC)	Undeveloped
<b>North</b>	PD No. 871	Public School
<b>East</b>	PD No. 595 (R-7.5(A) with Historic Overlay H/4	Single Family Dwelling
<b>South</b>	PD No. 595 (R-7.5(A)) with Historic Overlay H/4	Single Family Dwelling
<b>West</b>	PD No. 871	Public School

**Land Use Compatibility:**

The approximate 0.19-acre site is zoned a NC Neighborhood Commercial subdistrict within Planned Development No. 595, South Dallas/Fair Park Special Purpose Subdistrict and is currently undeveloped.

The NC Neighborhood Commercial Subdistrict is characterized by small institutional and community service, office, and retail and personal service uses primarily serving nearby residential areas. The scale, intensity, and design of structures is similar to surrounding residential areas to minimize the impact on surrounding neighborhoods.

The area of request is surrounded by a public school to the north and west, across Al Lipscomb Way; undeveloped land to the southwest; single family dwelling uses to the south and east; a non-conforming multifamily use to the northeast; and a church, laundry store and office uses further northeast along Al Lipscomb Way.

The owner proposes to develop the site with a three-story single-family dwelling with the possibility of a one-story guest house to be constructed later. The only residential use allowed in the existing zoning is live-work unit.

The proposed zoning change is not appropriate in the context of the property's surrounding zoning districts since it would create an isolated multifamily subdistrict in the middle of a well-defined and continuous neighborhood commercial district. The request is not consistent with the planned development of the area that seeks to provide the

neighboring residential uses with a mix of small retail and personal service uses and establish walk-to-convenience.

Furthermore, the proposed request would limit future development in the adjacent undeveloped properties by imposing restrictions to the height regulations due to the residential proximity slope (RPS) that would originate from the subject site if the zoning is changed to a MF-2(A) multifamily subdistrict. This restriction would be in addition to the one that already exists, generated also by the R-7.5(A) residential subdistrict to the south and southeast and by the existing MF-2(A) multifamily subdistrict further southwest along Al Lipscomb Way.

The residential proximity slope is defined as a plane projected upward and outward from every site of origination. A site of origination for the residential proximity slope is defined in the Dallas Development Code, as any property in a) an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A) OR MF-2(SAH) district or b) an identifiable portion of a planned development or conservation district, which portion is restricted to residential uses not exceeding 36 feet in height.

Lastly, the proposed zoning change would also limit the development of the subject site in terms of the front yard setback regulations. Although Myrtle Street is not improved, it is dedicated right-of-way. Therefore, by the front yard regulations of the proposed zoning, any structure on the subject site would have to be set back 15 feet from the lot line fronting Myrtle Street and 15 feet from the lot line fronting Al Lipscomb Way, per the front yard setback regulations in Subdistrict MF-2(A) within PD No. 595.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
<b><i>Existing:</i></b> NC Neighborhood Commercial	None or 15'	15' adjacent to residential OTHER: No Min. or 5'	-	30'	40%	Residential Proximity Slope 1:3 slope	Small institutional and community service, office, and retail and personal service uses
<b><i>Proposed:</i></b> MF-2(A) Multifamily	15'	No min for SFD, 5' for Duplex, 10' other/ 10' for duplex, 15' other	No maximum	36'	60% for res. Uses, 50% for nonres.	Residential Proximity Slope	Single Family, Duplex and Multifamily Dwelling uses

Z178-237(CY)

**Parking:**

At the time of development, off-street parking requirements must be provided in accordance with the Dallas Development Code, as amended

**Landscaping:**

At the time of development, landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

**Prior CPC Action – June 7, 2018**

**Motion:** It was moved to recommend **approval** of an MF-2(A) Multifamily Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development No. 595, the South Dallas/Fair Park Special Purpose District, on the southeast side of Al Lipscomb Way, between Myrtle Street and Atlanta Street.

Maker: Mack  
Second: Housewright  
Result: Carried: 11 to 1

For: 11 - Rieves, Houston, Davis, Carpenter, Mack,  
Housewright, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 1 - Jung  
Absent: 2 - West, Shidid  
Vacancy: 1 - District 8

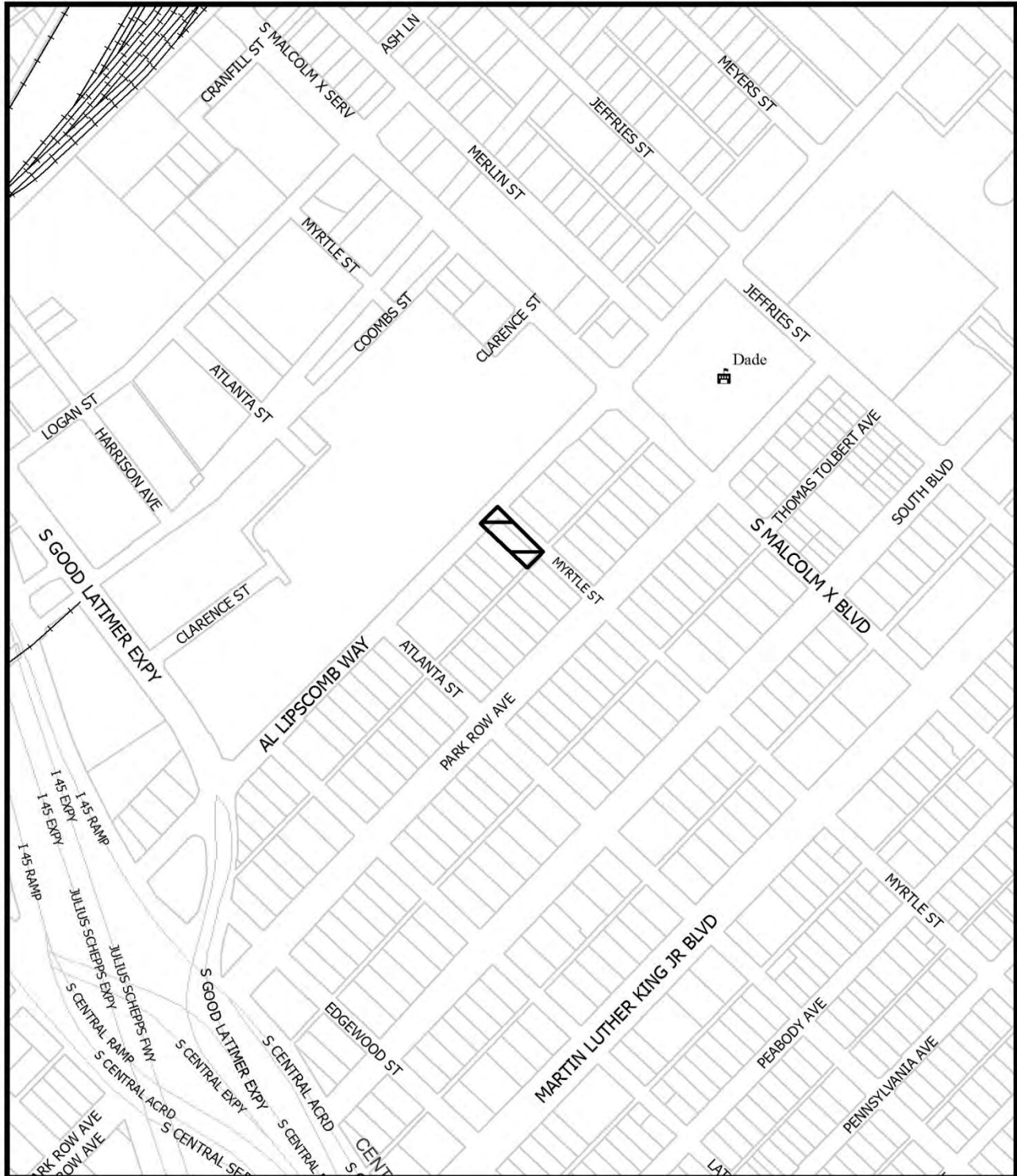
**Notices:** Area: 200 Mailed: 16  
**Replies:** For: 1 Against: 0

**Speakers:** For: Chris D. Lovick, Jr., 646 Duncan Dr., Coppell, TX, 75019  
Kevin Brown, Address not given  
Against: None

**List of Officers**

Individual

- Chris D. Lovick Jr.      Owner



1:4,800

# VICINITY MAP

Case no: **Z178-237**

Date: **5/11/2018**





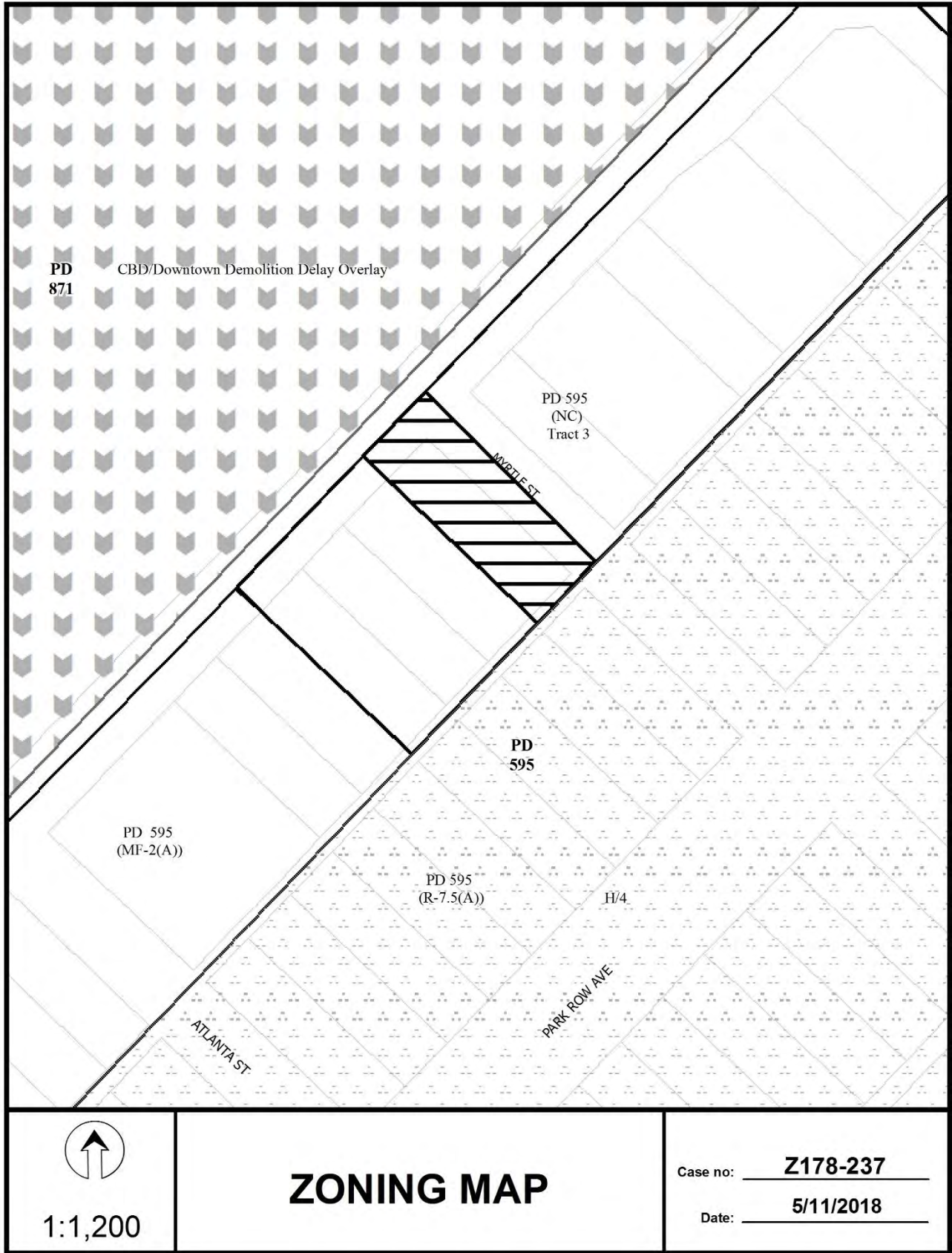
1:1,200

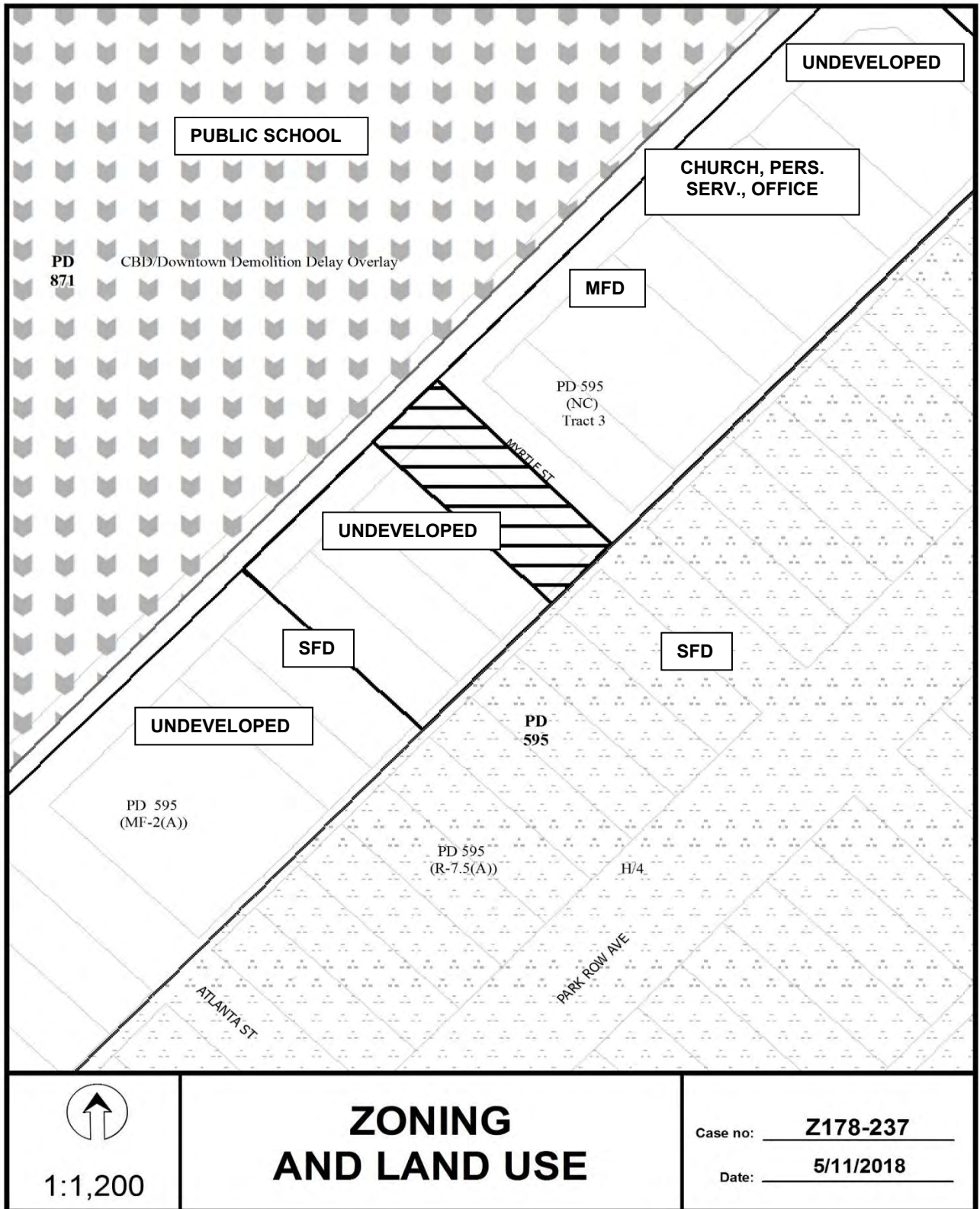
# AERIAL MAP

Case no: Z178-237

Date: 5/11/2018









<u>16</u>	Property Owners Notified (19 parcels)
<u>1</u>	Replies in Favor (2 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>6/7/2018</u>	Date

**Z178-237**  
**CPC**



1:1,200

06/06/2018

***Reply List of Property Owners******Z178-237******16 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2634 AL LIPSCOMB WAY	SOUTHFAIR COMMUNITY DEV CORP
	2	2614 AL LIPSCOMB WAY	HARRIS & HARRIS PPTIES LLC
	3	2618 AL LIPSCOMB WAY	REED BILLY MERRELL
O	4	2622 AL LIPSCOMB WAY	BROWN ELMARIE YVONNE &
	5	2628 AL LIPSCOMB WAY	BROWN JAMES RAY TR
	6	2623 PARK ROW AVE	GEBREDINGIL TESFA
	7	2627 PARK ROW AVE	JOHNSON PATRICIA A & BILLY R
	8	2631 PARK ROW AVE	CITIMORTGAGE INC
	9	2635 PARK ROW AVE	JOHNSON KENNETH & SARAH E
	10	2700 AL LIPSCOMB WAY	STAMATINA HOLDINGS LLC
	11	2712 AL LIPSCOMB WAY	JACKSON GLENDA
	12	2703 PARK ROW AVE	CLARK JAMES GARFIELD
	13	2707 PARK ROW AVE	EDWARDS VEURMER CLARK &
	14	2711 PARK ROW AVE	FRANKLIN RITA
	15	2715 PARK ROW AVE	LEWIS BARBARA ANN LEE
	16	2727 AL LIPSCOMB WAY	Dallas ISD



**AGENDA ITEM # 59**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 45 V

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west corner of South Ervay Street and Beaumont Street

Recommendation of Staff: Approval, subject to staff's recommended conditions

Recommendation of CPC: Approval, subject to conditions

Z167-246(SM)

Note: This item was deferred by the City Council before opening the public hearing on June 27, 2018, and is scheduled for consideration on August 8, 2018

---

**FILE NUMBER:** Z167-246(SM)                      **DATE FILED:** November 9, 2015  
**LOCATION:** West corner of South Ervay Street and Beaumont Street  
**COUNCIL DISTRICT:** 2                              **MAPSCO:** 45 V  
**SIZE OF REQUEST:** Approx. 1.36 acres              **CENSUS TRACT:** 204.00

---

**OWNER/APPLICANT:** Eric Anderson, President and General Partner of Miller Bennett I Et Al and City Park Associates, Ltd.

**REPRESENTATIVE:** Santos Martinez, Masterplan

**REQUEST:** An application for a new subdistrict for mixed uses on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District.

**SUMMARY:** The purpose of this request is to obtain a parking reduction for the proposed uses within the existing structures and preserve the attached marquee sign. The applicant requests a parking reduction for retail uses, personal service uses, and inside commercial uses when located within the existing structures; modifications to sign regulations to reuse the existing sign structure for the former theater; and landscaping modifications.

**CPC RECOMMENDATION:** Approval, subject to conditions.

**STAFF RECOMMENDATION:** Approval, subject to staff's recommended conditions.



## **BACKGROUND INFORMATION**

- On July 26, 1989, City Council approved PD No. 317, the Cedars Area Special Purpose District, containing approximately 580 acres.
- The site consists of undeveloped land, surface parking, and three attached structures. The two-story apartment structure on Beaumont Street was constructed in 1923; the vacant theater was constructed in 1950, and the vacant building in between the apartment and vacant theater was constructed in 1946; according to Dallas Central Appraisal District records.
- Although the application was originally submitted on March 15, 2017, and included the portion of the property constructed with buildings, on February 14, 2018, the applicant subsequently expanded the area of request to include the undeveloped land on the southeast line of McKee Street.
- The applicant proposes to leave the two-story, 18,952-square-foot, 12-unit apartment structure constructed in 1923 relatively unchanged, but renovate and repurpose the remainder of the floor area on the property.
- The applicant intends to renovate the existing vacant theater into an event center and lease the adjacent structures to a mix of retail, restaurant, office, and personal service tenants.
- The applicant intends to utilize a valet service to manage and park customer vehicles.

**Zoning History:** There have been six zoning cases in the area over the past five years.

1. **Z156-127:** On April 13, 2016, the City Council approved Subdistrict 2B and Specific Use Permit No. 2188 for an alcoholic beverage manufacturing use on property zoned Subdistrict 2, Mixed Use Corridor, within Planned Development District No. 317, the Cedars Area Special Purpose District.
2. **Z156-158:** On March 23, 2016, the City Council approved the expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 6 (Old City Park Institutional) within Planned Development District No. 317, the Cedars Area Special Purpose District.

Z167-246(SM)

3. **Z178-131:** On June 13, 2018, the City Council will consider an application for an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Area Special Purpose District
4. **Z156-275:** On December 14, 2016, the City Council approved Subdistrict 3A for single family uses and office showroom/warehouse use on property zoned Subdistrict 3A within Planned Development District No. 317.
5. **Z134-284:** On December 10, 2014, the City Council approved Specific Use Permit No. 2124 for a Utility or Government Installation other than listed on property zoned Tract 2, Subdistrict 1 within Planned Development District No. 317, the Cedars Area Special Purpose District.
6. **Z134-265:** On December 10, 2014, the City Council approved an expansion of Subdistrict 4, Tract 1 of Planned Development District No. 317, the Cedars Special Purpose District onto a portion of Subdistrict 2 of Planned Development District No. 317.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Thoroughfare Plan Dimension</b>
S. Ervay Street	Collector	Standard 4-lanes, undivided; 60' ROW
Beaumont Street	Collector	Minimum 4-lanes, undivided; 60' ROW
McKee Street	Local	60' ROW

**Comprehensive Plan:**

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support or obstruct the Plan's goals or policies.

The applicant's request complies with the following goals, policies, and implementation measures of the Comprehensive Plan.

## **ECONOMIC ELEMENT**

### **GOAL 2.1 Promote balanced growth**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities.

## **URBAN DESIGN**

### **GOAL 5.1 Promote a sense of place, safety and walkability**

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Policy 5.1.2 Define urban character in Downtown and urban cores.

