

**OCTOBER 26, 2016 CITY COUNCIL AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated October 26, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



M. Elizabeth Reich
Chief Financial Officer

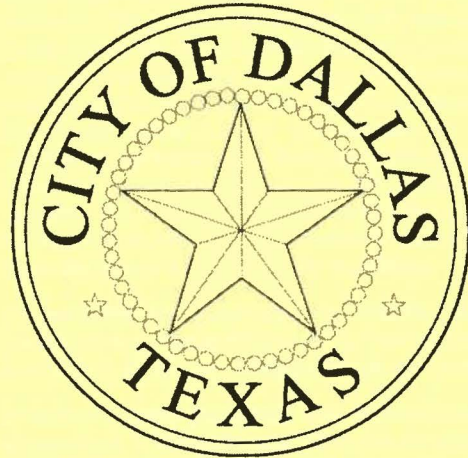


Date

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

October 26, 2016

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 de 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 de 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 Government 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 pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

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

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

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, OCTOBER 26, 2016
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 - 46

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 47 - 48

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 49 - 61

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

AGENDA
CITY COUNCIL MEETING
OCTOBER 26, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the October 11, 2016 City Council Meeting

CONSENT AGENDA

Aviation

2. Authorize a ten-year lease for approximately 150 square feet of office space with the Federal Aviation Administration, for the Contract Weather Observer station at Dallas Love Field - Annual Revenue: \$1,500
3. Authorize a ten-year lease with the Federal Aviation Administration for approximately 211 square feet of technical space, including access and equipment placement in the air traffic control tower cab at Dallas Executive Airport - Financing: No cost consideration to the City
4. Authorize a ten-year lease for approximately 2,650 square feet of land with the Federal Aviation Administration, to house equipment for the Instrument Landing System, designated as an outer marker site at Dallas Executive Airport - Financing: No cost consideration to the City

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

5. Authorize a three-year professional services contract, with two one-year renewal options, for spay/neuter services - Spay Neuter Network, most qualified respondent of three - Not to exceed \$2,037,978 - Financing: Current Funds (subject to annual appropriations)
6. Authorize a three-year service contract for the purchase and application of hydro-mulch - 814 Solutions, LLC, lowest responsible bidder of two - Not to exceed \$186,060 - Financing: Stormwater Drainage Management Current Funds (\$181,800) and Water Utilities Current Funds (\$4,260) (subject to annual appropriations)
7. Authorize a three-year service contract for digitization services - DRS Imaging Services of Texas, Inc., most advantageous proposer of twelve - Not to exceed \$663,660 - Financing: Building Inspection Current Funds (subject to annual appropriations)
8. Authorize a three-year service contract for database access to downloadable digital media for the Dallas Public Library - OverDrive, Inc. for group a,c,e, & f in the amount of \$882,150, Bibliotheca, LLC for group d in the amount of \$202,500, and ProQuest, LLC for group b in the amount of \$147,062, most advantageous proposers of eight - Total not to exceed \$1,231,712 - Financing: Current Funds (subject to annual appropriations)
9. Authorize a three-year service contract for temporary day labor - Lane Staffing, Inc., most advantageous proposer of five - Not to exceed \$14,783,393 - Financing: Current Funds (\$11,380,493), Convention and Event Services Current Funds (\$1,947,450), Water Utilities Current Funds (\$1,067,452), and Aviation Current Funds (\$387,998) (subject to annual appropriations)
10. Authorize a five-year service contract for financial advisory services - Hilltop Securities, Inc. in the amount of \$75,000 and Estrada Hinojosa & Company, Inc. in the amount of \$50,000 proposed jointly; and PFM Financial Advisors, LLC in the amount of \$375,000, most advantageous proposers of three - Total not to exceed \$500,000 - Financing: Financial advisory fees to be paid from bond proceeds and Water Utilities Current Funds, contingent upon completion of each bond sale; fees for advisory services not related to bond issuance to be paid from Current funds (\$500,000) (subject to annual appropriations)
11. Authorize **(1)** 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 testing services; and **(2)** a service contract for analytical laboratory testing services through December 10, 2017 - Pace Analytical Services, Inc., second lowest responsible bidder of eight - Not to exceed \$948,211 - Financing: Current Funds (\$2,955), Water Utilities Current Funds (\$761,564), Stormwater Drainage Management Current Funds (\$165,357), and Sanitation Current Funds (\$18,335) (subject to annual appropriations)