### **GOAL 5.3 Establishing walk-to convenience**

If residents wish to walk rather than drive for some of their daily trips, they need a safe and pleasant environment and direct access to the goods, services and jobs they seek. “Walk-to convenience” can bring small neighborhood services, shops and offices within a short distance of homes and businesses, connected through pedestrian-friendly routes. This shift from current development patterns calls for a new approach to integrating land uses, platting lot and access ways and distributing street traffic. These efforts will result in increased accessibility for pedestrians, reduced driving requirements and improved air quality.

A one-quarter mile distance, determined by transit industry research, is the established walking standard for the average pedestrian. Studies show that transit users will walk five minutes at three miles per hour. The Nationwide Personal Transportation Survey (NPTS) shows that the median walking distance to and from transit stops is almost exactly a quarter-mile. Young people may be willing to walk a little farther than older adults and users of premium transit (i.e., light rail) may walk a little farther than those who ride the bus.

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

The City should encourage integrating and balancing land uses, as is consistent with the *forwardDallas!* Vision’s Mixed-use Building Blocks. These compatible land uses should be appropriate to and complement the surrounding area and would preclude land uses that are inherently incompatible with residential quality of life and/ or uses that have negative or harmful secondary effects.

Policy 5.3.3 Encourage transit oriented developments and transit centers.

There is a symbiotic relationship between public transit, a person’s willingness to walk and quality design of urban places. This depends not only upon the thoughtful integration of appropriate land uses, but upon a built environment reflecting careful attention to the human scale.

**Surrounding Land Uses:**

	<b>Zoning within PDD No. 317</b>	<b>Land Use</b>
<b>Site</b>	Subdistrict 2 (Mixed Use Corridors)	Multifamily, vacant
<b>Northeast</b>	Subdistrict 2 (Mixed Use Corridors)	Warehouse
<b>Southeast</b>	Subdistrict 2 (Mixed Use Corridors)	Single family
<b>Southwest</b>	Subdistrict 1 (Residential Core)	Multifamily and Single Family
<b>Northwest</b>	Subdistrict 2 (Mixed Use Corridors)	Undeveloped

**Land Use Compatibility:**

The surrounding areas include a warehouse to the northeast, undeveloped property to the northwest, and residential uses to the southeast and southwest. Per the PDD, the purpose of Subdistrict 2 is to:

*Encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; to encourage development that supports increased pedestrian and bicycle use; and to encourage the preservation of structures with historic value.*

The request proposes to renovate the more than half-century-old buildings on the site and to improve the parking lot with landscaping and fencing. The site is also proposed to have a mix of tenants including retail, restaurant, personal service, and commercial amusement (inside) to activate the frontage. Since the applicant proposes to maintain the allowed uses as the existing zoning district, staff recommends approval.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the applicant's request and determined that a parking demand study by a professional engineer is required to evaluate if the requested parking reductions would have a detrimental impact on the surrounding street system. The May 17, 2018, CPC reports were distributed to the Plan Commission on Thursday, May 10, 2018. The applicant provided the attached parking demand study to staff on May 11, 2018, which was therefore too late to review and include in staff's report for evaluation on the May 17, 2018, CPC hearing.

The Engineering Division evaluated the applicant's request and determined that the request will have a detrimental impact on the surrounding street system and therefore supports staff's recommended conditions.

**Parking:**

Parking regulations in this district have special provisions for multifamily uses, on-street parking credits, and tandem parking for residential uses. The district also currently allows a 40 percent parking reduction if a site is within 1,500 feet of a DART light rail station and provides particularly prescribed enhanced pedestrian amenities. These enhanced pedestrian amenities include, but are not limited to, street trees per 25 feet of frontage, enhanced sidewalks, and a minimum of 20 percent of the street facing facade must have a canopy or awning. The canopy or awning requirement has no method of waivers when the existing buildings are so close to property lines that canopies and awnings are infeasible or a varied reduction when properties are located outside of the maximum walking distance to a DART light rail station.

Since the area of request is approximately 2,200 feet, or four tenths of a mile, of walking distance from the Cedars Light Rail Station, it is thereby ineligible for the PDD's 40 percent parking reduction which is limited to sites within 1,500 feet of a light rail station. However, CPC's recommended 45 percent parking reduction (for a cumulative 50 percent reduction with the rideshare parking reduction) is not supported by staff or by the applicant's parking demand study, which was provided too late to evaluate and present to City Plan Commission on May 17, 2018. The May 17, 2018, CPC reports were distributed to the Plan Commission on Thursday, May 10, 2018. The applicant provided the following parking demand study to staff on May 11, 2018, which was therefore too late to review and include in staff's report for evaluation on the May 17, 2018 CPC hearing.

One of the primary purposes of the PDD is to encourage building preservation and a primary tool used to accomplish building preservation in the PDD is to grant parking reductions. Because the site is still within a half-mile walking distance of a light rail station with bus services in the vicinity, staff can support a lesser parking reduction if the building is preserved and enhanced with additional landscaping and with 30 percent transparency or murals, sculptures, or other art work for a minimum 50 percent of the facade is provided. Staff's recommendation is consistent with the 20 percent parking reduction previously approved in Subdistrict 2B because Subdistrict 2B is located approximately 1,437 feet from the Cedars Light Rail Station but was unable to improve the walking path due to the placement of the existing building, staff supported the requested 20 percent parking reduction. Since the proposed site is located further from a light rail station than the existing Subdistrict 2B location (2,200 feet vs. 1,437 feet), staff recommends a 10 percent parking reduction. Staff also supports this reduction with the requirement of pedestrian improvements because it encourages reuse of older buildings. Therefore, since the area of request is further away from the light rail station than the previously approved Subdistrict 2B but still within a half-mile, staff recommends a 10 percent parking reduction.

In addition, staff supports an additional five percent parking reduction for providing a minimum of three off-street parking spaces for rideshare services because it encourages the site to provide minimal oversight of rideshare operations in exchange for a slight parking reduction.

If the site provides a 5,583-square-foot event space with a 150-square-foot dance floor; nine efficiency apartments; 9,059 square feet of personal services; 7,500 square feet of restaurant; and approximately 2,500 square feet of retail, the existing minimum parking requirements would require 191 parking spaces. If staff's recommendation of a cumulative 15 percent parking reduction is utilized, 162 spaces would be required.

Additionally, the Dallas Development Code also has many opportunities for a use to reduce minimum parking requirements including, but not limited to, a shared parking agreement where uses that have compatibly overlapping hours with different peak parking demand times, or mutually exclusive hours of operation, may share parking spaces; parking reduction for bicycle parking spaces and facilities; and the Board of Adjustment can reduce parking requirements up to 25 percent through a special exception. It is staff's position that parking reductions should be limited unless special conditions and engineering studies are preformed to evaluate how the reduced parking requirement would impact the surrounding properties. If the site utilizes a compatibly overlapping hours shared parking agreement, which would require limitations on a mixture of uses that typically have differing peak demand hours; a five percent parking

reduction for providing bicycle parking spaces; and if staff's recommended cumulative 15 percent parking reduction is approved, the site's minimum off-street parking requirement could be as low as 150 parking spaces, or a cumulative reduction of 21.5 percent.

The May 17, 2018 CPC reports were distributed to the Plan Commission on Thursday, May 10, 2018. The applicant provided the attached parking demand study to staff on May 11, 2018, which was therefore too late to review and include in staff's report for evaluation on the May 17, 2018 CPC hearing. The attached parking demand study concluded that the site would need a minimum of 118 spaces if people arrived to the private event space in groups of four or five per vehicle. The parking demand study also envisions valet service to the site and with a maximum occupancy of 222 persons to the private event spaces, that if instead of four or five persons per vehicle, two persons arrived per vehicle, the private event space would need 111 spaces with 71 other spaces needed for the rest of the uses on site. Therefore, if patrons arrived to the private event space with two persons per car, a minimum of 182 spaces would be needed for all uses on site. The parking demand study concludes that 183 to 190 parking spaces would be sufficient parking for the site when valet parking and offsite rental parking are utilized. Therefore, the parking demand study does not support the applicant or CPC's recommended parking reduction, but instead supports staff's recommendation that would require the site to provide parking agreements and a valet plan if valet services are utilized.

The applicant's parking demand study does not support the applicant's or CPC's recommended parking reductions. Since staff has had an opportunity to review the applicant's parking demand study after the CPC hearing, staff has determined the applicant's parking demand study supports staff's recommended parking reduction or no parking reduction.

**Landscaping:**

Landscaping of any development will be in accordance with the landscaping requirements in PDD No. 317. Staff supports the applicant's request to utilize transparency and artwork as a design standard for a legacy building.



**Signs:**

The existing sign regulations for the area of request refer to business sign regulations. The applicant intends to maintain the existing marquee sign, or the sign that projects over the sidewalk that may contain changeable message signs such as showtimes, and the attached sign above the marquee sign that may display the new name of the renovated theater space.

The business district sign regulations limit projecting signs to 20 square feet of effective area and a maximum projection of four feet from the vertical building plane. The applicant requests the effective area for the marquee sign be increased to 75 square feet and allowed to project up to nine feet from the vertical building plane. Since these modifications are intended to preserve the existing sign, staff supports the request.

**Prior CPC Action – May 17, 2018:**

**Motion:** It was moved to recommend **approval** of a new subdistrict for mixed uses, subject to staff's recommended conditions with the following changes: 1) 50 percent parking reductions, 2) add a condition commercial amusement (inside) use must be closed to the public between the hours of midnight and 6:00 a.m., Monday through Sunday, 3) proposed parking reductions for legacy buildings do not apply to covered or uncovered rooftop areas, and 4) specific use permit required for any restaurant, alcoholic beverage establishments, or commercial amusement (inside) located on a rooftop of a structure, on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west corner of South Ervay Street and Beaumont Street.

Maker: Rieves  
Second: Houston  
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Schultz, Peadon,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Housewright  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 118  
**Replies:** For: 11 Against: 0

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None



May 10, 2018

Mr. David Nevarez, PE, PTOE  
Sr. Engineer  
City of Dallas  
1500 Marilla Street  
L1BS  
Dallas, TX 75201

Subject: 1707 S. Ervay Street Parking Evaluation

Dear Mr. Nevarez:

This letter report was prepared to document the parking characteristics of the City Park Associates, Ltd. site which includes the existing legacy buildings located on the south side of South (S) Ervay Street, 1703 S Ervay Street to 1721 S Ervay Street, between McKee Street and Beaumont Street in Dallas, Texas (Project). This document was prepared based on information/data obtained from the following sources:

- Eric Anderson, City Park Associates
- Santos Martinez, Senior Consultant, Masterplan
- The Ervay Theatre Preview Party, Saturday, April 14<sup>th</sup>, 2018 (Attended by me between the hours of 7:30 and 8:30)
- Steven Lamb, Texas Valet

Based on the information/data, there is sufficient parking available for maximum occupancy of the Project when utilizing both the onsite and offsite rental parking. Should the Theatre decide to use valet parking, there would likely be sufficient parking onsite and more than sufficient if the offsite rental parking is used. Even with a conservative VOR of 2 persons per vehicle for Theatre events and the use of valet parking, the 183 to 190 parking spaces available both onsite and offsite should be sufficient.

#### **Land Uses**

The Project will consist of the following land uses:

- The Ervay Theatre, located at 1707 S Ervay Street  
The Theatre is a newly remodeled 5,583 square foot (sf) private event space with a 144 sf dance floor. It is classified as commercial amusement (inside) with an overall occupancy of 222 including event staff.

Texas Firm # 11119  
6807 Leameadow Drive, Dallas, Texas 75248  
12873 Yancey Lane, Tyler, Texas 75707  
Phone: (972) 239-8995

[www.ndengpc.com](http://www.ndengpc.com)

- Apartments – nine (9) efficiency/one (1) bedroom units
- Personal services – approximately 9,059 sf
- Restaurant(s) – maximum of 7,500 sf
- Retail – approximately 2,500 sf

### **Parking Requirements**

Parking requirements for the various Project uses are:

- Commercial amusement (inside) – One (1) parking space per 400 sf
- Dance floor – 0 parking spaces (less than 150 sf)
- Apartments – 0.8 parking space per bedroom
- Personal Service – One (1) parking space per 375 sf
- Restaurant(s) – One (1) parking space per 275 sf
- Retail – One (1) parking space per 275 sf

Using the Project square footages with the parking requirements would generate the following number of spaces per use:

- The Ervay Theatre – 14 spaces
- Apartments – 8 spaces
- Personal Service – 25 spaces
- Restaurant(s) – 28 spaces
- Retail – 10 spaces

Total number of parking spaces required for the Project would be 85 spaces.

### **Available Parking**

Parking spaces adjacent to the Theatre total 105 and include:

- 40 spaces behind the building
- 52 spaces beside the building to the west (newly completed one-way angled parking)
- 8 spaces located in front of the building along S. Ervay Street (head-in or angled)
- 5 spaces located along McKee Street (parallel)

In addition to the parking spaces adjacent to the Theatre, there is a 10-year agreement with the George E. Anderson Company, 1700 S. Ervay Street, to provide approximately 50 spaces during non-business hours. With inclusion of the rented spaces, there would be a total of 155 spaces available for the Project.

### **The Ervay Theatre Preview Party**

At the come and go Theatre Preview Party, it was estimated that approximately 200 to 240 persons attended in addition to the band and catering staff. The preview party hours were from 7:00 PM to 11:00 PM. During this time the valet service parked a total of 42 vehicles. This resulted in a vehicle occupancy rate (VOR) ranging from 4 to 5 persons per vehicle recognizing that likely a large number of attendees took other methods of transportation rather than drive their personal vehicles.

Assuming a worst case of 222 attendees, and utilizing the same potential VORs, the Theatre would need to be able to park between 39 and 47 vehicles.

#### **Total Parking Needed**

Assuming that the Theatre needed a worst case of 47 spaces and the other Project uses needed a total of 71 spaces, total parking spaces needed would be 118 spaces which is 13 more spaces than the available onsite parking of 105 spaces. With the inclusion of the 50 rental spaces across the street, there would be a surplus of 37 spaces available.

#### **Valet Parking**

The Theatre may choose to use a complimentary valet service which will typically increase the amount of available parking between 20% and 25% excluding the eight (8) spaces along Ervay and the five (5) spaces along McKee. The resulting valet parking would provide approximately 123 to 128 spaces adjacent to the Theatre and approximately 60 to 62 spaces located across the street for a total of 183 to 190 spaces.

If a conservative worst-case scenario of 2 persons per vehicle (VOR of 2.0) for a Theatre event was utilized as opposed to the VOR of 4 to 5 persons per vehicle previously documented, and a maximum Theatre occupancy of 222 persons, the Theatre would require 111 spaces. With the addition of the other 71 Project spaces, a total of 182 spaces would be needed. With valet parking for the Theatre event, there would still be sufficient parking with the inclusion of offsite rental parking.

Should valet parking be used, the valet podium/vehicle drop off would likely be located on the south side of Ervay Street in a 40-foot to 50-foot-long pull out northwest of the Theatre entrance. Attendees pull in to the drop off location, and valet staff takes control of the vehicle. Attendees then walk directly into the Theatre. The use of valet parking would keep attendees from parking in the adjacent neighborhoods as well as prevent attendees from having to cross streets to enter the Theatre.

#### **Conclusion**

Based on the information/data, there is sufficient parking available for maximum occupancy of the Project when utilizing both the onsite and offsite rental parking. Should the Theatre decide to use valet parking, there would likely be sufficient parking onsite and more than sufficient if the offsite rental parking is used. Even with a conservative VOR of 2 persons per vehicle for Theatre events and the use of valet parking, the 183 to 190 parking spaces available both onsite and offsite should be sufficient.

Z167-246(SM)

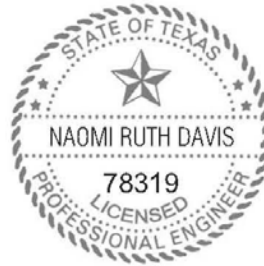
If you have any questions or comments about the information provided in this document please let me know.

Thanks, and have a Blessed Day.

Sincerely,

*Naomi Ruth Davis*

N. Ruth Davis, PE, PTOE  
President  
ND Engineering, PC



Cc: Mr. Eric Anderson, City Park Associates  
Mr. Santos Martinez, Masterplan

**PROPOSED AMENDMENTS TO:**

**ARTICLE 317.**

**PD 317.**

**Cedars Area Special Purpose District**

**SEC. 51P-317.101. LEGISLATIVE HISTORY.**

PD 317 was established by Ordinance No. 20395, passed by the Dallas City Council on July 26, 1989. Ordinance No. 20395 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20395 was amended by Ordinance No. 20822, passed by the Dallas City Council on November 28, 1990; Ordinance No. 22003, passed by the Dallas City Council on March 23, 1994; Ordinance No. 23144, passed by the Dallas City Council on May 28, 1997; Ordinance No. 23379, passed by the Dallas City Council on December 10, 1997; Ordinance No. 23470, passed by the Dallas City Council on March 25, 1998; Ordinance No. 23921, passed by the Dallas City Council on June 23, 1999; Ordinance No. 24014, passed by the Dallas City Council on September 8, 1999; Ordinance No. 24017, passed by the Dallas City Council on September 8, 1999; Ordinance No. 24124, passed by the Dallas City Council on December 8, 1999; Ordinance No. 24430, passed by the Dallas City Council on October 25, 2000; and Ordinance No. 24503, passed by the Dallas City Council on January 24, 2001. (Ord. Nos. 10962; 19455; 20395; 20822; 22003; 23144; 23379; 23470; 23921; 24014; 24017; 24124; 24430; 24503; 24826)

**SEC. 51P-317.102. PROPERTY LOCATION AND SIZE.**

PD 317 is established on property generally bounded by Interstate Highway 30 on the north, Interstate Highway 45 on the east, the G.C. & S.F. Railroad right-of-way on the south, and the M.K. & T. Railroad right-of-way on the west. The size of PD 317 is approximately 580.328 acres. (Ord. Nos. 20395; 24826)

**SEC. 51P-317.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless the context clearly indicates otherwise, in this article:

(1) AREA means one of the areas referred to in Section 51P-317.105 of this article.

(2) DIR means development impact review pursuant to Division 51A-4.800.

(2.1) ENHANCED PEDESTRIAN AMENITIES means improvements located in the enhanced pedestrian amenities area that are designed to encourage pedestrian traffic, and that meet all of the standards set forth in Section 51P-317.112.1(c).



(2.2) ENHANCED PEDESTRIAN AMENITIES AREA means an area used by pedestrians adjacent to a street, and that meets all of the standards set forth in Section 51P-317.112.1(c).

(3) LARGE TREE means a tree of a species which normally reaches a height of 30 feet or more upon maturity.

(3.1) LEGACY BUILDING means a building constructed on or before January 1, 1960.

(3.2) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.

(4) OWNER means the owner or owners, from time to time, of property in this district.

(5) PARAGRAPH means the first division of a subsection. Paragraphs are designated by Arabic numerals in parentheses, e.g. "(1)."

(6) PARKWAY means that portion of the street right-of-way located between the street curb and the front lot line.

(7) PROJECTED STREET CURB means the future location of the street curb consistent with the city's thoroughfare plan, as determined by the director of public works and transportation.

(8) RAR means residential adjacency review pursuant to Division 51A-4.800.

(8.1) RECYCLABLE MATERIALS means clothing, aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.

(8.2) RIDESHARE PARKING means a parking space dedicated for the short term pick up and drop off of patrons or employees of a main use.

(9) SECTION means a section of this article.

(10) SUBPARAGRAPH means the first division of a paragraph. Subparagraphs are designated by capital letters in parentheses, e.g. "(A)."

(11) SUBSECTION means the first division of a section. Subsections are designated by lower case letters in parentheses, e.g. "(a)."

(12) SUP means specific use permit.

(13) THIS DISTRICT means the entire planned development district created by Ordinance No. 20395, as amended.

(b) Unless otherwise stated, the definitions contained in Chapter 51A apply to this article. In the event of a conflict, this article controls.

(c) Unless otherwise stated, all references to code divisions or sections in this article refer to divisions or sections in Chapter 51A.

(d) The provisions of Section 51A-4.702, "Planned Development (PD) District Regulations," relating to site plans, conceptual plans, and development plans do not apply to this district.

(e) Section 51A-2.101, "Interpretations," applies to this article.

(f) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800.)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. (RAR means residential adjacency review. For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(g) For purposes of determining the applicability of regulations in this article and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800:

(1) this district and each subdistrict within this district except Subdistrict 1 is considered to be a "nonresidential zoning district"; and

(2) Subdistrict 1 is considered to be a residential district. (Ord. Nos. 20395; 24826; 24872; 25160; 29197)

**SEC. 51P-317.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 317A: property descriptions of the district and subdistricts.
- (2) Exhibit 317B: subdistrict map.
- (3) Exhibit 317C: site and landscape plan for the shelter property in Subdistrict 3.
- (4) Exhibit 317D: land use and development standards chart. (Ord. 29197)

**SEC. 51P-317.104. ZONING CLASSIFICATION CHANGE AND DISTRICT IDENTIFICATION.**

Chapters 51 and 51A are amended by changing the zoning classification on the property described in Exhibit A of Ordinance No. 20395 to Planned Development District No. 317, to be known as the Cedars Area Special Purpose District. (Ord. Nos. 20395; 24826)

**SEC. 51P-317.105. CREATION OF SEPARATE SUBDISTRICTS.**

This district is divided into 11 ~~[10]~~ subdistricts: 1, 2, 2A, 2B, 2C, 3, 3A, 4, 4A, 5, and 6. The boundaries of all subdistricts are verbally described in Exhibit 317A. A map showing the boundaries of the subdistricts is labeled Exhibit 317B. If there is a conflict, the verbal descriptions in Exhibit 317A control over the graphic description in Exhibit 317B. (Ord. Nos. 24503; 24826; 24872; 25160; 27194; 27402; 29197)

**SEC. 51P-317.106. PRESERVATION INCENTIVES.**

(a) The provisions of Section 51A-4.501 relating to the transfer of development rights, the transfer process, and the historic landmark tax freeze apply to buildings in this district except as those provisions may be expressly modified in this article. (Note: The term “development rights” is defined in Section 51A-4.501.) If Section 51A-4.501 is amended in the future, such amendments shall apply in this district to the extent that they do not conflict with this article. In the event of a conflict, this article controls.

(b) Development rights in a building may be transferred if:

- (1) the building is a designated historic landmark in this district;
- (2) the building is a contributing structure listed in the National Register of Historic Places; and

(3) the building has been restored within the past five years, and the total value of the building improvements exceeds 50 percent of the assessed value of the structure immediately prior to the restoration.

(c) Development rights may only be transferred to building sites in Subdistricts 2, 2A, 2B, **2C**, 3, and 3A.

(d) The ability to transfer development rights does not authorize a setback violation on the building site to which the rights are transferred. The maximum floor area ratio of a building site may be increased by no more than 20 percent through the transfer of development rights, and the maximum structure height may not be increased. (Ord. Nos. 20395; 24826; 25160; 27402)

**SEC. 51P-317.107. ADDITIONAL PROVISIONS.**

The "additional provisions" in Division 51A-4.200 apply to all uses in this district. In addition, the following "additional provision" supplements and is cumulative of the "additional provisions" in that division applicable to the "Commercial radio or television transmitting station" use: A structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum must not be visible from the street. (Ord. Nos. 20395; 24826)

**SEC. 51P-317.108. UTILITY OR GOVERNMENT SERVICE CENTER.**

*OMITTED FOR BREVITY*

**SEC. 51P-317.109. GROUP HOME OR SHELTER PERMITTED, SUBJECT TO RESTRICTIONS, IN SUBDISTRICT 3.**

*OMITTED FOR BREVITY*

**SEC. 51P-317.110. SEAFOOD PROCESSING FACILITY.**

*OMITTED FOR BREVITY*

**SEC. 51P-317.110.1. ART OR CRAFT PRODUCTION FACILITY.**

*OMITTED FOR BREVITY*

**SEC. 51P-317.110.2. COMMERCIAL ENGRAVING/ETCHING FACILITY.**

*OMITTED FOR BREVITY*

**SEC. 51P-317.110.3. RECYCLING CENTER.**

*OMITTED FOR BREVITY*

**SEC. 51P-317.111. USE REGULATIONS AND DEVELOPMENT STANDARDS.**

The following use regulations and development standards apply in the various subdistricts and are summarized in the chart attached as Exhibit 317D. In the event of a conflict, the text in this section controls over the graphic representations and text in Exhibit 317D.

- (a) Subdistrict 1 (Moderate Density Residential).

*OMITTED FOR BREVITY*

- (b) Subdistrict 2, 2A, and 2B, and 2C (Moderate Density Mixed Use Corridors).

(1) Purpose. To encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; to encourage development that supports increased pedestrian and bicycle use; and to encourage the preservation of structures with historic value.

- (2) Main uses permitted.

- (A) Agricultural uses.

None permitted.

- (B) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Catering service. [RAR]
- Custom business services. [RAR]
- Commercial engraving/etching facility. [Only in Subdistrict 2A by SUP. See Section 51P-317.110.2.]
- Custom woodworking, furniture construction, or repair.

[RAR]

- Electronics service center.
- Job or lithographic printing. [RAR]
- Medical or scientific laboratory. [RAR]
- Technical school. [RAR]

- (C) Industrial uses.

- Alcoholic beverage manufacturing. [Only in Subdistrict 2B by SUP].

- Art or craft production facility.
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes and related institutions.
  
- Convent or monastery.
- Foster home.
- Institution for special education.
- Library, art gallery, or museum.
- Public or private school.

[SUP]

(E) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- Duplex.
- Handicapped group dwelling.
- Multifamily.

-- Single family.

(J) Retail and personal service uses.

- Animal shelter or clinic without outside run. [RAR]
- Auto service center. [RAR]
- Bar, lounge, or tavern. [SUP]
- Business school.
- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B). SUP in Subdistrict 2C, when operated on a roof.]
- Commercial parking lot or garage. [RAR]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less. [RAR]
- General merchandise or food store greater than 3,500 square feet. [RAR]
- Household equipment and appliance repair.
- Microbrewery, microdistillery, and winery. [Only in Subdistrict 2B by SUP].
- Motor vehicle fueling station. [RAR]
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through services. [DIR, SUP in Subdistrict 2C, when operated on a roof.]
- Restaurant without drive-in or drive-through service. [RAR, SUP in Subdistrict 2C, when operated on a roof.]
- Temporary retail use.
- Theater. [RAR]

(K) Transportation uses.

- Transit passenger shelter.

(L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
- Police or fire station. [RAR]
- Post office. [RAR]
- Utility or government installation other than listed. [SUP]
- Utility or government service center. [See Section 51P-



(M) Wholesale, distribution, and storage uses.

- Mini-warehouse. [RAR]
- Office showroom/warehouse. [RAR]
- Recycling drop-off container. [See Section 51A-4.213(11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
- Warehouse. [RAR]

(3) Accessory uses. As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this subdistrict:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory outside storage.
- Accessory pathological waste incinerator.
- Day home.
- General waste incinerator.
- Private stable.

(B) In this subdistrict, the following accessory use is permitted by SUP only:

- Pedestrian skybridges.

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

- (i) No minimum front yard.
- (ii) If a structure is located on a lot having frontage on Akard Street, an additional 15-foot "urban form" front yard setback is required for that portion of the structure above 54 feet in height.

(B) Side and rear yard. No side and rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio.

(i) Maximum floor area ratio is 2.5 in a structure with 50 percent or more of its total floor area restricted to residential use and 50 percent or more of its ground floor area restricted to retail and personal services uses; and

(ii) in all other cases, maximum floor area ratio is 2.0.

(E) Height. Maximum structure height is:

(i) 90 feet for a structure with at least 50 percent of its total floor area restricted to residential uses and 50 percent or more of its ground floor area restricted to retail and personal services uses; and

(ii) 54 feet for all other structures.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading.

(A) In general. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Tandem parking. For single family, duplex, and multifamily uses, tandem parking is permitted.

(C) Multifamily. One off-street parking space per bedroom per dwelling unit is required; not less than one space nor more than two spaces are required for each dwelling unit.

(D) On-street parking credit. Required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way

abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.

(i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ( $8 \div 24 = \text{one-third}$ ). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved in accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

(E) Pedestrian amenities parking reduction.

(i) Parking for uses on a lot that are located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station may be reduced by 40 percent if enhanced pedestrian amenities are provided.

(ii) To qualify,

(aa) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and

(bb) the enhanced sidewalk must provide the shortest walking pathway to the DART light rail station.

(iii) See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(F) Subdistrict 2B.

(i) The off-street parking requirements for a lot with a legacy building may be reduced by 20 percent if the following standards are met:

(aa) Additional landscaping, including site trees, street trees, and other plantings are provided that meet the spirit and intent of the landscaping regulations of Section 51 P-3 17.111 (b)(7);

(bb) Except as provided in this subparagraph, each street facing facade that is within 15 feet of a right-of-way or a future right-of-way has a minimum of 30 percent transparency for the first 15 feet above the adjacent ground surface. If an existing legacy building facade has less than 30 percent transparency, a minimum of 50 percent of the facade may be enhanced with murals, sculptures, or other art work; and

(cc) The site with the legacy building or the legacy building is located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station.

(ii) This provision may not be combined with the pedestrian amenities parking reduction of Subparagraph (E).

(iii) For purposes of this this subparagraph, TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story.

**(G) Subarea 2C.**

(i) Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(ii) For parking purposes, Subdistrict 2C is considered one lot.

(iii) A maximum five percent parking reduction may be applied when a minimum of three parking spaces are designated as rideshare parking. Signs must be prominently displayed at each rideshare space. Each rideshare sign must:

(aa) illustrate or describe the rideshare space and the location of the main use;

(bb) be constructed of weather resistant material;

(cc) be no less than 30 inches wide and 24 inches long;  
and

(dd) contain clearly legible letters in a color that contrasts with the background material of the sign.

CPC recommendation and applicant requested:

(iv) The off-street parking requirements for a lot with a legacy building may be reduced by 45 percent if the following standards are met:

(aa) Additional landscaping, including site trees, street trees, and other plantings are provided that meet the spirit and intent of the landscaping regulations of Section 51 P-3 17.111 (b)(7); and

(bb) Except as provided in this subparagraph, each street-facing facade that is within 15 feet of a right-of-way or a future right-of-way has a minimum of 30 percent transparency for the first 15 feet above the adjacent ground surface. If an existing legacy building facade has less than 30 percent transparency, a minimum of 50 percent of the facade may be enhanced with murals, sculptures, or other art work. For purposes of this this subparagraph, TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story.

(v) The maximum amount of parking reductions available to uses within Subdistrict 2C is 50 percent. Uses in Subdistrict 2C may not reduce parking requirements by more than 50 percent by combining parking reductions with shared parking agreements.

Staff recommendation:

(iv) The off-street parking requirements for a lot with a legacy building may be reduced by 10 percent if the following standards are met:

(aa) Additional landscaping, including site trees, street trees, and other plantings are provided that meet the spirit and intent of the landscaping regulations of Section 51 P-3 17.111 (b)(7); and

(bb) Except as provided in this subparagraph, each street-facing facade that is within 15 feet of a right-of-way or a future right-of-way has a minimum of 30 percent transparency for the first 15 feet above the adjacent ground surface. If an existing legacy building facade has less than 30 percent transparency, a minimum of 50 percent of the facade may be enhanced with murals, sculptures, or other art work. For purposes of this this subparagraph, TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story.

(v) Remote parking.

(aa) Remote parking is permitted if the requirements of Division 51A-4.320, “Special Parking Regulations,” are met.

(bb) An agreement authorizing a remote parking may be based on a lease of the remote parking spaces only if the lease:

(I) is in writing;

affected; (II) contains legal descriptions of the properties

and the hours of operation of any use involved; (III) specifies the special parking being provided

Texas; (IV) is governed by the laws of the state of

affected; (V) is signed by all owners of the properties

(VI) is for a minimum term of three years; and

(VII) provides both the owner of the lot occupied by the main use and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations.

(A) In general. This subdistrict is exempt from compliance with Article X of Chapter 51A, except that Article X requirements for street trees, site trees, parking lot trees, parking lot screening, garbage storage screening, and off-street loading screening, apply in this subdistrict, as modified in this paragraph.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

(C) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 90 percent.

(D) Site trees.

(i) Alternate methods of compliance. The site tree requirements of Division 51A-10.125, "Mandatory Provisions," of Article X apply with the following additional provisions. If a property owner in this subdistrict cannot plant all of the required site trees on the lot, the property owner may comply with one of the following two requirements for up to a maximum of 50 percent of the required site trees:

(aa) Plant the trees in the parkway along the frontage of the lot, in addition to required street trees, with the written permission of the building official.

(bb) Make a payment into the Cedars Open Space Fund.

(ii) Cedars open space fund. The department of development services shall administer a city account to be known as the Cedars Open Space Fund. Funds from the Cedars Open Space Fund must be used only for acquiring park and open-space property, and for the purchase, planting, and maintenance of landscaping on public property in Subdistrict 3A. The amount of the payment required for each site tree not planted is calculated by using the formula for appraising the value of a two-inch tree, as derived from the most recent edition of the Guide for Establishing Values of Trees and Other Plants published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(E) Subdistrict 2C. For legacy buildings, the following improvements may count as a design standard:

(i) A minimum of 30 percent transparency.

(ii) A minimum of 50 percent of the facade is enhanced with murals, sculptures, or other art work.

(8) Additional provisions.

(A) Screening from residential. Lots containing uses permitted with RAR must have solid screening on the sides of the property that have residential adjacency.

(B) Minimum sidewalk width. All lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet.

(C) Outside amplification in Subdistrict 2B. Outside amplification is limited to the hours of 8:00 a.m. and 10:00 p.m., Monday through Sunday.

(D) Hours of operation of commercial amusement (inside) in Subdistrict 2C. A commercial amusement (inside) use may only be open to the public between the hours of 6:00 A.M. to midnight, Monday through Sunday.

(9) Signs in Subdistrict 2C. Except as provided in this subparagraph, signs must comply with business sign regulations. When located on a legacy building, the following modifications to attached signs apply.

(i) No single face of a marquee sign may exceed 75 square feet in effective area.



(ii) Marquee signs may project up to nine feet from a vertical building plane of a legacy building.

(c) Subdistrict 3 (Freeway-oriented High Density Mixed Use).

*OMITTED FOR BREVITY*

(d) Subdistrict 3A (Transit-oriented High Density Mixed Use).

*OMITTED FOR BREVITY*

(e) Subdistrict 4 (Warehouse/Residential Transition).

*OMITTED FOR BREVITY*

(f) Subdistrict 5 (Industrial).

*OMITTED FOR BREVITY*

(g) Subdistrict 6 (Old City Park Institutional).

*OMITTED FOR BREVITY*

**SEC. 51P-317.112. LANDSCAPING IN THE PARKWAY.**

(a) Private license granted.

*OMITTED FOR BREVITY*

**SEC. 51P-317.112.1. PEDESTRIAN AMENITIES IN THE PARKWAY.**

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owners, to the tenants (“property owner”) of all parkway property in Subdistrict 1, 2, 3, 3A, and 4 (the “premises”) for the exclusive purpose of authorizing compliance with the enhanced pedestrian amenities provisions of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway amenities permit in accordance with the Dallas Building Code, or Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its

judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

(2) A property owner is not required to comply with any enhanced pedestrian amenities requirement if compliance is made impossible due to the property management director's revocation of a parkway amenities permit or the revocation of the license granted herein affecting enhanced pedestrian amenities.

(3) Upon the installation of enhanced pedestrian amenities in the parkway, the property owner shall procure, pay for and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, with a \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an "occurrence" basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the office of risk management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are waived to the extent same are covered by the liability insurance policy.

(4) Each property owner shall be responsible for maintaining the enhanced pedestrian amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the enhanced pedestrian amenities. The granting of a license for enhanced pedestrian amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and enhanced pedestrian amenities in the parkway.

(b) Parkway pedestrian amenities permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway pedestrian amenities permit before locating trees or other amenities in the parkway. An application for a parkway pedestrian amenities permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the

construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway pedestrian amenities permit to the property owner; otherwise, the director shall deny the permit.

(3) A parkway pedestrian amenities permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.

(4) A property owner is not required to comply with any enhanced pedestrian amenities requirement of this section if compliance is made impossible due to the director's denial or revocation of a parkway pedestrian amenities permit.

(5) The issuance of a parkway pedestrian amenities permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way.

(c) Enhanced pedestrian amenities. Enhanced pedestrian amenities refer to a higher standard of improvements in the enhanced pedestrian amenities area, aimed at increasing the attractiveness of the street for pedestrians. These amenities may be provided by property owners in order to take advantage of such incentives as increased ground coverage, reduced parking requirements, increased remote parking distance, and exemption from minimum permeable surface and site tree requirements.

(1) An enhanced pedestrian amenities area may not extend more than 30 feet from the curb, and must be accessible to the public at all times.

(2) To qualify, enhanced pedestrian amenities must be located on the lot or in the parkway abutting the lot receiving amenities credit.

(3) The following minimum amenity standards must be provided in order to qualify for the enhanced pedestrian amenity incentives provided in this article:

(A) Street trees. A minimum of one street tree per 25 feet of frontage in the pedestrian amenities area.

(B) Enhanced sidewalks.

(i) Enhanced sidewalks must be located within the pedestrian amenities area. (See Section 51P-317.111 for minimum unobstructed sidewalk requirements for each subdistrict.)

(ii) For lots fronting on Akard Street, Belleview Street, East Griffin Street, West Griffin Street, and Lamar Street, a minimum sidewalk width of 10 feet must be provided.

(iii) For lots fronting on all other streets, a minimum sidewalk width of eight feet must be provided.

(iv) For lots with structure constructed before March 27, 2002 (effective date of Ordinance No. 24872 that established the pedestrian amenities regulations), if the building official determines that a structure's location makes the required minimum sidewalk width regulations unenforceable,

(aa) a minimum sidewalk width of six feet must be provided if the sidewalk is abutting an existing curb, or

(bb) a minimum sidewalk width of five feet must be provided if the sidewalk is not abutting the existing curb.

(C) Canopies and awnings. A minimum of 20 percent of the street facing facade width.

(3) The following optional amenities are encouraged and may be provided in addition to the minimum requirements specified above. These optional amenities are considered to be enhanced pedestrian amenities for the purpose of Subsections 51P-317.112.1(a) and (b), and are subject to the conditions in Paragraph 51P-317.112.1(c)(4):

(A) Flag poles.

(B) Public art.

(C) Tree or shrub planters.

(D) Water fountains.

(E) Newspaper racks.

(F) Pedestrian street lamps. A minimum of one per 50 feet of frontage in the pedestrian amenities area.

(G) Bicycle parking racks. A minimum of 5 bicycle parking spaces per 100 foot of frontage in the pedestrian amenities area.

(H) Benches. A minimum of one per 100 feet of frontage in the pedestrian amenities area.

(I) Trash receptacles. A minimum of one per 100 feet of frontage in the pedestrian amenities area.

(4) The following conditions must be met for provision of enhanced pedestrian amenities:

(A) All amenities must be placed in a manner that does not impede the movements of pedestrians on the sidewalk and automobiles on the street.

(B) All amenities must be placed in a manner that does not obstruct visibility triangles at street intersections. (Ord. Nos. 24872; 25160; 27133; 27322)

**SEC. 51P-317.113. NONCONFORMING USES AND STRUCTURES.**

(a) The provisions of Section 51A-4.704 relating to nonconforming uses and structures apply to all uses and structures in this district, except as provided in this section.

(b) The right to operate a nonconforming use in this district shall automatically terminate on January 21, 2013, or ten years after the date the use became nonconforming, whichever is later.

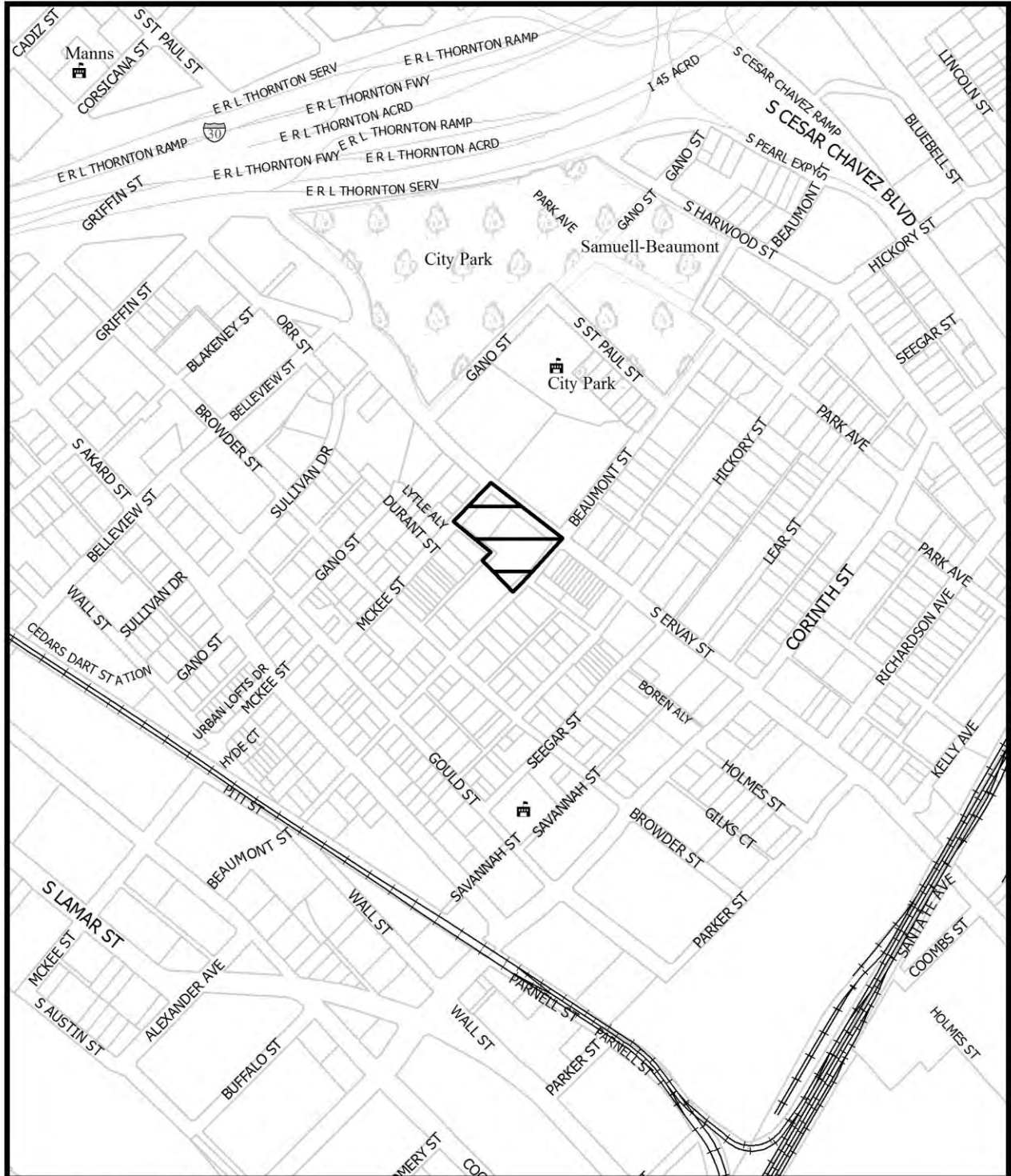
(c) An owner of a nonconforming use in this district may request an extension of the compliance deadline in Subsection (b) by filing an application with the director on a form provided by the city for that purpose. The application must be filed at least 180 days before the deadline in Subsection (b). If a fee is required, the application shall not be considered filed until the fee is paid. Failure to timely file a complete application for extension shall constitute a waiver of the right to contest the reasonableness of the deadline in Subsection (b).

(d) Upon the filing of a complete application for extension, the board shall, in accordance with the law, determine whether it is necessary to extend the compliance deadline for the nonconforming use. The board shall consider the factors listed in Section 51A-4.704(a)(1)(D) in determining whether to grant the request for extension.