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

12. Authorize the purchase of one heavy duty snow blower, with attachments, for Aviation - M-B Companies, Inc. through the National Joint Powers Alliance - Not to exceed \$1,241,368 - Financing: Aviation Current Funds
13. Authorize **(1)** the purchase of one medium duty explosives robot - Remotec, Inc., in the amount of \$200,703, sole source; and **(2)** the purchase of medium duty explosives robot accessories - Remotec, Inc., in the amount of \$100,468 through the General Services Administration - Total not to exceed \$301,171 - Financing: U.S. Department of Homeland Security Grant Funds
14. Authorize the purchase of twenty-six fleet vehicles for Code Compliance - Sam Pack's Five Star Ford through the Texas Smartbuy - Not to exceed \$622,160 - Financing: Current Funds
15. Authorize **(1)** a three-year master agreement for the purchase of mulch materials - The LETCO Group, LLC dba Living Earth in the amount of \$549,010, GWG Wood Group, Inc. in the amount of \$308,644, and Blackson, Inc. in the amount of \$75,600; and **(2)** a three-year service contract for the delivery and installation of playground chips - Naturomulch, LLC in the amount of \$1,431,000, lowest responsible bidders of six - Total not to exceed \$2,364,254 - Financing: Current Funds (\$1,890,813), Water Utilities Current Funds (\$338,078), Aviation Current Funds (\$135,000), and 2016-17 Community Development Block Grant Funds (\$363) (subject to annual appropriations)
16. Authorize a three-year master agreement for large concrete water pipes and accessories - Forterra Pressure Pipe, Inc. in the amount of \$4,469,223 and Forterra Pipe & Precast, LLC in the amount of \$1,113,936, most advantageous proposers of two - Total not to exceed \$5,583,159 - Financing: Current Funds (\$1,012,007), Water Utilities Current Funds (\$4,246,528), and Stormwater Drainage Management Current Funds (\$324,624)
17. Authorize Supplemental Agreement No. 1 to increase the service contract for temporary information technology professionals - EJES, Inc. in the amount of \$665,309 from \$2,661,237 to \$3,326,546, Global Information Systems, Inc. in the amount of \$248,119 from \$992,478 to \$1,240,597, and Sierra Infosys, Inc. in the amount of \$87,807 from \$351,228 to \$439,035 - Total not to exceed \$1,001,235, from \$4,004,943 to \$5,006,178 - Financing: Current Funds (subject to annual appropriations)

City Attorney's Office

18. Authorize Supplemental Agreement No. 1 to the professional services contract with Stevens & Lee, P.C. for additional legal services in the matter styled Energy Future Holdings Corporation, et al., Case No. 14-10979 - Not to exceed \$175,000, from \$50,000 to \$225,000 - Financing: Water Utilities Current Funds

CONSENT AGENDA (Continued)**City Attorney's Office** (Continued)

19. Authorize Supplemental Agreement No. 2 to the professional services contract with Pierce & O'Neill, LLP for additional legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney, et al., v. Sabine River Authority of Texas, No. D-150045-C - Not to exceed \$100,000, from \$150,000 to \$250,000 - Financing: Water Utilities Current Funds
20. Authorize Supplemental Agreement No. 4 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority - Not to exceed \$150,000, from \$525,000 to \$675,000 - Financing: Water Utilities Current Funds

Economic Development

21. Authorize **(1)** final approval of funding for the Air Rights/Public Parking Garage Purchase and Sale Agreement with FM City Park, LLC, as specified in Resolution No. 15-1105, previously approved on June 10, 2015, and allowing for adjustment of budget categories to provide the total funding of \$8,149,535, as previously authorized and; **(2)** an amendment to Resolution No.16-1090, previously approved on June 22, 2016, approving a Chapter 380 economic development grant in the amount of \$670,000 for Farmers Market streetscape and infrastructure, to direct \$498,156 of the funds for the public parking garage purchase - Financing: No cost consideration to the City
22. Authorize amendments to Resolution No. 15-2104, previously approved on November 10, 2015, which authorized a 75 percent real property tax abatement agreement for 8-years with TCDFW Industrial Development, Inc. for improvements to approximately 35.582 acres of land fronting Chalk Hill Road within a Texas Enterprise Zone to change **(1)** the name of the contracting party from TCDFW Industrial Development, Inc. to Chalk Hill Distribution, LLC; and **(2)** the physical address noted for the property from 900 Chalk Hill Road to 1350 Chalk Hill Road - Financing: This action has no cost consideration to the City

Housing/Community Services

23. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by B & J Custom Homes Inc. DBA Redline Development Group for the construction of houses; **(2)** the sale of 7 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to B & J Custom Homes Inc. DBA Redline Development Group; and **(3)** execution of a release of lien for any non-tax liens on the 7 properties that may have been filed by the City - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Housing/Community Services (Continued)