(e) If, based on evidence presented at the public hearing, the board finds that additional time is needed to recoup the owner's actual investment in the use before the use became nonconforming, the board shall grant the request for extension and establish a new compliance deadline consistent with its determination of a reasonable amortization period; otherwise, the board shall deny the request. If the board denies the request, the right to operate the nonconforming use shall automatically terminate on the deadline in Subsection (b), or 30 days after the date of the board's decision to deny, whichever is later. (Ord. Nos. 20395; 24826; 24872; 25160)

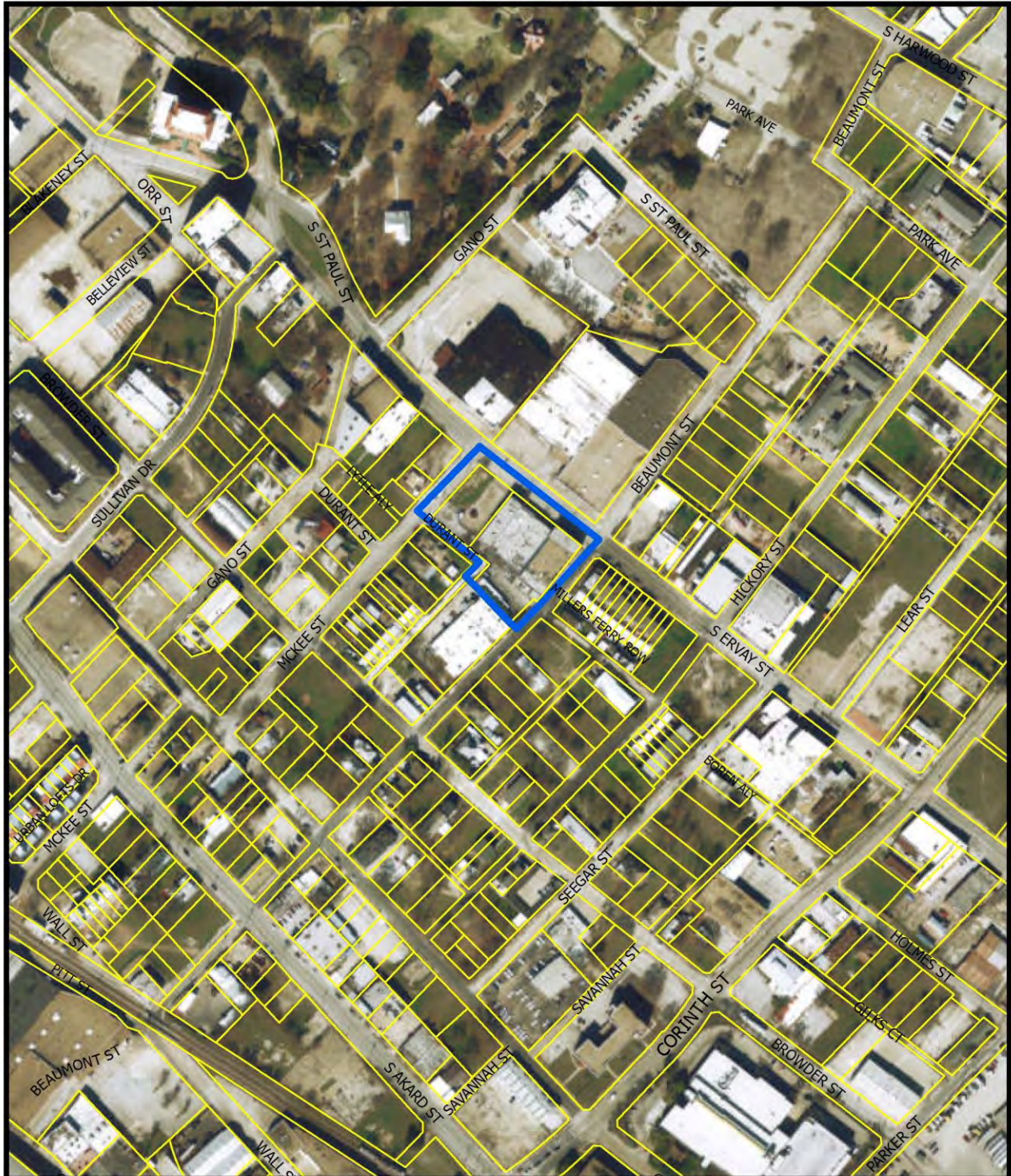
**SEC. 51P-317.114. CERTIFICATE OF OCCUPANCY CONDITIONED ON COMPLIANCE.**


The building official shall not issue a certificate of occupancy for a use on the Property until there has been full compliance with this article and with the construction codes and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 20395; 24826; 26102)



 1:6,000	<h2>VICINITY MAP</h2>	Case no: <b>Z167-246</b> Date: <b>4/5/2018</b>
------------------------------------------------------------------------------------------------	-----------------------	---------------------------------------------------





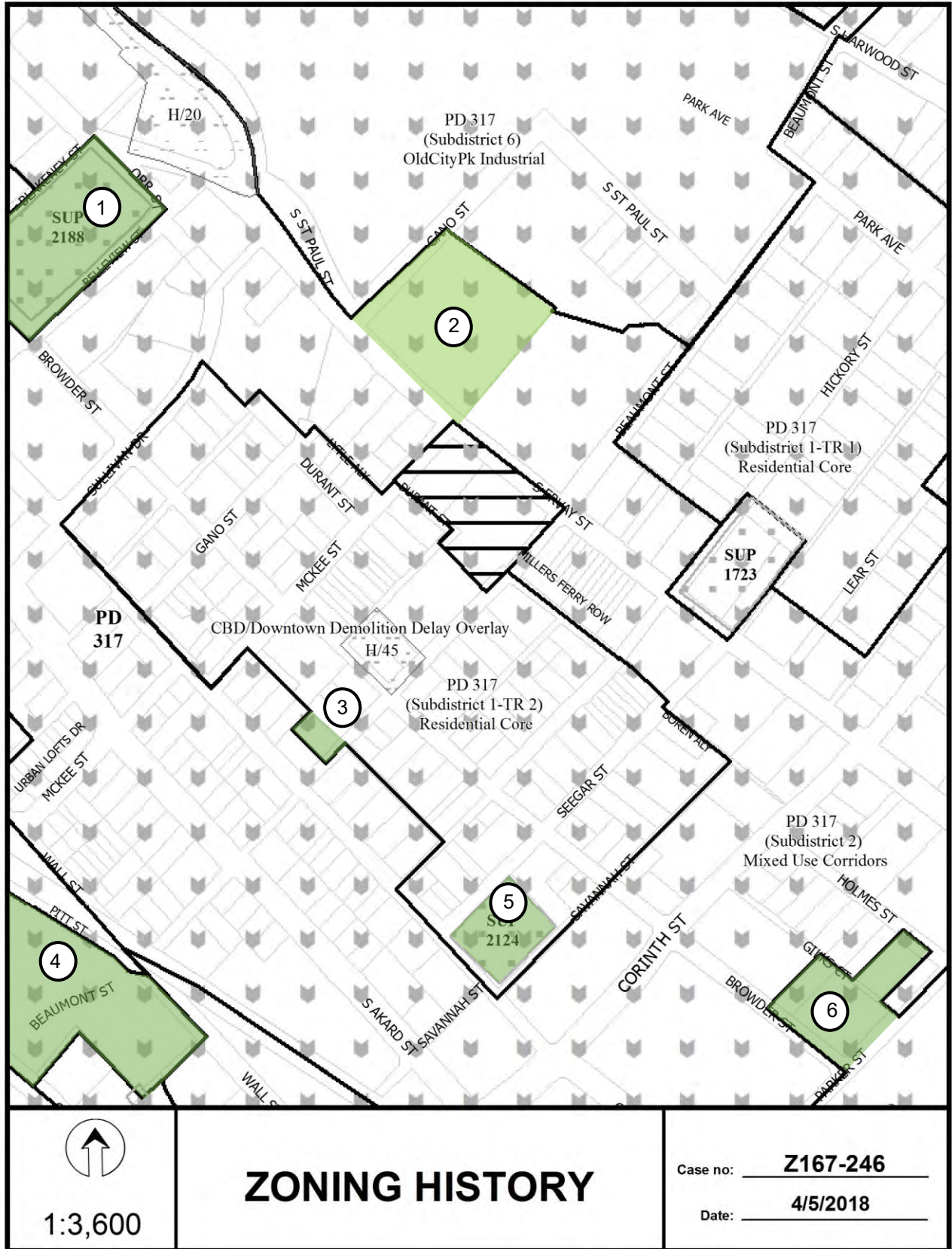
  
1:3,600

# AERIAL MAP

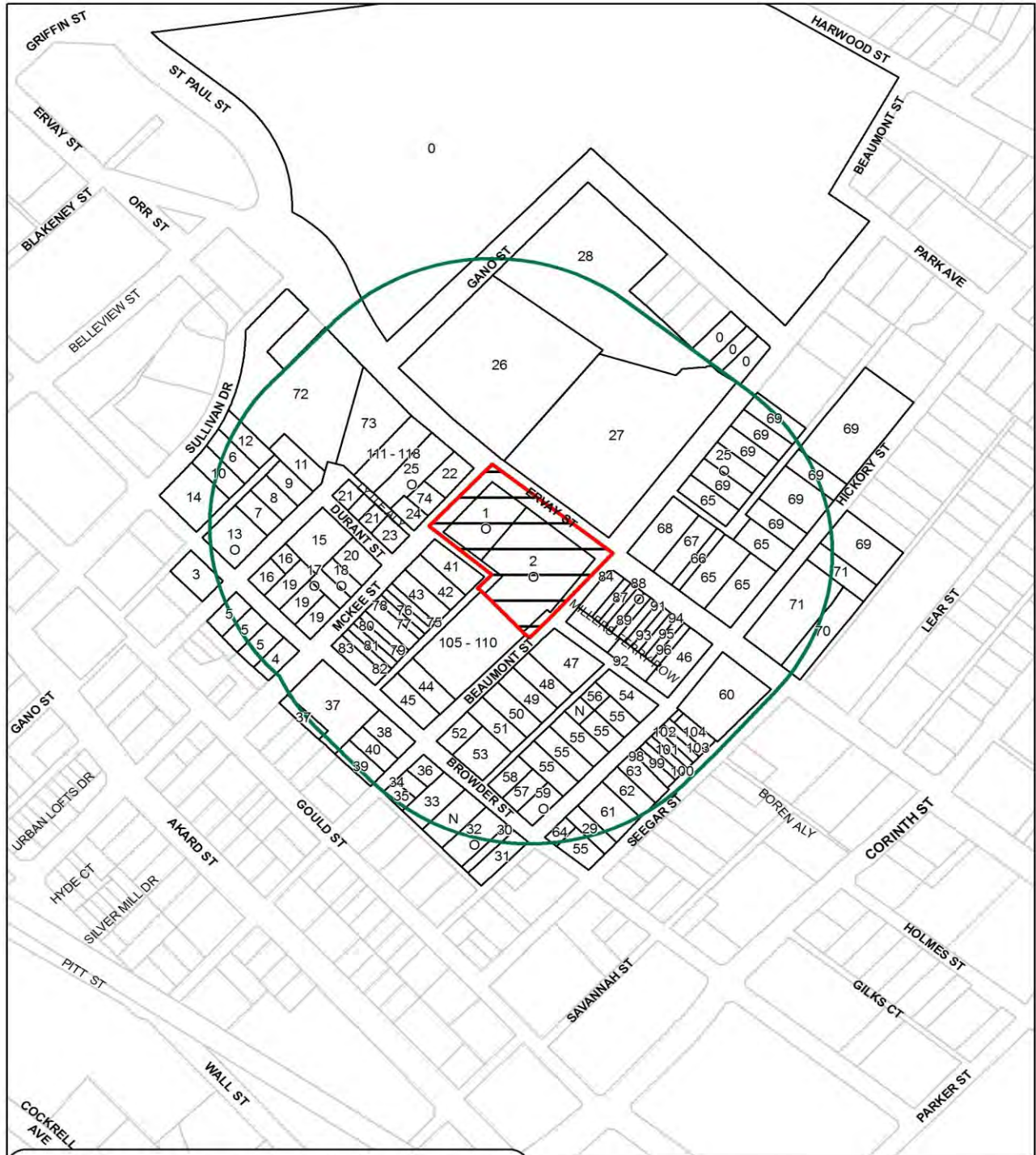
Case no:           Z167-246            
Date:           4/5/2018











<b>118</b>	Property Owners Notified (138 parcels)
<b>11</b>	Replies in Favor (11 parcels)
<b>0</b>	Replies in Opposition (0 parcels)
<b>500'</b>	Area of Notification
<b>5/17/2018</b>	Date

**Z167-246**  
**CPC**



1:3,600

05/16/2018

**Reply List of Property Owners****Z167-246****118 Property Owners Notified****11 Property Owners in Favor****0 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
O	1	1703 S ERVAY ST	MILLER BENNETT I ET AL
O	2	1711 S ERVAY ST	CITY PARK ASSOC LTD
	3	1417 GANO ST	KAPLAN HARRY L
	4	1611 BROWDER ST	ALVARADO LIVING TRUST
	5	1601 BROWDER ST	CHARALAMBOPOULOS FAY
	6	1512 SULLIVAN DR	LEONG HERBERT & EDNA TR
	7	1509 GANO ST	ALBRITTON CLAUDE C III
	8	1513 GANO ST	ALBRITTON ALEXANDER HELDT
	9	1517 GANO ST	DAY DAVID & REBECCA
	10	1508 SULLIVAN DR	BENNETT ANDREW JOSEPH
	11	1521 GANO ST	NORTH CEDARS THIRTY LLC
	12	1514 SULLIVAN DR	LOPEZ DOMINGO & MIGUEL
O	13	1501 GANO ST	MARTINEK MARK
	14	1500 SULLIVAN DR	LEBROM PPTIES LLC
	15	1605 DURANT ST	MCDONALD D D
	16	1602 BROWDER ST	BANOWSKY BRITTON B
O	17	1509 MCKEE ST	SHIPBUILD LLC
O	18	1513 MCKEE ST	SHIPBUILD PARTNERS LP
	19	1608 BROWDER ST	YANCEY CEDARS LLC
	20	1609 DURANT ST	RE SOURCE PROFESSIONALS
	21	1600 DURANT ST	LEONG CRAIG S
	22	1627 S ERVAY ST	SALVATO SARAH A
	23	1519 MCKEE ST	VIDALES JUAN
	24	1601 MCKEE ST	SALVATO SARAH A
	26	1610 S ERVAY ST	GANO HOLDINGS LLC
	27	1700 S ERVAY ST	WILLIAMS C D BLDG ACCT

05/16/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	28	1738 GANO ST	Dallas ISD
	29	1505 SEEGAR ST	FRIEDMAN BRADLEY H
	30	1817 BROWDER ST	WATKINS GREGORY
	31	1819 BROWDER ST	WEISFELD RONALD &
O	32	1815 BROWDER ST	BROWDER PARK PLACE
	33	1805 BROWDER ST	JONES MICHAEL JOHN & DEBORAH SUSAN
	34	1418 BEAUMONT ST	TAYLOR NAKALAH
	35	1416 BEAUMONT ST	AMORY STREET PROPERTIES LLC SERIES B
	36	1420 BEAUMONT ST	HENDERSON WILLIAM L
	37	1701 BROWDER ST	ZOHA INVESTMENTS LLC
	38	1419 BEAUMONT ST	SEALE JOHN HENRY &
	39	1411 BEAUMONT ST	PINA EDELIA
	40	1415 BEAUMONT ST	CRAFT KEN & CAROLYN
	41	1524 MCKEE ST	VIDALES SILVESTER G
	42	1522 MCKEE ST	VIDALES SILVESTRE &
	43	1518 MCKEE ST	ALVARADO LIVING TRUST
	44	1505 BEAUMONT ST	GO URBAN 1 INC
	45	1501 BEAUMONT ST	GO URBAN 1 INC
	46	1825 S ERVAY ST	GANO CDR LLC
	47	1520 BEAUMONT ST	PULLMAN TILLIE
	48	1518 BEAUMONT ST	WAYSIDE MISSIONARY BAPTIST CHURCH
	49	1514 BEAUMONT ST	LOVELADY ENTERPRISES INC
	50	1510 BEAUMONT ST	SALINAS SERVANDO B EST OF
	51	1508 BEAUMONT ST	DELAFUENTE LUIS
	52	1802 BROWDER ST	RESOURCE PROFESSIONALS
	53	1804 BROWDER ST	MATAMORAS ESTABAN
	54	1531 HICKORY ST	ARRUDA LOUIS C JR
	55	1527 HICKORY ST	COLLINS PATRICK & MICHAEL 1988 TRUST
	56	1527 HICKORY ST	DUBLE KENNETH B &
	57	1818 BROWDER ST	MCBRIDE JOHN &
	58	1814 BROWDER ST	COLLINS JAMES & LINDSEY

05/16/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	59	1820 BROWDER ST	BAKER WILLIAM
	60	1615 SEEGAR ST	CASTILLO CARL &
	61	1509 SEEGAR ST	GARTNER MANAGEMENT TRUST THE
	62	1515 SEEGAR ST	GARTNER MANAGEMENT TRUST THE
	63	1519 SEEGAR ST	LENGRO J V
	64	1900 BROWDER ST	HUERTA ESTANISLAO
	65	S ERVAY ST	GMR SPECIAL TRUST THE
	66	S ERVAY ST	FOX BRIAN E
	67	S ERVAY ST	UNDERWOOD JEFFREY &
	68	S ERVAY ST	BUTLER L F
	69	1720 BEAUMONT ST	HICKORY CDR LLC
	70	S ERVAY ST	RDC IRREVOCABLE TRUST
	71	S ERVAY ST	RDC IRREVOCABLE TRUST
	72	S ERVAY ST	NORTH CEDARS THIRTY LLC
	73	S ERVAY ST	NORTH CEDARS THIRTY LLC
	74	1605 MCKEE ST	TOLLEN ALEXANDER G
	75	1516 MCKEE ST	CARROLL KEYUNA
	76	1514 MCKEE ST	NUGENT MICHAEL B
	77	1512 MCKEE ST	RIPPY DARRAH
	78	1510 MCKEE ST	FREEMAN RICHARD H SR &
	79	1508 MCKEE ST	REMUS PATRICK L
	80	1506 MCKEE ST	PARKER AMANDA
	81	1504 MCKEE ST	WALLACE MICHAEL
	82	1502 MCKEE ST	KIM SANGHYUN D & HYEREE
	83	1500 MCKEE ST	ROBINSON PHILLIP T & STEPHANIE
	84	1803 S ERVAY ST	THOMAS JEFFREY B &
	85	1805 S ERVAY ST	STEPHENS MARK R
O	86	1602 BEAUMONT ST	BARRETT MICHAEL
	87	1807 S ERVAY ST	SIMMONS VERONICA
O	88	1809 S ERVAY ST	DAVIS KENNETH E
	89	1811 S ERVAY ST	RAMICK R BLAKE & KENDRA

05/16/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	90	1813 S ERVAY ST	NOVACK TAYLOR A
	91	1815 S ERVAY ST	BADIR NADER
	92	1817 MILLERS FERRY ROW	DELGADO DAMIAN G
	93	1817 S ERVAY ST	SITARZEWSKI MICHAEL & HEATHER
	94	1819 S ERVAY ST	GARNER LINDA A
	95	1821 S ERVAY ST	DIXON LAURA D
	96	1823 S ERVAY ST	FAIRES HEATHER
	97	1525 SEEGAR ST	MARTINSON STACEY
	98	1525 SEEGAR ST	AMATE STEPHANIE
	99	1527 SEEGAR ST	REICHENBACH FAMILY TR
	100	1529 SEEGAR ST	DE LA TORRE ALBERTO
	101	1531 SEEGAR ST	NEAL SHELLI
	102	1533 SEEGAR ST	ORIHUELAGONZALES LAURIE &
	103	1535 SEEGAR ST	VEGA REBECCA M
	104	1603 SEEGAR ST	HARTZLER STEPHEN M
	105	1519 BEAUMONT ST	GARZA ANTHONY
	106	1519 BEAUMONT ST	CHESTNUT ROBERT
	107	1519 BEAUMONT ST	WADDELL ZACHARY C
	108	1519 BEAUMONT ST	BAKER JAY E II
	109	1519 BEAUMONT ST	SHIELDS MELISSA
	110	1519 BEAUMONT ST	FORD MARK C
	111	1615 S ERVAY ST	WOODLING MARK ANDREW
	112	1615 S ERVAY ST	
	113	1615 S ERVAY ST	ZUBIATE JAIME A &
	114	1615 S ERVAY ST	WHITE STORMI & JOSHUA
	115	1615 S ERVAY ST	MACELHOSE BRIAN &
	116	1615 S ERVAY ST	UNDERWOOD JEFFREY L
	117	1615 S ERVAY ST	CLAPNER KATHERINE LEE
	118	1615 S ERVAY ST	HALL TREVOR
O	A1	1724 BEAUMONT ST	1621 ERVAY LTD
O	A2	1621 S ERVAY ST	1621 ERVAY LTD



**AGENDA ITEM # 60**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 9  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 28 Z

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway

Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions

Z178-163(SM)

Note: This item was deferred by the City Council before opening the public hearings on May 23, 2018 and June 27, 2018, and is scheduled for consideration on August 8, 2018

---

**FILE NUMBER:** Z178-163(SM)                      **DATE FILED:** December 26, 2017  
**LOCATION:** West line of McCree Road, north of East Northwest Highway  
**COUNCIL DISTRICT:** 9                                      **MAPSCO:** 28 Z  
**SIZE OF REQUEST:** Approx. 3.219 acres              **CENSUS TRACT:** 130.10

---

**OWNER:** NWH & McCree, Ltd.

**APPLICANT:** Club Azul

**REPRESENTATIVE:** Jay Woo, JNF Associates

**REQUEST:** An application for a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District.

**SUMMARY:** The applicant requests to construct a 22,170-square-foot, two-story structure for on-premise alcohol consumption and entertainment purposes with 236 surface parking spaces provided on site. The facility is planned to include a 2,800-square-foot dance floor within the proposed structure.

**CPC RECOMMENDATION:** Approval for a three-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a three-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The 3.219-acre site is undeveloped.
- The applicant requests a Specific Use Permit to allow for the construction of a two-story, 22,170 square foot private-club bar. The private club bar is also proposed to have a 2,800-square foot dance floor.

**Zoning History:** There have not been any zoning cases in the area over the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	ROW
McCree Road	Local	60 ft.

**Traffic:**

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

**COMPREHENSIVE PLAN:**

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support or obstruct the Plan's goals or policies.

**Economic Element**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS**

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CS	Undeveloped
<b>North</b>	CS; SUP No. 1756	General Merchandise or food store 100,000 sq. ft. or more
<b>East</b>	CR	Park
<b>South</b>	CS	Restaurants
<b>West</b>	CS	Vehicle or engine repair or maintenance

**Land Use Compatibility:**

The site is undeveloped and is adjacent to a variety of retail and restaurant uses. These land uses consist of a general merchandise or food store greater than 100,000 square feet in floor area to the north, a park and recreation field to the east, two restaurants to the south, and vehicle or engine repair or maintenance use to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Staff supports the request for a three-year period because the request complies with all other zoning regulations and is not foreseen to be detrimental to surrounding properties. Additionally, a three-year period would require it to be re-evaluated in a short period of time after construction.

**Landscaping:**

Landscaping will in accordance to the landscaping requirements in Article X, as amended.

**Parking:**

The off-street parking requirement for a private-club bar is one parking space per each 100 square feet of floor area. The off-street parking requirement for a dance floor is one parking space per each 25 square feet of dance floor. Dance floors also have an additional provision that does not allow them to be considered accessory uses to a main use. Therefore, although they are often small, dance floors must have parking provided at a higher parking ratio than the remainder of the building to meet minimum parking requirements.

The applicant has proposed a cumulative floor area of 22,170 square feet in the new building. The proposed dance floor will not exceed 2,800 square feet and the remainder of the building is 19,370 square feet. Therefore, 306 parking spaces are required per the Dallas Development Code. The applicant proposes to construct 236 parking spaces on site and will secure an additional 70 spaces through a parking agreement that complies with Division 51A-4.321 of the Dallas Development Code prior to the issuance of a building permit.

**Prior CPC Action – April 19, 2018:**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall for a three-year period, subject to a site plan and conditions on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway.

Maker: Carpenter  
Second: Houston  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 8

**Notices:** Area: 300 Mailed: 10  
**Replies:** For: 0 Against: 0

**Speakers:** None

Z178-163(SM)

**List of Partner/Principals/Officers**

**NWH & McCree, Ltd.**

**Larry Smith, President**

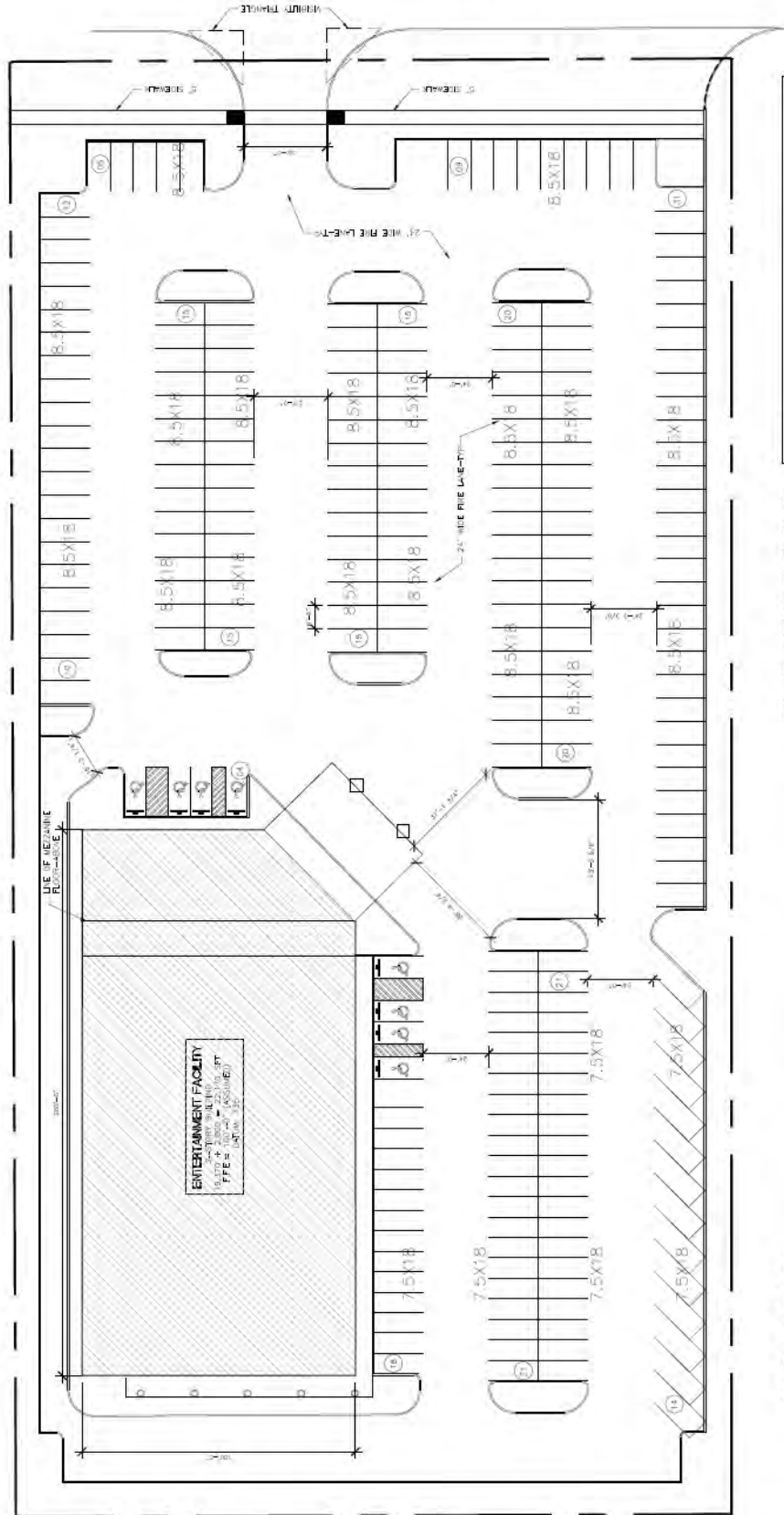
**Club Azul**

**Larry Smith, President**



**Proposed Site Plan**

**McCREE ROAD**



BUILDING	A-ASSEMBLY
STORY	2
MAX HEIGHT	39'
FLOOR AREA	19,370 SF + 2,800 SF = 22,170 SF
FLOOR LEVEL	1E
PARKING	1 (1ST FLOOR) AND 1 (2ND FLOOR)
PARKING RATIO FOR 1A USE FLOOR	1 PARKING SPACE PER 100 SF
REQUIRED PARKING FOR 1A USE FLOOR	193 SPACES
REQUIRED PARKING FOR 1A USE FLOOR	193 SPACES
REQUIRED PARKING FOR 1A USE FLOOR	193 SPACES
PROVIDED PARKING ON SITE (4 1/2 STORIES)	232 SPACES
PARKING PROVIDED OFF-SITE WITH REACTIVE PARKING AGREEMENT	70 SPACES
TOTAL PARKING PROVIDED	302 SPACES

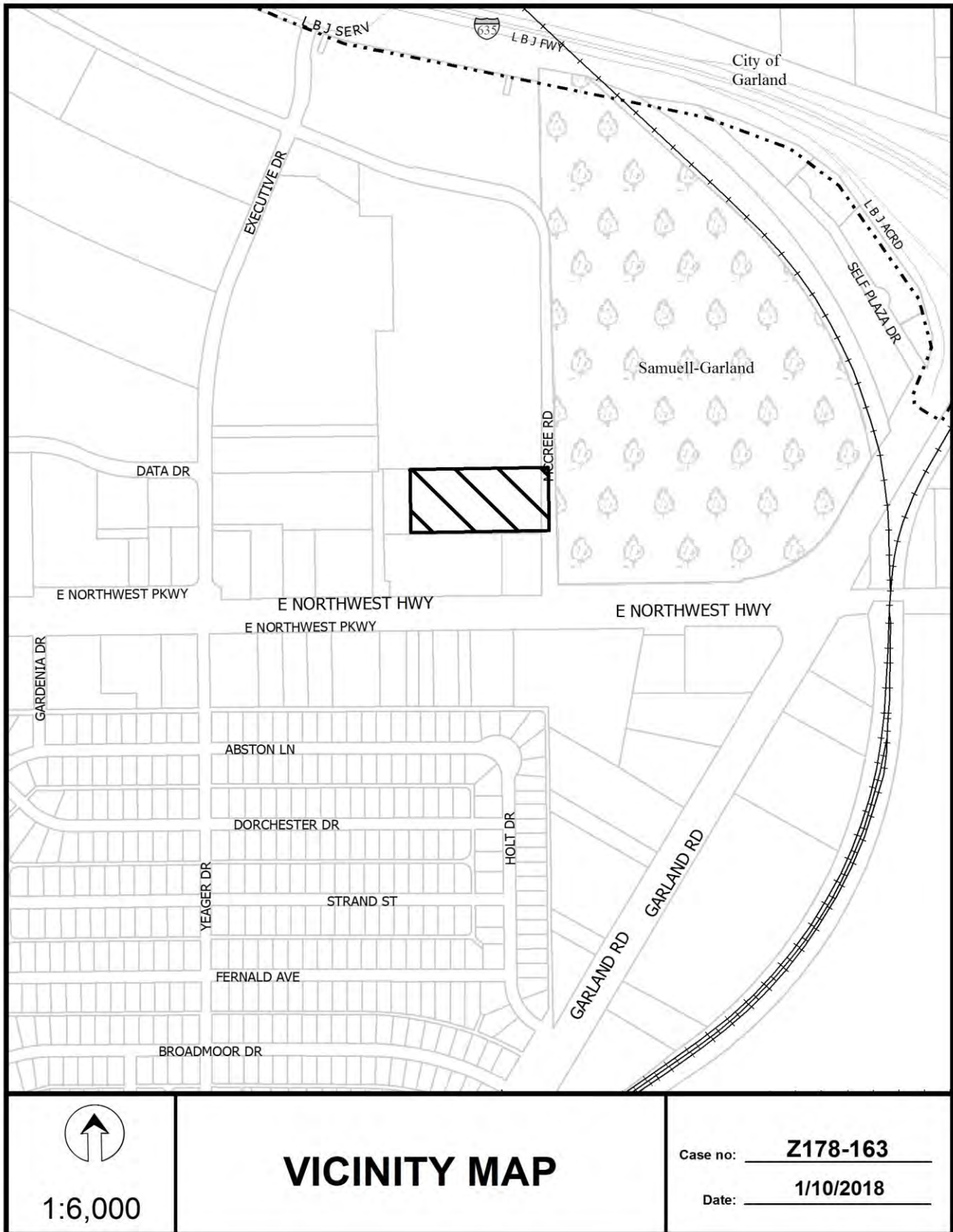
NOTE: PARKING REQUIREMENT MET WITH 34% REACTIVE PARKING PROVIDED WITH REACTIVE PARKING AGREEMENT.

**SITE PLAN**

GRAPHIC SCALE  
SCALE: 1" = 20'

**PROPOSED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a private-club bar and a commercial amusement (inside) limited to a dance hall.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on\_\_\_\_\_ (three-year period from the passage of this ordinance).
4. FLOOR AREA:
  - a. Maximum floor area for the private-club bar is 19,370 square feet.
  - b. Maximum floor area for the dance floor is 2,800 square feet.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.





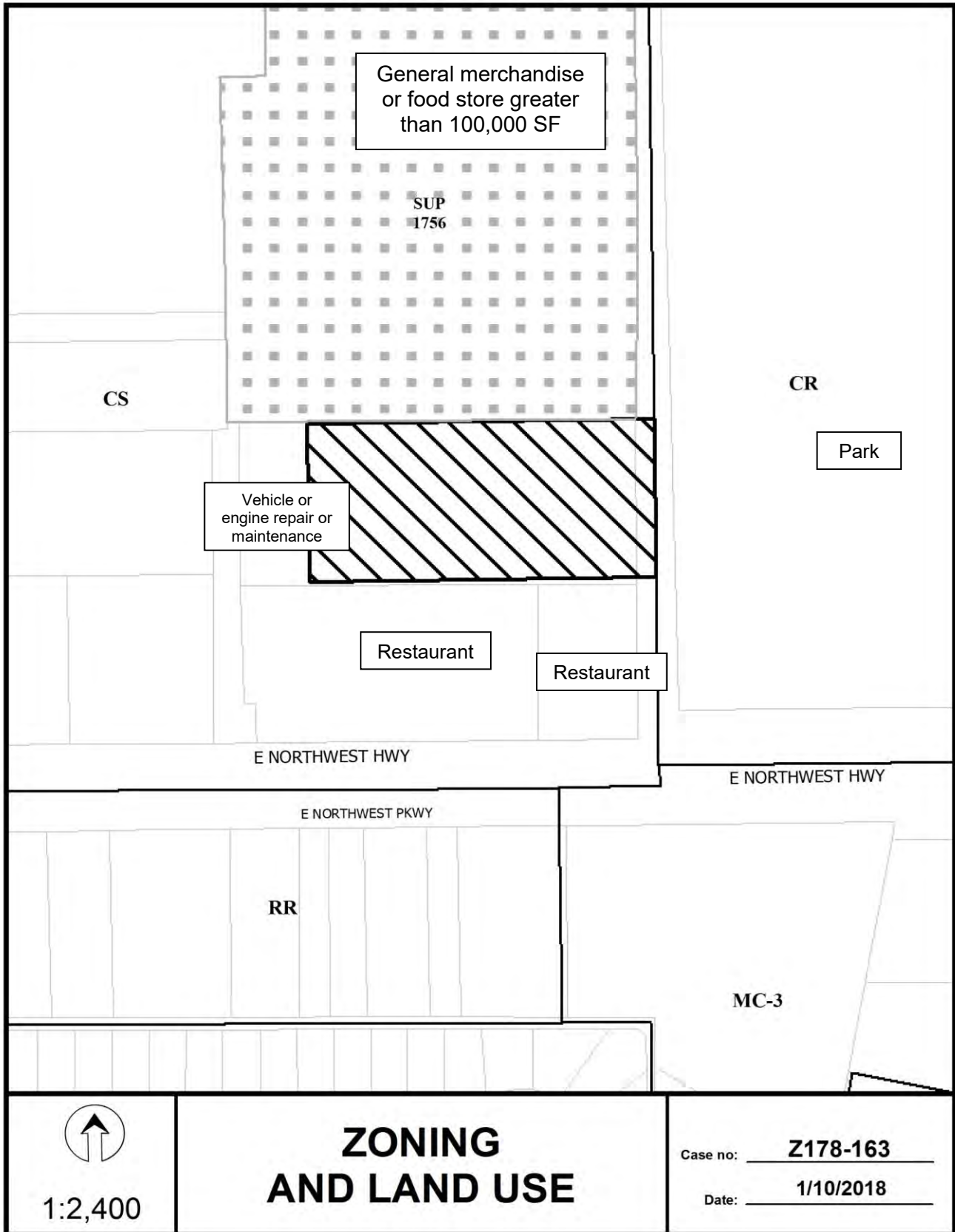


1:2,400

# AERIAL MAP

Case no:           Z178-163          

Date:           1/10/2018





<u>10</u>	Property Owners Notified (12 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>4/19/2018</u>	Date

**Z178-163**  
**CPC**



1:2,400

Z178-163(SM)

04/18/2018

## ***Reply List of Property Owners***

***Z178-163***

***10 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	11921 E NORTHWEST HWY	NWH & MCCREE LTD
	2	12124 MCCREE RD	CHRISTIAN BRO AUTO CORP
	3	11921 E NORTHWEST HWY	SAMS EAST INC
	4	11805 E NORTHWEST HWY	DFW VENTURE NO 1
	5	205 EXECUTIVE DR	NORTHSTAR BANK OF TEXAS
	6	206 EXECUTIVE DR	FLEISHMAN MARC
	7	12000 MCCREE RD	SAMS REAL ESTATE BUS TR
	8	12710 EXECUTIVE DR	LAZY K LP
	9	11917 E NORTHWEST HWY	COMMERCIAL NET LEASE
	10	11921 E NORTHWEST HWY	SRI REAL ESTATE PROPERTIES



**AGENDA ITEM # 61**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 8, 2018  
**COUNCIL DISTRICT(S):** 10  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 28 A

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an IR Industrial Research District, on the south line of Skillman Street and the north line of Wendell Road, east of Pagemill Road

Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions

Z178-213(SM)

Note: This item was deferred by the City Council before opening the public hearing on June 27, 2018, and is scheduled for consideration on August 8, 2018

**FILE NUMBER:** Z178-213(SM)

**DATE FILED:** March 23, 2018

**LOCATION:** South line of Skillman Street and the north line of Wendell Road, east of Pagemill Road

**COUNCIL DISTRICT:** 10

**MAPSCO:** 28 A

**SIZE OF REQUEST:** Approx. 3.19 acres

**CENSUS TRACT:** 185.06

---

**OWNER:** Dallas Metrocare Services

**APPLICANT:** Texans Can Academy

**REPRESENTATIVE:** Rob Baldwin

**REQUEST:** An application for a Specific Use Permit for an open-enrollment charter school use on property zoned an IR Industrial Research District.

**SUMMARY:** The applicant [Texans Can Academy] requests to open an open-enrollment charter school to occupy three of the four existing buildings with 18 high school classrooms.

**CPC RECOMMENDATION:** **Approval** for a five-year period, subject to a site plan, traffic management plan, and conditions.

**STAFF RECOMMENDATION:** **Approval** for a five-year period, subject to a site plan, traffic management plan, and conditions.

**BACKGROUND INFORMATION:**

- The area of request is developed with four one-story office buildings. The largest office building is occupied by a 17,200-square-foot medical clinic and the other three vacant office buildings range in size from 11,200 square feet to 14,800 square feet.

**Zoning History:** There have been no recent zoning changes requested in the vicinity within the past five years.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Thoroughfare Dimension; ROW</b>
Skillman Street	Principal Arterial	Minimum 6 lanes, divided; 100 feet
Wendell Road	Local	60 feet

**Comprehensive Plan:**

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

The request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

GOAL 1.1 Align land use strategies with economic development priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics. Acknowledge the importance of neighborhoods to the city’s long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

**NEIGHBORHOOD PLUS**

Policy 4.2 Support and leverage emerging school quality and school choice programs.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	IR	Medical clinic and vacant
<b>North</b>	IR; R-7.5(A)	Auto service center; Single family
<b>East</b>	IR, SUP No. 830	Office showroom warehouse
<b>South</b>	IR	Office showroom warehouse
<b>West</b>	IR	Office

**Land Use Compatibility:**

The area of request is an existing office park with four one-story buildings. The building in the northeast quadrant is occupied by a medical office. The medical office’s website [[www.MetrocareServices.org](http://www.MetrocareServices.org)] has the following mission statement “To serve our neighbors with developmental or mental health challenges by helping them find lives that are meaningful and satisfying” and describes many behavioral and mental health programs for adults and children. The applicant proposes to open a high school open-enrollment charter school that provides a unique approach to educating high school students who have had difficulty in traditional school settings. Because the student body often needs counseling services, the medical office on site is expected to provide a symbiotic relationship with the proposed open-enrollment charter school.

Surrounding land uses include office to the west, office/showroom/warehouse uses to the east and south, and an auto service center to the north across Skillman Street. A single family neighborhood is located on the north side of Forest Lane (Skillman Street merges into Forest Lane at the northern property line of the area of request).

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all

applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant has requested automatic renewals; however, CPC recommends a five-year approval period without automatic renewal because 1) the school is a new use to the location which will take a few years to reach capacity and 2) the five-year period without automatic renewal will allow the City Plan Commission to reevaluate and reconsider the use, with the opportunity to improve land use compatibility if additional or modified conditions are needed.

**Traffic:**

The applicant has reported a high DART ridership among the student body. The fourth page of the TMP states the following:

As with other Texans Can Academies campuses, the majority of the students attending this location will utilize transit services to reach the campus. There are DART bus stops located on Skillman Street adjacent to the campus (the locations are shown on the TMP exhibit). In addition, there is a DART train station/transit hub less than one mile away (southwest of the campus). This transit hub is serviced by the bus routes that have stops on the Skillman Street route adjacent to the campus. Therefore, students that ride the train could walk to campus, or choose to ride the bus.

Therefore, TMP evaluated the proposed school with a maximum enrollment of 350 students with the majority of those students split over a morning session and an afternoon session with 35 staff members, many of which work both sessions. The third page of the TMP states the following:

Under the current use, which was assumed to be general office, 49,000 square feet of gross floor space is projected to generate 108 trips in the AM peak, 133 in the PM peak, and 764 trips over a 24-hour period. Comparing that to the projected trip generation of the school, the school will generate 33 additional trips in the AM peak, 100 fewer trips in the PM peak, and over 400 less trips in a 24-hour period.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the Traffic Management Plan (TMP) and determined that it will not significantly impact the surrounding street system for the proposed development.

**Parking:**

A Specific Use Permit can approve a reduction in the number of parking spaces for a public or private school. The applicant has requested a reduction in the number of off-street parking spaces and has provided a parking demand study for the proposed use. Pursuant to Section 51A-4.204(17), each high school classroom requires nine and one-half parking spaces. Since the proposed high school includes 18 classrooms, the typical minimum parking requirement would be 171 parking spaces. The applicant requests to only provide 65 parking spaces, which equates to approximately 3.611 spaces per classroom. Staff supports the requested reduction based upon the criteria discussed in the parking demand study provided, the nature of the use, the layout and traffic circulation on the site, the number of employees, and the projected use of DART ridership among the student body.