- 24. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by King Home Builders, LLC for the construction of houses; **(2)** the sale of 4 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to King Home Builders, LLC; and **(3)** execution of a release of lien for any non-tax liens on the 4 properties that may have been filed by the City - Financing: No cost consideration to the City

- 25. Authorize Supplemental Agreement No. 2 to the FY 2015-16 contract with Health Services of North Texas, Inc. to provide scattered site housing assistance for persons with HIV/AIDS, to revise the Statement of Services and budget to reallocate funding in the total amount of \$27,175 from the Emergency/Tenant Based Rental Assistance - Housing Services and Program Administration/Project Sponsors budget categories to the Emergency/Tenant Based Rental Assistance - Financial Assistance budget category with no net change in the contract amount - Financing: No cost consideration to the City

Intergovernmental Services

- 26. Authorize adoption of the City of Dallas State Legislative Program for the 85th Session of the Texas Legislature - Financing: No cost consideration to the City

Note: Item Nos. 27 and 28 must be considered collectively.

State Legislative Services for FY 2016-17

- 27. * Authorize a personal services contract with Hector Alcalde for federal legislative information and related services regarding water resources, flood control and transportation for the period October 1, 2016 through September 30, 2017 - Not to exceed \$53,400 - Financing: Current Funds

- 28. * Authorize a personal services contract with Paul Schlesinger for federal legislative information and related services regarding water resources, flood control, and transportation for the period October 1, 2016 through September 30, 2017 - Not to exceed \$31,600 - Financing: Current Funds

- 29. Authorize a personal services contract with Jesse Romero for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$39,000 - Financing: Current Funds

- 30. Authorize a personal services contract with Julianne Acevedo for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$25,000 - Financing: Current Funds

CONSENT AGENDA (Continued)**Intergovernmental Services** (Continued)

31. Authorize a personal services contract with Kwame Walker for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$51,000 - Financing: Current Funds
32. Authorize **(1)** a personal services contract with Randy C. Cain for state legislative information in the amount of \$99,000; and **(2)** office space and related services in the amount of \$8,100 for the period October 1, 2016 through September 30, 2017 - Total not to exceed \$107,100 - Financing: Current Funds
33. Authorize a professional services contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period October 1, 2016 through September 30, 2017 - Not to exceed \$160,000 - Financing: Current Funds
34. Authorize a professional services contract with HillCo Partners, LLC for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$87,000 - Financing: Water Utilities Current Funds

Mobility & Street Services

35. Authorize **(1)** street paving, storm drainage, water and wastewater main improvements for Goodnight Lane from Joe Field Road to Royal Lane; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on December 14, 2016, to receive comments - Financing: No cost consideration to the City

Office of Cultural Affairs

36. Authorize contracts with individual artists and cultural organizations for artist services, on an as-needed, when-needed basis, to the City through the Community Artist Program (list attached) - Not to exceed \$300,000 - Financing: Current Funds
37. Authorize contracts with cultural organizations for the provision of services to the City through the Cultural Services Contracts Program (list attached) - Not to exceed \$5,052,030 - Financing: Current Funds
38. Authorize the third amendment to the Performing Arts Center Use Agreement with Dallas Center for the Performing Arts Foundation, Inc. to increase annual support from \$2,500,000 to \$4,000,000 to provide promotion and support of nonprofit arts and cultural organizations - Total not to exceed \$4,000,000 - Financing: Current Funds (subject to annual appropriations)

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

39. Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to Gartner, Inc. (IT Executives and Leaders) in the amount of \$116,687, North Central Texas Council of Governments in the amount of \$125,773, Steering Committee of Cities Served by Oncor in the amount of \$168,178, Texas Coalition of Cities For Utility Issues in the amount of \$52,004, Texas Municipal League in the amount of \$51,194, Water Environment and Reuse Foundation in the amount of \$82,800, and Water Research Foundation in the amount of \$288,644 - Total not to exceed \$885,280 - Financing: Current Funds (\$513,836) and Water Utilities Current Funds (\$371,444)

Planning and Urban Design

40. Authorize a personal service contract with Brent Brown of buildingcommunity Workshop to serve as Consulting Design Director for the Planning and Design Studio for the period November 1, 2016 through September 30, 2017 - Not to exceed \$77,917 - Financing: Current Funds