**Landscaping:**

Landscaping is required in accordance with Article X of the Dallas Development Code, as amended. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

**Prior CPC Action – May 17, 2018:**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an open-enrollment charter school use for a five-year period, subject to a site plan, traffic management plan, and staff’s recommended conditions on property zoned an IR Industrial Research District, on the south line of Skillman Street and the north line of Wendell Road, east of Pagemill Road.

Maker: Shidid  
Second: Schultz  
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Schultz, Peadon,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Housewright  
Vacancy: 1 - District 8

**Notices:** Area: 300 Mailed: 20  
**Replies:** For: 0 Against: 0

**Speakers:** None



**List of Partners/Principals/Officers**

**Texans Can Academy**

Richard Marquez, President  
James Ponce, Chief of Schools  
Lew Blackburn, Chief Business Officer  
Dan Cahalen, Chief Development Director  
Pamela R. Carroll, Chief Director of Human Resources  
Marian P. Hamlett, Chief Financial Officer  
Malcolm Wentworth, Chief Operations Officer  
Fernando Marino, Director  
Richard Pena, Director

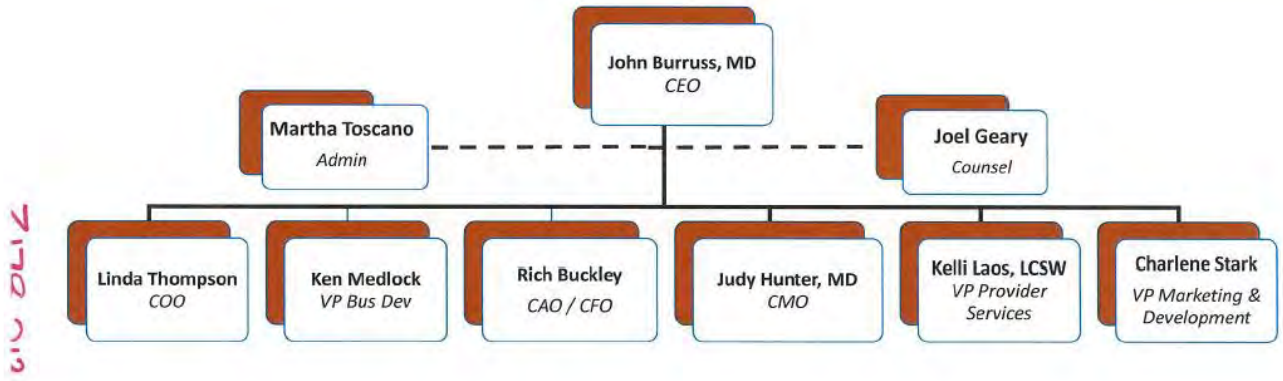
**Board of Trustees**

Rudy Oeftering, Chairman  
Regina M. Thompson, Vice Chairman  
Felix A. Zamora, Secretary  
Michael T. Casey, Treasurer  
Fred Ertz, Member  
Robert L. Garza, Member  
Michelle A. Rankine, Member  
Anna M. Torres, Member  
Dale Young, Member

**Lifenet Services, Inc.**

John M. Herre, Chairman  
Gerald M. Bowers, Vice Chairman  
Gordon Berkstresser, Secretary  
John Cardea, Board Member  
Lenneal J. Henderson, Jr., Board Member  
Linda Cross, Board Member  
Ann Lange, Board Member  
Rony Thomas, Board Member  
Jonathan Barton, Board Member  
Honorable Norman Olitsky, Board Member  
Thomas B. Mason, Board Member  
Tim Pruett, Board Member  
Lee Riley III, Board Member  
Adam Landsman, Board Member

# Metrocare Executive Management



CHANGING MINDS 

## DALLAS COUNTY MHMR DBA METROCARE SERVICES

### Board of Trustees

- |                               |                 |
|-------------------------------|-----------------|
| Jill Martinez                 | Board Chairman  |
| Leslie Secrest, M.D.          | Vice Chairman   |
| Corey Golomb                  | Board Secretary |
| Dalia "Dee" Salinas-Gutierrez | Board Member    |
| Terry James                   | Board Member    |
| Jane Hamilton                 | Board Member    |
| Jasmine Crockett              | Board Member    |
| Dr. Irie Session              | Board Member    |
| Lane Conner                   | Board Member    |

## PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an open-enrollment charter school.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

*CPC and Staff recommendation:*

- |                                                                                                             |
|-------------------------------------------------------------------------------------------------------------|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (five years from the passage of this Ordinance). |
|-------------------------------------------------------------------------------------------------------------|

*Applicant requested:*

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (five years from the passage of this ordinance), but is eligible for automatic renewals for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: the Code currently provides that applications for automatic renewal must be filed after the 10 <sup>th</sup> but before the 120 <sup>th</sup> day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

4. CLASSROOMS: The maximum number of classrooms is 18, limited to high school classrooms.
5. HOURS OF OPERATION: The open-enrollment charter school may only operate between 6:30 a.m. and 7:00 p.m., Monday through Friday and between 7:30 a.m. and 12:30 p.m. on Saturday.

6. TRAFFIC MANAGEMENT PLAN:

A. In general. The operation of the uses must comply with the attached traffic management plan.

B. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

C. Traffic study.

1. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2020. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the

director by November 1st of each even-numbered year.

2. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different times over a two-week period, and must contain an analysis of the following:

- a. ingress and egress points;
- b. queue lengths;
- c. number and location of personnel assisting with loading and unloading of students;
- d. drop-off and pick-up locations;
- e. drop-off and pick-up hours for each grade level;
- f. hours for each grade level; and
- g. circulation.

3. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

a. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

b. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

D. Amendment process.

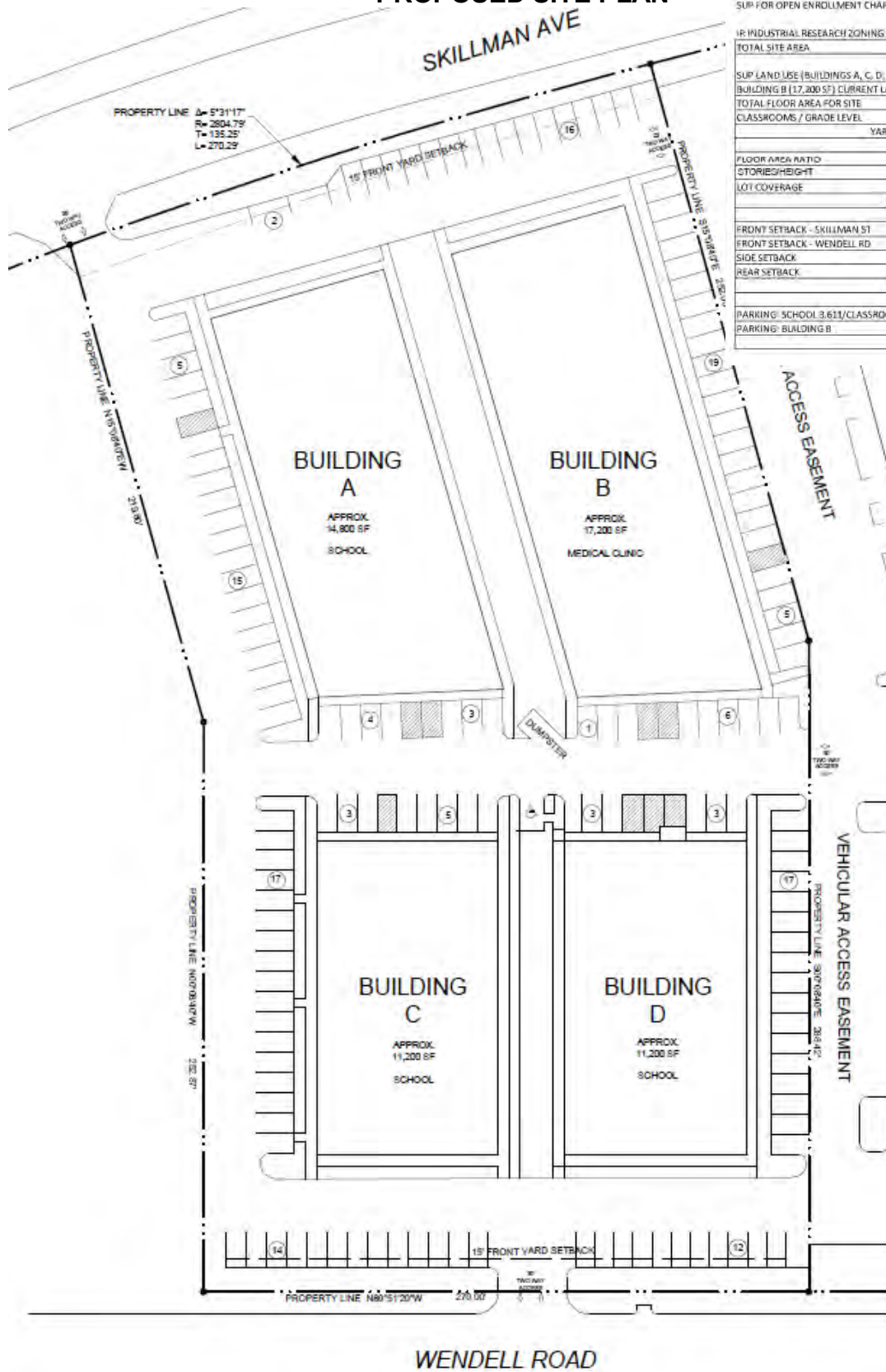
1. A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

2. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules and regulations of the City of Dallas.”

### PROPOSED SITE PLAN



SITE DATA TABLE  
SUP FOR OPEN ENROLLMENT CHARTER SCHOOL

IR INDUSTRIAL RESEARCH ZONING DISTRICT		
TOTAL SITE AREA	3.195 AC	
SUP LAND USE (BUILDINGS A, C, D, 49,000 SF)	OPEN ENROLLMENT CHARTER SCHOOL	
BUILDING B (17,200 SF) CURRENT LAND USE	MEDICAL CLINIC	
TOTAL FLOOR AREA FOR SITE	66,200 SF	
CLASSROOMS / GRADE LEVEL	18	HIGH SCHOOL
YARD, LOT, SPACE		
	MAX.	PROVIDED
FLOOR AREA RATIO	2.0	0.3
STORIES/HEIGHT	15 / 200 FT	2 / 28 FT
LOT COVERAGE	80%	50%
SETBACKS		
	MIN.	PROVIDED
FRONT SETBACK - SKILLMAN ST	15 FT	
FRONT SETBACK - WENDELL RD	15 FT	
SIDE SETBACK	NONE	N/A
REAR SETBACK	NONE	N/A
PARKING		
	REQ.	PROVIDED
PARKING: SCHOOL 3.611/CLASSROOM	65	151
PARKING: BUILDING B	86	
	TOTAL	151

PROPOSED TRAFFIC MANAGEMENT PLAN

# TRAFFIC MANAGEMENT PLAN

---

## Texans Can Academies - Skillman Campus Dallas, Texas

April 2018

Prepared for  
Texans Can Academies



*S. P. Booth* 04/23/2018

AVO 33762



1201 North Bowser Road  
Richardson, Texas 75081

*Firm Registration No. 312*



---

## Table of Contents

I.	INTRODUCTION .....	1
1.1	Current and Future Roadway Conditions .....	1
II.	TRAFFIC MANAGEMENT PLAN .....	2
2.1	Operational Characteristics.....	2
2.1.1	Campus Trip Generation .....	2
2.1.2	Trip Generation Comparison.....	3
2.2	Projected School Operations and Vehicular Circulation .....	4
2.3	On-Street Pick-Up/Drop-Off .....	5
2.4	On-Site Queues and Projected Queue Lengths.....	5
III.	SUMMARY .....	6



## I. INTRODUCTION

Halff Associates, Inc. (Halff) was retained by Texans Can Academies (Client) to prepare a Traffic Management Plan (TMP) for the proposed Skillman Street Campus located in Dallas, Texas. Figure 1 below is a map detailing the site location. An enlarged aerial of the site has been included in the Appendix on Exhibit 1.



\* Trafficware Synchro 10 screenshot reprinted with permission from Microsoft Bing Maps

**Figure 1 – Site Location Map**

The proposed school will be located in existing buildings that are part of an existing office/light industrial type area, located south of the intersection of Forest Lane and Skillman Street. In the figure above, buildings A, C, and D (approximately 49,000 square feet in total) will be renovated to house classrooms and support areas for the school, Building B is currently occupied and will not be part of the school. The proposed school will have up to 350 students enrolled (split over morning and afternoon classes) with 35 staff members (many of which work both morning and afternoon classes).

### 1.1 Current and Future Roadway Conditions

The Skillman Campus is bordered by Skillman Street on the north edge of the site, Wendell Road along the southern edge, and access driveways on both the east and east sides of the site. Skillman Street is a major six-lane divided thoroughfare. Wendell Road is a 40-foot wide roadway with no lane striping, therefore, it functions as a two-lane roadway. The driveways on either side of the buildings are standard width drive aisles that are approximately 24 feet wide, and are striped as fire lanes. There are no known proposed/planned improvements to existing roadways surrounding the site.



## II. TRAFFIC MANAGEMENT PLAN

The purpose of the Traffic Management Plan (TMP) is to have established procedures for traffic flow and circulation around the charter school related to student drop-off and pick-up operations. Use of a TMP helps improve traffic/student safety and helps maximize the efficiency of drop-off and pick-up operations. The analysis summarized in this report identifies critical elements of the TMP such as available queuing space that is both on and off site, circulation patterns for the charter school facilities, and the projected trip generation (and estimated queuing) during the morning and afternoon peaks.

### 2.1 Operational Characteristics

Based on information from the client, the school is projected to have:

- maximum of 350 students, split over a morning and afternoon session
- 35 staff members

The high school is open from 7:00 AM until 7:00 PM. Classes are split between a morning session (7:45 AM to 12:00 PM) and an afternoon session (12:30 PM to 4:45 PM). The actual start and end times for the class sessions could be slightly different from those listed above and are structured around the DART bus schedule. This is due to a large number of students that utilize transit.

For schools, the peak times of traffic flow are concentrated around the start and end of classes and are shorter than an hour (typically 30 minutes). As was stated above, there are two sessions of school for students, an AM session and a PM session. Most students are enrolled in either the AM or PM session, but a few are enrolled in both sessions.

Based on the estimated class times and observations conducted at the existing Grand East Campus, the morning peak hour is between 7:00 AM and 8:00 AM. The midday peak hour is from 11:30 AM to 12:30 PM and has the highest student related turnover for the day. This is due to both students leaving and arriving at the facility in the one-hour period. The afternoon peak is from 4:30 PM to 5:30 PM and is the least busy time of the day.

#### 2.1.1 Campus Trip Generation

Trip generation for the school was based on observations conducted at an existing campus in the south Dallas area (the Grant East Campus). Given that the Grant East Campus had an enrollment of 275 students at the time trip generation data was collected, it was necessary to use a straight-line adjustment to project trips for a campus with 350 students. The estimated trip generation based on that projection is summarized in Table 1 below.

**Table 1 – Projected Trip Generation Summary for Vehicle Trips**

Land Use	Independent Variable	Units	AM-Peak Hour			Midday-Peak Hour			PM-Peak Hour		
			In	Out	Total	In	Out	Total	In	Out	Total
High School	Students	350	99	42	141	45	67	112	9	24	33
<i>Total Trips</i>			<b>99</b>	<b>42</b>	<b>141</b>	<b>45</b>	<b>67</b>	<b>112</b>	<b>9</b>	<b>24</b>	<b>33</b>

The above table shows that the most vehicular traffic occurs in the morning peak hour with a total of 141 trips. Much of this is due to the arrival of both students and staff for morning classes. From the observations at the Grant East Campus, it was also observed the arrival of vehicles in the AM peak was spread out more evenly over the peak hour. This is due to staff arriving at the site before students.

The midday peak hour, which was determined to be the critical time period for traffic activity, has fewer overall trips when compared the AM peak, but has both drop off and pick up occurring on site. It is also concentrated into a peak 30 minute period between 11:45 AM and 12:15 PM.

There is minimal vehicular activity on the campus in the afternoon. This is due to the split in morning and afternoon classes with more students attending class in the morning session.

### 2.1.2 Trip Generation Comparison

Given that the proposed campus is located at a site with an existing use, it is necessary to compare the trip generation of the proposed school with that of the existing use. This comparison is shown in the Table 2 below.

**Table 2 – Comparison of Trip Generation for Site**

Land Use	Independent Variable	Units	AM-Peak Hour			PM-Peak Hour			24 Hour		
			In	Out	Total	In	Out	Total	In	Out	Total
Office (ITE Code 710)	SQFT (1000)	49	95	13	108	23	110	133	382	382	764
High School	Students	350	99	42	141	9	24	33	163	163	326
<i>Difference in Trips</i>			<b>+4</b>	<b>+29</b>	<b>+33</b>	<b>-14</b>	<b>-86</b>	<b>-100</b>	<b>-219</b>	<b>-219</b>	<b>-438</b>

Under the current use, which was assumed to be general office, 49,000 square feet of gross floor space is projected to generate 108 trips in the AM peak, 133 in the PM peak, and 764 trips over a 24-hour period. Comparing that to the projected trip generation of the school, the school will generate 33 additional trips in the AM peak, 100 fewer trips in the PM peak, and over 400 less trips in a 24-hour period. Also attached is a copy of the City of Dallas Traffic Impact Worksheet, which shows that proposed school will generate less trip than the existing use.



## 2.2 Projected School Operations and Vehicular Circulation

As with other Texans Can Academies campuses, the majority of the students attending this location will utilize transit services to reach the campus. There are DART bus stops located on Skillman Street adjacent to the campus (the locations are shown on the TMP exhibit). In addition, there is a DART train station/transit hub less than one mile away (southwest of the campus). This transit hub is serviced by the bus routes that have stops on the Skillman Street route adjacent to the campus. Therefore, students that ride the train could walk to campus, or choose to ride the bus. An overview map is shown below in Figure 2.

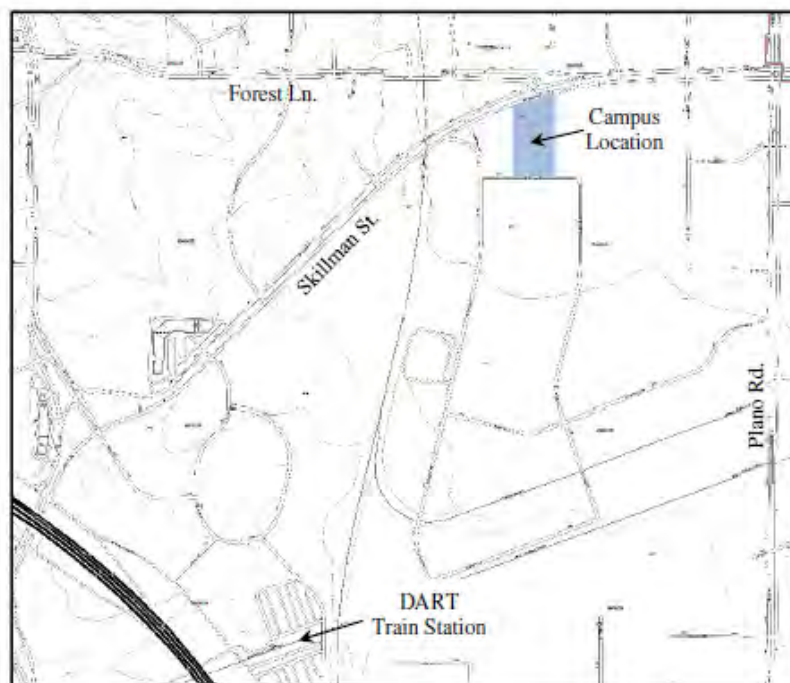


Figure 2 – Area Overview Map

Students will enter and exit the campus through the cafeteria which is located in Building D. (Refer to the attached TMP exhibit). It is anticipated that the main entrance to the cafeteria will be on the north side of the building. Therefore, all students that use transit, will access the campus from Skillman Street, where the transit stops are located. These students will also exit the campus in the same manner.

Students that are dropped off or picked up by parents will do so in the parking/drive isle area that is north of the cafeteria (building D), which runs between buildings A and B and buildings C and D. For parents/students coming from the north or east, access to the site will be by making a left-turn on to Pagemill Road, which is signalized. For those coming from the south and west, they will access the site via a right-turn on to Pagemill Road. Parents/students will then turn left on to Wendell Road (from Pagemill Road) and then access the campus from the entrance located on Wendell Road south of buildings C and D.

Students who drive their own vehicle, park in the designated lot located adjacent to buildings A, C, and D of the campus. These students will access the campus through the cafeteria in the same manner as that described for the pickup and drop-off operations above.

### **2.3 On-Street Pick-Up/Drop-Off**

At the Grant East Campus, the school is located in a residential neighborhood and some pickup and drop-off activity occurs on the adjacent streets. For this site, on-street pickup/drop-off will be strongly discouraged by staff and is not anticipated to occur. Therefore, all pickup/drop-off activity will occur on site.

### **2.4 On-Site Queues and Projected Queue Lengths**

Based on the location of the proposed entry point to the campus, there is approximately 500 feet (approximately 20 vehicles) of space for the queuing of vehicles (see attached TMP in Exhibit 1) for parents picking up and dropping off students. Based on observations from the Grant East Campus, vehicle queues in the AM peak hour were minimal during the morning drop-off and are anticipated to be similar for the Skillman Campus.

During the midday peak, the vehicle queue of parents waiting to pick students up at the Grant East Campus did not exceed four (4) vehicles at any given time. This short queue is likely due to the presence of on-street pickup at that site. Given that the Skillman Campus will not have on-street pickup, it is anticipated that the pickup queue will be double that of the Grant East Campus. Thus, the maximum queue anticipated at the Skillman Campus would be eight (8) vehicles during the midday peak hour. This projected queue can be easily contained on site, with no disruption to surrounding businesses.

### **III. SUMMARY**

Based upon the proposed site layout for the Skillman Campus, the projected student enrollment, and observations from existing Texans Can Academies campuses; it is not anticipated that the proposed school campus will have a significant impact on the traffic operations of the adjacent roadways. The proposed school will generate significantly less overall trips during a 24-hour period (438 less trips less than office use), less trips in the PM peak hour (100 less than office use), but have a marginal increase in the AM peak hour (33 trips more than office use).

Overall access to the site is good and there is sufficient on-site storage for the projected queues related to the operations of the school.

## **APPENDIX**





TEXANS CAN ACADEMIES - SKILLMAN CAMPUS

**TRAFFIC IMPACT WORKSHEET**

This worksheet will help you determine if a Traffic Impact Study (T.I.S.) needs to be submitted with your zoning change request. **Please read the following paragraphs before filling out this worksheet.**

First, read all of the uses listed in column A and check the box to the right of each use that characterizes the proposed development.

Next, fill in the number of units or gross square footage of each use in column 'C' :

- \* If the development has a Number of Units, then multiply that number by the Trip Rate (column 'B' times column 'C') and indicate the total in column 'D'.
- \* If the development has a Gross Square Footage, then divide the gross square footage in column 'C' by 1,000, then multiply the result by the Trip Rate in column 'B' and indicated the total in column 'D'.

Finally, total all the trips generated per day to the space at the bottom of column 'D'.

If the total exceeds 1,000 trips per day, then either a Traffic Impact Study (T.I.S.) or a Waiver of the T.I.S. is required with the zoning request. Traffic Impact Study waivers will be considered on a per case basis by the Director of the Sustainable Development and Construction. The Department of Sustainable Development and Construction is located in the Oak Cliff Municipal Center at 320 E. Jefferson Blvd., Room 200 and can be reached by telephone at 214-948-4205. If a proposed project cannot be defined within the uses provided on this worksheet, check ITE and contact the Department of Sustainable Development and Construction for assistance. Finally, fill out the applicant and development information below the chart.

A	B	C	D
Use	Trip Rates <sup>1</sup>	Number of Units / SQ. FT.	Trip Generated
Lodging	9.11 per room		
Residential			
Single Family	9.57 per dwelling unit		
Other	6.59 per dwelling unit		
Industrial	6.96 per 1,000 gsf		
Office			
Financial Institution w/o drive-in	156.48 per 1,000 gsf		
Financial Institution with drive-in	246.49 per 1,000 gsf		
Other: 10,000 gsf or less	26.59 per 1,000 gsf		
10,001-50,000 gsf	22.64 per 1,000 gsf	49	1,109
50,000-100,000 gsf	15.58 per 1,000 gsf		
100,001-150,000 gsf	13.27 per 1,000 gsf		
150,001-200,000 gsf	12.08 per 1,000 gsf		
Retail/ Personal Service			
General Merchandise > 3,500 sq.ft.	177.59 per 1,000 gsf		
General Merchandise < 3,500 sq.ft.	863.10 per 1,000 gsf		
Restaurant w/o drive-in	158.37 per 1,000 gsf		
Restaurant with drive-in	722.03 per 1,000 gsf		
Other: 10,000 gsf or less	278.24 per 1,000 gsf		
10,001-50,000 gsf	215.39 per 1,000 gsf		
50,000-100,000 gsf	118.36 per 1,000 gsf		
100,001-150,000 gsf	91.46 per 1,000 gsf		
150,001-200,000 gsf	78.65 per 1,000 gsf		
Church	36.63 per 1,000 gsf		
School (1.29 Elem., 1.62 JH, 1.71 H.S.)	Per Student @ 22 Student/Class	25 Student/ JH & HS	598
Day care	79.26 per 1,000 gsf		
Wholesale/ Distribution/ Storage			
Mini-warehouse	2.50 per 1,000 gsf		
Warehouse	4.96 per 1,000 gsf		
<b>Total trips generated</b>			<b>- 511</b>

1. All rates are based on ITE Trip Generation Report, 7<sup>th</sup> edition, November 2003  
 2. These rates may change based on new data / publications, directional distribution and specific developments.

Applicant	TEXANS CAN ACADEMIES	Phone Number	
Location	9709 SKILLMAN ST	Size (in Acres)	



**PARKING DEMAND STUDY**



1201 North Bowser Road  
Richardson, Texas 75081-2275

**Technical Memorandum**

**TO:** Malcolm Wentworth  
**FROM:** Scott Booth, PE, PTOE  
**DATE:** March 2, 2018  
**RE:** Parking Demand Study for Texans Can Academies – Skillman Campus



**Introduction**

Halff Associates, Inc. (Halff) was retained by Texans Can Academies (Client) to prepare a Parking Justification Study supporting the parking request for the Texans Can Academies (TCA) - Skillman campus located in Dallas, Texas. The proposed school will be located in existing buildings that are part of an existing office/light industrial type area, located south of the intersection of Forest Lane and Skillman Street. The proposed school will have up to 350 students enrolled (split over morning and afternoon classes) with 35 staff members (many of which work both morning and afternoon classes). The TCA Skillman campus will have 134 parking spaces available, by plat (see attached), for operations.

**City of Dallas Parking Requirements**

City of Dallas parking requirements for the high school are based on the number of classrooms. For a high school, the required parking ratio is 9.5 parking spaces per classroom. The TCA Skillman campus is proposed to have 18 classrooms. Based on the ratio from the City of Dallas, the required parking is 171 spaces (18 x 9.5) for the high school. Assuming a maximum enrollment of 350 students, the overall parking ratio for the entire facility is (per City of Dallas requirements) 0.49 parking spaces per student (171 spaces/350 students). See summary of parking requirements in Table 1 below.

**Parking Demand/Requirements Based on Other Sources**

From the *ITE Parking Generation Manual – 4<sup>th</sup> Edition*, the average peak parking demand for a suburban high school is 0.23 vehicles per student. For an urban high school, the average parking demand is 0.09 vehicles per student. Although the Skillman campus will likely function somewhere between the suburban and urban cases, as a worst-case scenario, the average parking demand for a suburban site (0.23 vehicles per student) was used. For the TCA Skillman campus, the parking demand (based on ITE) for the high school facility would be 81 spaces.



For comparison, the City of Houston parking requirements for a high school are 9.5 spaces per classroom assuming 30 students per classroom. With the charter school size being limited to 350 students, the class size will be approximately 20 students per class room (350 students/18 classrooms). Thus the parking requirement for a 20 student classroom is 6.5 spaces, which is a total 117 for the high school (6.5 spaces/classroom X 18 classrooms).

One final comparison is with the City of Plano parking requirements. For grades 9-10, the parking requirement is one (1) space per 6 students. For grades 11-12, the requirement is one (1) space per 1.5 students. With the Grant East campus serving grades 9-12, the parking requirement rates were averaged to one (1) space per 3.75 students. This translates to 93 required spaces for the high school. A summary of these three parking demand/requirement comparisons can be found in Table 1 below.

### **Parking Demand**

Based on information supplied by the client, approximately 20 percent of the students at the Skillman campus charter school will drive their own vehicle and park at the school. With a maximum of 350 students, the projected parking demand related to students is 70 vehicles. The proposed number of staff members for the high school is 35. Assuming one vehicle per staff member yields an additional 35 vehicles for the high school and a projected parking demand total of 105 spaces for the high school facility. Exhibit 1 shows the proposed site parking.

To verify that the parking demand numbers for the Skillman campus as discussed above are adequate, a comparison to parking provided at the existing Ross Avenue campus, the existing Pleasant Grove campus, and the existing Grant East campus was prepared.

The Ross Avenue campus is located at 4601 Ross Avenue, Dallas, Texas. It is located on a DART bus route similarly to the Grant East campus (DART route 553) and the proposed Skillman campus (DART routes 488, 551, 560). The Ross Avenue campus has 350 students and 25 staff members at the high school and 90 children with 14 staff at the onsite daycare facility. Field observations of the provided parking show a total number of 113 available parking spaces, which includes 66 spaces for students, 34 spaces for staff, 8 spaces for the daycare facility, and 5 handicap spaces. The ratio of parking spaces to students is 0.32 spaces per student (113 spaces/350 students). Staff at the Ross Avenue campus has indicated there is sufficient parking for the current operations of that site.

As part of a previous parking study for another campus, a field observation was conducted at the Pleasant Grove campus, where there are approximately 309 students enrolled with 35 total staff. Based on that observation, the peak parking demand for the Pleasant Grove campus at 10:30 a.m. was 87 parked vehicles or 0.28 vehicles per student (87 vehicles/309 students). This is very similar to the parking demand ratio for the Grant East campus (0.29 vehicles per student), the ITE parking demand ratio (0.29 vehicles per student) and the City of Plano parking demand ratio (0.30 vehicles per student).

Scaling the parking demand ratio from the 309 students at the Pleasant Grove campus up to the 350 students projected for the Skillman campus, the parking demand at the proposed facility



## Z178-213(SM)

*Texans Can Academies – Skillman Campus  
Parking Reduction Request*

(Skillman) would be 98 vehicles, which is within seven (7) vehicles of the projected parking demand (105 vehicles) as discussed above.

The last field observation is from the Grant East campus, located at 2901 Morgan Drive in Dallas, Texas. At the time of the observation, the campus had an enrollment of 360 students (spread out between morning and afternoon classes). From the data collected, there were 77 parked cars related to school operations. This corresponds to a parking ratio of 0.22 vehicles per student, which is similar to the 0.23 ratio from the *ITE Parking Generation Manual*.

Based on the comparison to the Ross Avenue, Pleasant Grove, and Grant East campuses, the projected parking demand of 105 vehicles for the proposed Skillman Campus is within the expected parameters. The projected parking demand rates are comparable to the parking demand rates from the *ITE Parking Generation Manual* and the City of Plano and, therefore, represent an accurate depiction of parking demand for the proposed facility.

Table 1 below summarizes the parking demand based on the different sources discussed above and also includes the observations from the Ross Avenue and Pleasant Grove campuses.

**Table 1 – Parking Demand/Requirements and Observations Summary**

Standard Source	Use	Variable	Parking Ratio per Variable	Spaces Required	Total Spaces Required	Surplus/Deficiency To	
						Provided Parking (134)	City of Dallas Standard (171)
City of Dallas	High School	Classrooms (18)	9.5	171	171	-37	n/a
ITE	High School	Students (350)	0.23	81	81	+53	-90
City of Houston	High School	Classrooms (18)	6.5	117	117	+17	-54
City of Plano	High School	Students (350)	0.267	93	93	+41	-78
Observations							
Pleasant Grove	309 students (40 staff)		0.28	87	98*	+36	-73
Ross Avenue	350 students (39 staff)		0.32	113	113	+21	-58
Grant East	360 students (33 staff)		0.22	77	77	+57	-94

\* Projected for 350 students

### Parking Reduction Request

The proposed plans for the Skillman campus show a total parking supply of 134 spaces (0.38 spaces per student), which includes at least 5 handicap spaces and another 129 remaining spaces surrounding the buildings. The provided parking of 134 spaces is 37 spaces less than the City of Dallas requirements (171 spaces), but is 29 more than the projected parking demand (105), which is based on operational information and observations from the other similar TCA facilities. The

## Z178-213(SM)

### *Texans Can Academies – Skillman Campus Parking Reduction Request*

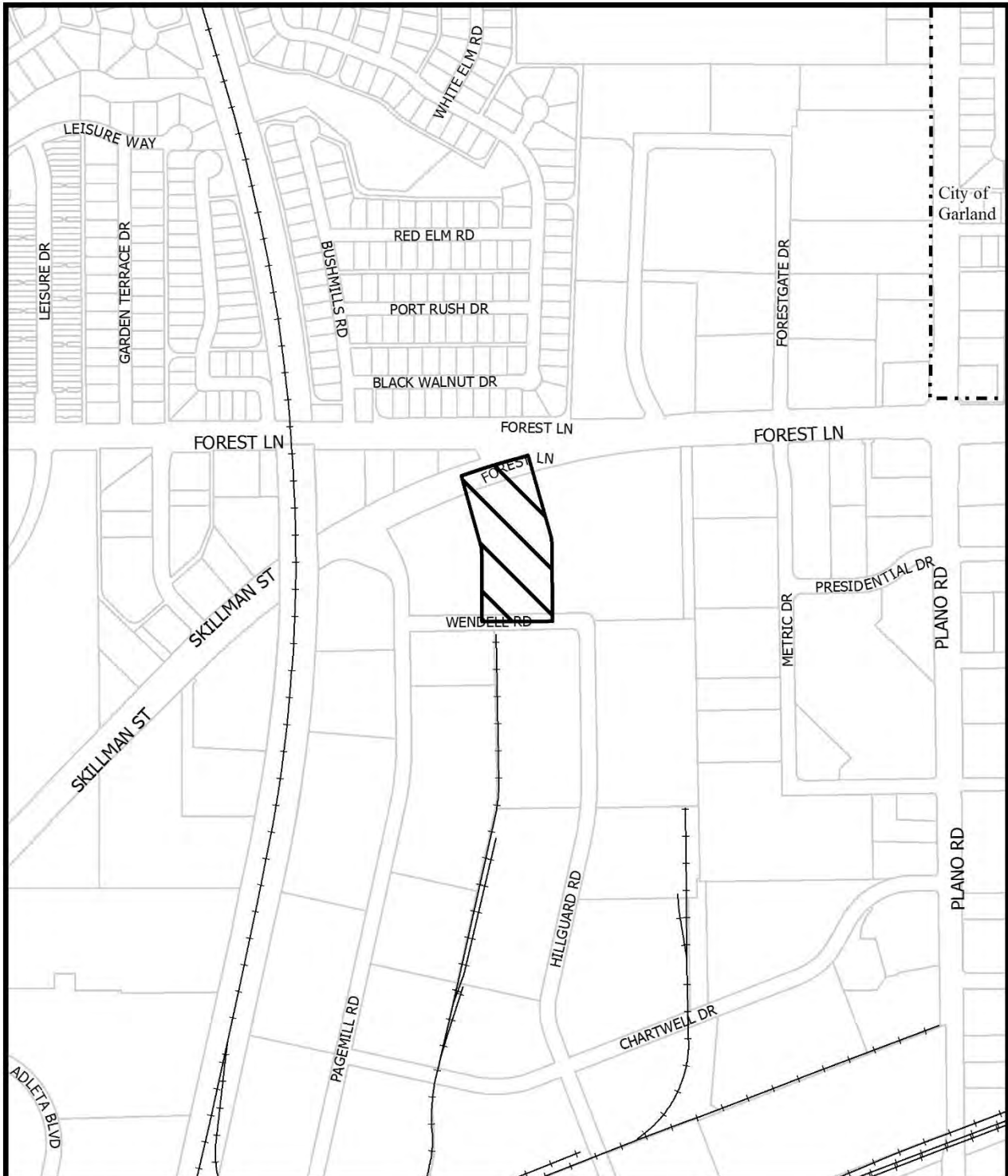
provided number of parking spaces also exceeds the parking demand projections based on ITE Parking Generation data (81 total vehicles), City of Plano requirements (93 spaces), and the City of Houston parking requirements (117 spaces). Table 2 below summarizes the provided parking in relation to the City of Dallas requirements and the attached Exhibit 1 shows the proposed parking for the campus.

**Table 2 – Summary of Parking Supply versus Requirements**

School Site	Use	Variable	Parking Ratio per Variable	Spaces Required Per COD	Total Spaces Provided	Surplus/Deficiency to COD Standard
Skillman Campus	High School	Classrooms (18)	9.5	171	134	-37

### Summary

Based on the discussion presented above, it is Halff Associates, Inc. opinion that the provided parking total of 134 spaces will meet the projected parking demands of the Skillman campus. A very large percentage of students that attend Texans Can Academies rely heavily upon public transportation to get to and from school. As with the Ross Avenue campus (350 students) and the Grant East campus (360 student), the Skillman campus is near a DART route, which makes it very convenient for students to access the school. It should be noted, that TCA provides DART passes to enrolled students to encourage use of the transit services.



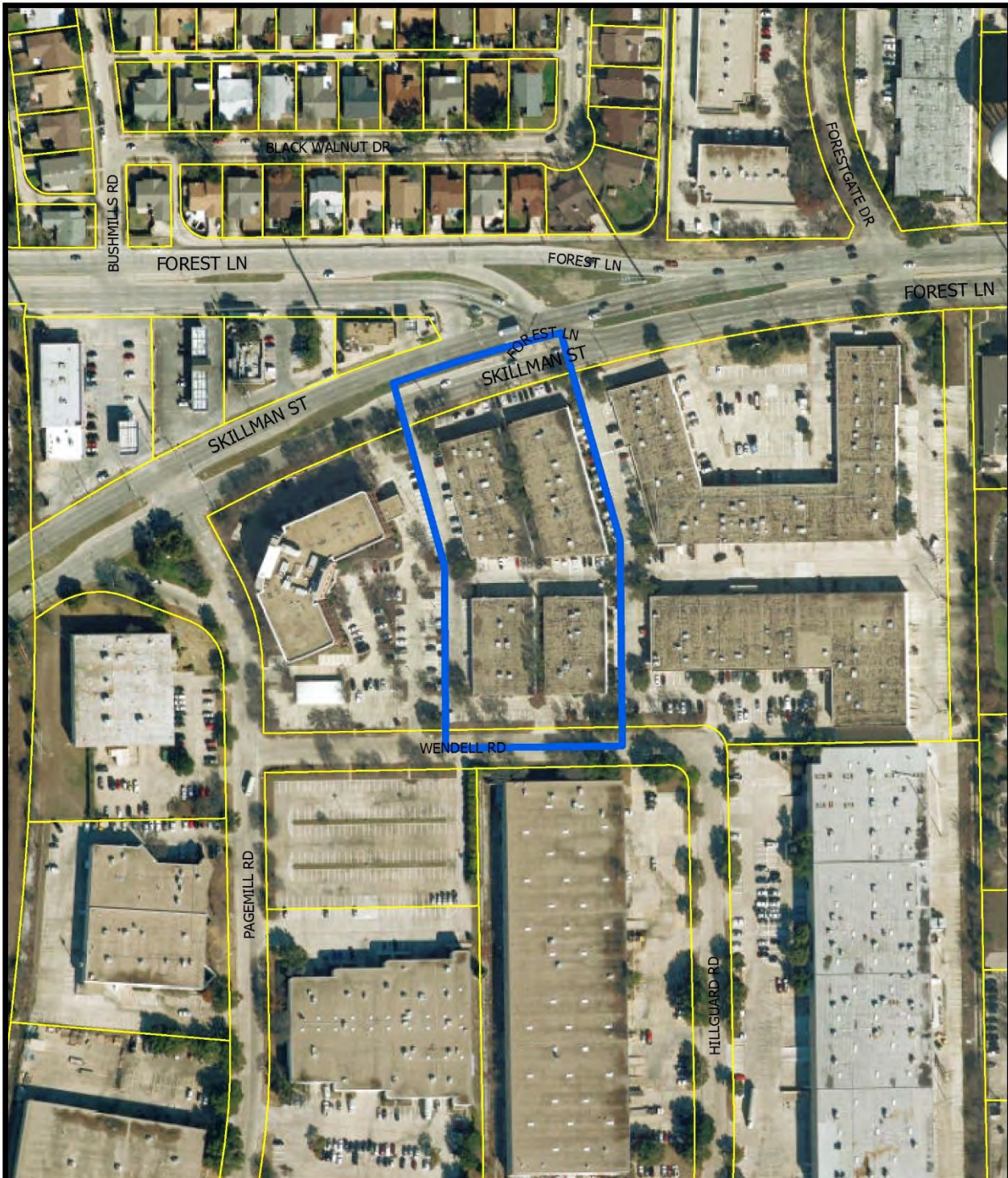
1:6,000

### VICINITY MAP

Case no: Z178-213

Date: 4/6/2018



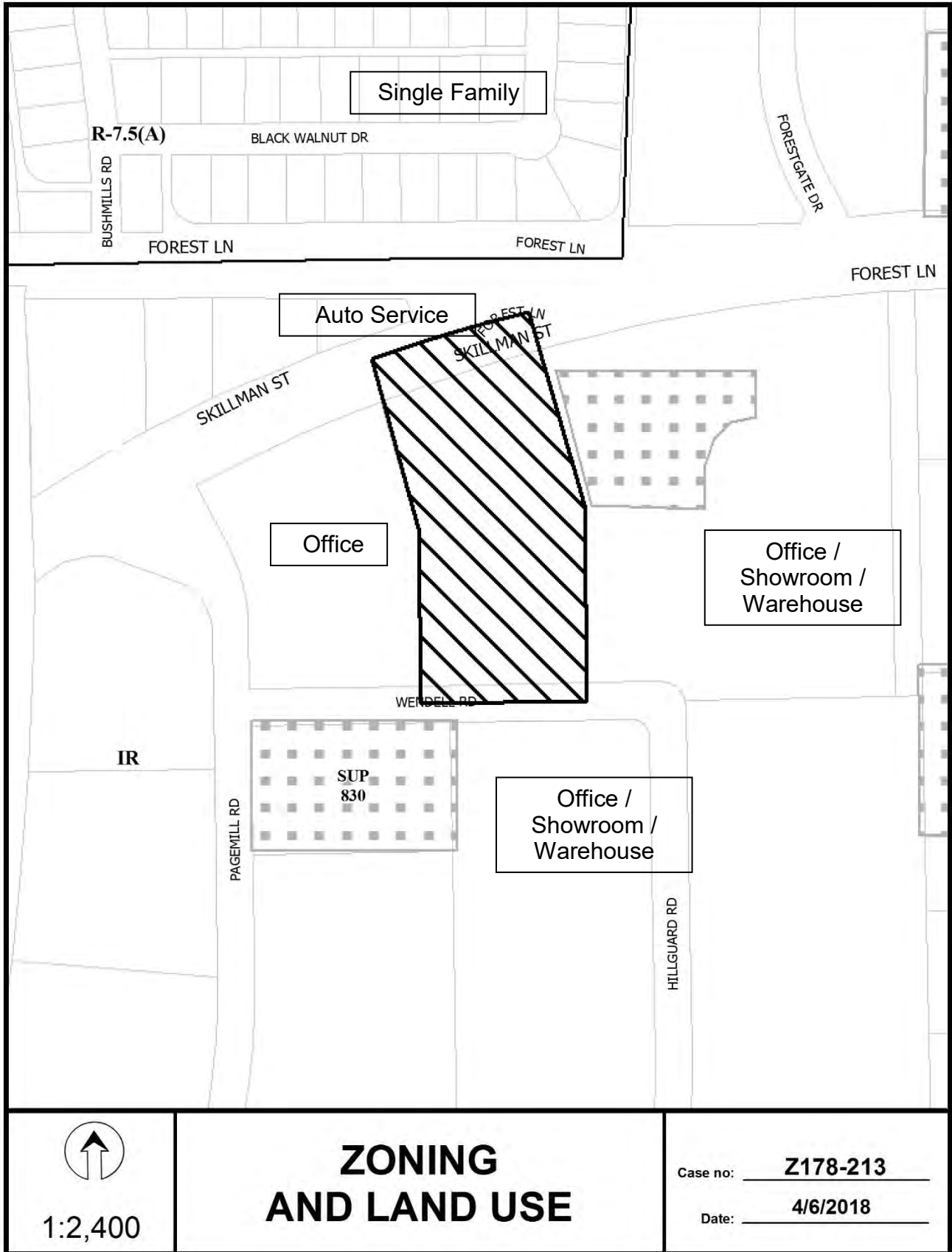


1:2,400

# AERIAL MAP

Case no: Z178-213

Date: 4/6/2018



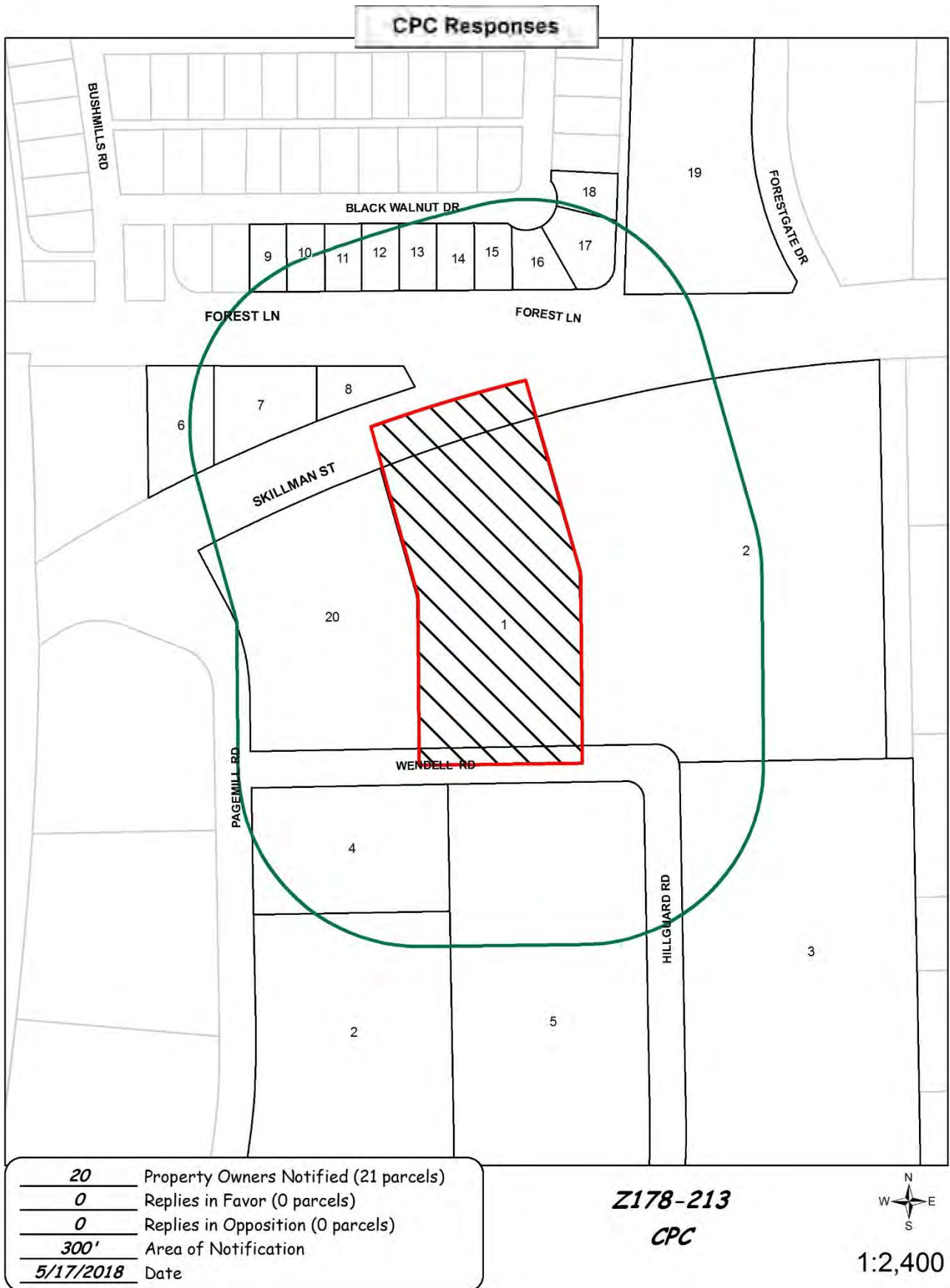
1:2,400

# ZONING AND LAND USE

Case no: Z178-213

Date: 4/6/2018





**Z178-213**  
**CPC**



1:2,400

05/16/2018

***Reply List of Property Owners***

***Z178-213***

***20 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9704	SKILLMAN ST	LIFENET SERVICES INC
2	9641	WENDELL RD	FLT NORTHGATE ASHTON LLC & ET AL
3	11500	HILLGUARD RD	ICON OWNER POOL I TEXAS LLC
4	11500	PAGEMILL RD	FOUNDERS PARTNERS L P
5	11501	HILLGUARD RD	ICON OWNER POOL 6 EL PASO LLC
6	9631	SKILLMAN ST	MARINO FRANK
7	9661	SKILLMAN ST	LV MGMT LLC
8	9797	SKILLMAN ST	M & M SKILLMAN LLC &
9	10316	BLACK WALNUT DR	BULLARD TRUDY N
10	10320	BLACK WALNUT DR	NUNEZ MAURICIO &
11	10324	BLACK WALNUT DR	REYNOLDS L E
12	10328	BLACK WALNUT DR	AYUB IJAZ
13	10332	BLACK WALNUT DR	TRAN ANTHONY MINH &
14	10336	BLACK WALNUT DR	ZARATE DAVID &
15	10340	BLACK WALNUT DR	HUYNH BINH N & XUYEN KIM T LE
16	10344	BLACK WALNUT DR	WALLS ANNETTE
17	10348	BLACK WALNUT DR	HERMANN HARRY MARK &
18	10402	BLACK WALNUT DR	CASADOS CESAR
19	11805	FORESTGATE DR	AVISTONE NORTHGATE III H LLC
20	9696	SKILLMAN ST	FOUNDERS PARTNERS LP

**AGENDA ITEM # 62**

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

August 8, 2018

**COUNCIL DISTRICT(S):**

14

**DEPARTMENT:**

Department of Sustainable Development and Construction

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

45 K

---

**SUBJECT**

A public hearing to receive comments regarding a proposal to change the name of Alamo Street between Cedar Springs Road and Woodall Rodgers Service Road, west of Caroline Street, to “Miguel Martinez Way” and an ordinance granting the name change - NC178-005 - Financing: This action has no cost consideration to the City (New street blades to be prepared and paid for by the applicant)

**BACKGROUND**

On March 12, 2018, the City of Dallas accepted an application to change the name of Alamo Street between Cedar Springs Road and Woodall Rodgers Service Road, west of Caroline Street, to “Miguel Martinez Way.”

Notices of the proposed street name change were sent on April 3, 2018 to the appropriate city departments and other affected entities in accordance with Section 51A-9.305(a) of the Dallas Development Code.

Notification signs were put up on April 16, 2018 notifying the community of the proposed street name change in accordance with section 51A-9.305(C). Notices were sent on May 1, 2018 to 2 property owners notifying them of the hearing before the Subdivision Review Committee on May 17, 2018 for the proposed street name change.

In terms of compliance of the request with Section 51A- 9.304(a)(5) of the Dallas Development Code, staff notes the following: The change of Alamo Street to “Miguel Martinez Way” needs a waiver because it does not comply with Section 51A-9.304(a)(5). The name contains 17 characters.

## **BACKGROUND (continued)**

In terms of compliance of the request with Section 51A- 9.304(c)(2) of the Dallas Development Code “A street name commemorating a person or a historic site or area is prohibited until at least two years after the death of the person to be honored or the occurrence of the event to be commemorated.”, staff notes the following: The change of Alamo Street to “Miguel Martinez Way” complies with Section 51A- 9.304(c)(2). Miguel Martinez (1890-1956) was the founder of El Fenix Restaurant.

On May 17, 2018, the Subdivision Review Committee recommended waiving standards contained in Section 51A-9.304(a)(5) and by vote of 4 to 1 recommended approval of the proposed street name of Alamo Street between Cedar Springs Road and Woodall Rodgers Service Road, west of Caroline Street, to “Miguel Martinez Way.”

Notices were sent on May 21, 2018 for the City Plan Commission Hearing on June 21, 2018 to 2 property owners, which about the street notifying them of the proposed street name change in accordance with Section 51A-9.306(b).

On June 21, 2018, the City Plan Commission recommended waiving standards contained in Section 51A-9.304(a)(5) and voted unanimously to recommend approval of the proposed street name of Alamo Street between Cedar Springs Road and Woodall Rodgers Service Road, west of Caroline Street, to “Miguel Martinez Way.”

Notices were sent on July 20, 2018 for the City Council Hearing on August 8, 2018 to 2 property owners, which about the street notifying them of the proposed street name change in accordance with Section 51A-9.306(c).

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 17, 2018, the Subdivision Review Committee voted 4 to 1 to recommended approval of the proposed street name chngae of Alamo Street between Cedar Springs Road and Woodall Rodgers Service Road, west of Caroline Street, to “Miguel Martinez Way”.

On June 21, 2018, the City Plan Commission voted unanimously to recommend approval of the proposed street name change of Alamo Street between Cedar Springs Road and Woodall Rodgers Service Road, west of Caroline Street, to “Miguel Martinez Way”.

## **FISCAL INFORMATION**

This action has no cost consideration to the City; new street blades are to be prepared and paid for by the applicant.

**MAP**

Attached





 1:4,800	<h2>VICINITY MAP</h2>	Case no: <u>NC178-005</u> Date: <u>7/12/2018</u>
------------------------------------------------------------------------------------------------	-----------------------	-----------------------------------------------------



03/29/2018

## ***Notification List of Property Owners***

***NC178-005***

### ***2 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2200 ALAMO ST	TRITON DOWNTOWN LLC
2	2223 CAROLINE ST	TRITON DOWNTOWN LLC

**APPLICATION FOR STREET NAME CHANGE**  
 Development Services Department, City of Dallas, Texas  
 Room 115, Oak Cliff Municipal Center, 320 E. Jefferson Blvd., Dallas, TX 75203  
 Telephone 214-948-4299

Property Owner (Applicant)	Name <u>Firebird Restaurant Group</u> Telephone <u>972-388-5460</u>	Office Use File No: _____ CPC HRG DATE: _____ Sent: _____ Fees RCVD: _____ Reply: _____ Map No: _____ Census Tract: _____ Council District: _____
	Address <u>1815 Wanda Rodgers Way Suite 1100 Dallas TX 75201</u> Zip <u>75201</u>	
Project Description	Existing Name: <u>Alamo St.</u> Proposed Name: <u>Miguel Martinez Way</u> From: _____ Street Status: <input type="checkbox"/> Major <input type="checkbox"/> Minor	

Accepted By: [Signature] Date Accepted: 3/12/18

Statement (Reasons for Request)  
Requesting the name change to recognize the 10th Anniversary of the historical + well known El Fenix Brand. We would like to use this opportunity to honor the Martinez family + our brand.  
Thanks!

- General Information
- PETITION INDICATING THAT AT LEAST FIFTY-ONE (51) PERCENT OF OWNERS OF LOTS ABUTTING THE STREET WHOSE NAME IS TO BE CHANGED FAVOR THE NAME CHANGE
  - APPLICATION FEE
  - SITE PLAN SHOWING LOCATION OF THE STREET
  - STATEMENT OF REASONS FOR SUPPORTING A STREET NAME CHANGE
  - ROADWAY'S STATUS AS A MAJOR OR MINOR ROADWAY
  - EXISTING AND PROPOSED STREET NAMES

Applicants Signature  
 I hereby certify that I am the applicant in the foregoing application, and that I am the owner of a lot abutting the street for which a street name change is being requested.  
 Signature [Signature] Date 3/12/18



**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** August 8, 2018

**COUNCIL DISTRICT(S):** 10

**DEPARTMENT:** Park & Recreation Department  
Office of Emergency Management

**CMO:** Willis Winters, 670-4071  
Jon Fortune, 670-1204

**MAPSCO:** 16T

---

**SUBJECT**

A public hearing to receive comments on the proposed use of a portion of Hamilton Park located at 12100 Willowdell Drive, totaling approximately 39 square feet of land, for the installation of an outdoor warning siren by the Office of Emergency Management, to provide warning siren system coverage for the benefit of the public; and at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: This action has no cost consideration to the City (see Fiscal Information section for future cost)

**BACKGROUND**

The City of Dallas owns municipal parkland known as Hamilton Park (approximately 18.5 acres) located at 12100 Willowdell Drive, just east of U.S. Route 75 (North Central Expressway) and south of Interstate Highway 635 (Lyndon B. Johnson Freeway). The Willie B. Johnson Recreation Center is located in this park and the Cottonwood Trail runs north-south through the park.

The Office of Emergency Management (OEM) has requested use of approximately 39 square feet of land in order to install an outdoor warning siren approximately ten feet inside the park boundaries near the existing power pole which is located in the street right-of-way. Electric power from the power lines is needed for operation of the outdoor warning siren.

In 2016 OEM conducted a sound survey to ensure a minimum of seventy decibels of outdoor warning siren system coverage throughout the City. The result identified twenty-seven locations for enhanced coverage. One of the locations identified was at the intersection of Willowdell Drive, Schroeder Road, and Towns Street, a high point in the Hamilton Park neighborhood.

## **BACKGROUND** (continued)

Due to the limited space in the street right-of-way and adjacent electric pole wires, an outdoor warning siren could not be placed near the intersection outside the park boundaries. OEM will be responsible for all construction costs, maintenance, and ongoing utility costs associated with the outdoor warning siren.

Due to the configuration of and limited use of the park at this location, the outdoor warning siren's impact on the park is expected to be minimal. OEM has agreed to permit any park use up to the outdoor warning siren and, upon abandonment of the outdoor warning siren at some future date, to promptly remove the outdoor warning siren and appurtenances, subject to appropriation, at which time the land will revert back to parkland.

In compliance with the law, the City has determined that there is a need and that no feasible and prudent alternative to the use or taking of such parkland and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 17, 2018, the Park and Recreation Board authorized a public hearing to be held on August 8, 2018.

On June 27, 2018, City Council authorized a public hearing to be held on August 8, 2018, by Resolution No. 18-0943.

## **FISCAL INFORMATION**

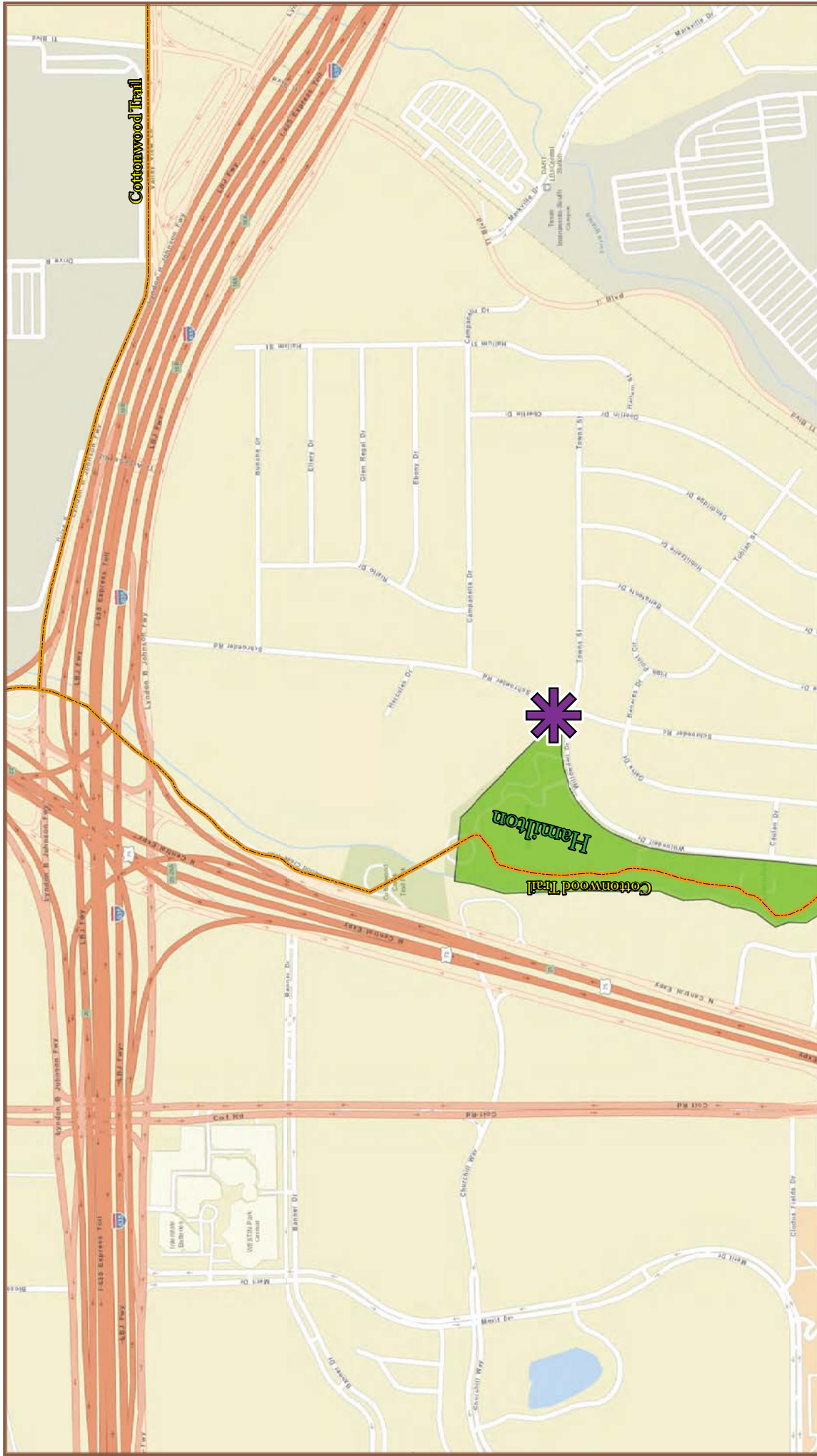
This action has no cost consideration to the City.

Funds are included in OEM's budget for construction, maintenance, and ongoing utility costs associated with the outdoor warning siren.

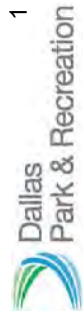
## **MAP**

Attached





0 250 500 1,000 1,500 Feet  
 1 in = 500 ft



**Hamilton Park**  
 (12100 Willowdell Dr)

Mapsc0  
 16T

District  
 10

August 8, 2018

**WHEREAS**, the City of Dallas owns land in north central Dallas known as Hamilton Park, which was acquired for park purposes and has been maintained as parkland; and

**WHEREAS**, the City of Dallas Office of Emergency Management (OEM) has requested use of approximately 39 square feet of land in order to install an outdoor warning siren, as part of the City's plan to provide outdoor warning siren system coverage throughout the City, as shown on Exhibit A, and the Park and Recreation Board is agreeable to providing the property for this use; and

**WHEREAS**, OEM is agreeable to permitting any park use up to and around the outdoor warning siren; and

**WHEREAS**, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to the Kleberg Trail has been taken.

**Now, Therefore,**

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

**SECTION 1.** That as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of parkland for the purpose stated in this resolution and that all reasonable planning to minimize harm to the park has been taken.

**SECTION 2.** That the City of Dallas hereby approves and authorizes the grant of use of parkland, by form instrument as approved by the City Attorney, to OEM for purpose of installation of an outdoor warning siren and appurtenances, said outdoor warning siren more fully described in Exhibit A, attached hereto and made a part hereof.

**SECTION 3.** That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute utility easements for the benefit of Dallas Water Utilities for the purposes authorized herein, and to all of the following terms and conditions:

- a. OEM shall covenant to the City:
  1. To observe safety regulations
  2. To not be detrimental to the park and to coordinate work with City staff so as to provide for the least disruption of City services
  3. To comply with health, safety, noise, environmental protection, waste disposal, and water and air quality regulations
  4. To keep the adjacent park area free from construction debris and waste

August 8, 2018

**SECTION 3.** (continued)

5. To bear the cost of construction, operation, and maintenance of the outdoor warning siren and improvements
6. To do all work within the park in a good a workmanlike manner under the supervision of the Director of the Park and Recreation Department
7. To permit any park use, as determined by the Director of the Park and Recreation Department, within the area of use granted to OEM up to the outdoor warning siren
8. That OEM, upon no longer needing the area granted for its approved use, or after the abandonment or disuse of the granted area, shall promptly remove the outdoor warning siren and appurtenances, at OEM's cost, subject to appropriations; and all parkland taken shall thereon revert back to parkland

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



*Location of proposed Outdoor Warning Siren and area needed for power pole, consisting of ~39 square feet of land.*

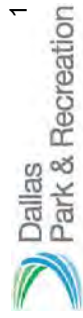
*Location and area is approximate.*

Hamilton Park

Towns St

Schroeder Rd

Willowdell Dr



Mapsc0  
16T

District  
10

Hamilton Park  
(12100 Willowdell Dr)

Exhibit A