Sustainable Development and Construction

41. Authorize acquisition from Kyle Lee Wilkes and Jessica Spring Ollerman, of a wastewater easement of approximately 1,754 square feet of land located near the intersection of Duffield Drive and Stanworth Drive for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$13,100 (\$11,801, plus closing costs and title expenses not to exceed \$1,299) - Financing: Water Utilities Capital Construction Funds
42. A resolution authorizing advertisement for lease with an option to purchase by sealed bid of approximately 32,273 square feet of City-owned land improved with a former library located near the intersection of Simpson Stuart Road and Highland Hills Drive - Financing: No cost consideration to the City
43. Authorize an amendment to an existing ten-year lease agreement with J & J Lancaster Retail Plaza, LLC to revise the monthly rental payments for the remainder of the term for approximately 5,000 square feet of office space located at 8702 South Lancaster Road to be used by the Housing/Community Services' Women, Infants, and Children Program for the period October 1, 2016 through April 30, 2021 - Financing: No cost consideration to the City

Trinity Watershed Management

44. Authorize acquisition from David and Robert Podhrasky Investment Company, of two tracts of land containing a total of approximately 23 acres located on Barber Avenue near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$201,933 (\$197,933 plus closing costs and title expenses not to exceed \$4,000) - Financing: 2006 Bond Funds

CONSENT AGENDA (Continued)**Trinity Watershed Management (Continued)**

45. Authorize **(1)** acceptance of an annual grant from the Federal Emergency Management Agency (FEMA) for the Cooperating Technical Partners (CTP) program; **(2)** execution of a CTP Agreement with FEMA for FY 2016-17 to provide a 75% cost share for updating certain flood studies in the City of Dallas; **(3)** the receipt and deposit of funds in an amount not to exceed \$869,250 from FEMA; **(4)** establishment of appropriations in the amount of \$869,250 in the FEMA Cooperating Technical Partnership Fund; **(5)** a local cash match of \$289,750 for the FY 2016-17; and **(6)** Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., in the amount of \$1,159,000, from \$1,792,667 to \$2,951,667, for updating certain flood studies in accordance with the CTP Agreement with FEMA for FY 2016-17 - Total not to exceed \$1,159,000 - Financing: Stormwater Drainage Management Capital Construction Funds (\$289,750) and FEMA Cooperating Technical Partnership Funds (\$869,250)
46. Authorize an increase in the contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road - Not to exceed \$211,402, from \$2,870,718 to \$3,082,120 - Financing: Capital Construction Funds (\$206,576) and Water Utilities Capital Construction Funds (\$4,826)

ITEMS FOR INDIVIDUAL CONSIDERATION**City Secretary's Office**

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

ITEMS FOR FURTHER CONSIDERATION**City Attorney's Office**

48. Consideration of two alternative ordinances amending Chapter 20A, "Fair Housing," of the Dallas City Code to either **(1)** prohibit discrimination in housing on the basis of source of income; or **(2)** prohibit discrimination in housing on the basis of source of income, except as prohibited by state law - Financing: No cost consideration to the City

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

49. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and renewal of, Specific Use Permit No. 1805 for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the southwest corner of Scyene Road and Prichard Lane
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, a traffic management plan and conditions
Z145-156(OTH)
50. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for a local utility and single family uses on property zoned an R-7.5(A) Single Family District, on the east corner of Barnes Bridge Road and Ferguson Road
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z156-259(SH)
51. A public hearing to receive comments regarding an application for and (1) an ordinance granting the creation of a new subarea to allow an alternative financial establishment use by Specific Use Permit within Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District; and (2) an ordinance granting a Specific Use Permit for an alternative financial establishment use on the southeast corner of Lake June Road and South Buckner Boulevard
Recommendation of Staff and CPC: Approval of a new subarea, subject to conditions; and approval of a Specific Use Permit for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a site plan and conditions
Z156-261(JM)
52. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern on property zoned Planned Development District No. 842 for CR Community Retail District Uses with an MD-1 Modified Delta Overlay on the west side of Greenville Avenue, south of Sears Street
Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions
Z156-294(JM)

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

53. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of, and an amendment to, Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and the addition of an inside commercial amusement use limited to a live music venue on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, north of Commerce Street, east of South Good Latimer Expressway
Recommendation of Staff and CPC: Approval for a four-year period, subject to conditions
Z156-295(AR)
54. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for local utilities limited to utilities services on property zoned an MF-2(A) Multifamily District, on the southwest line of Bank Street, southeast of Herndon Street
Recommendation of Staff and CPC: Approval for a permanent period, subject to a site plan, landscape plan and conditions
Z156-307(WE)

ZONING CASES - INDIVIDUAL

55. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District at the northwest corner of Ross Avenue and North Haskell Avenue
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z156-283(JM)
56. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District uses with a MD-1 Modified Delta Overlay, on the west line of Greenville Avenue, south of Sears Street
Recommendation of Staff: Approval for a four-year period, subject to conditions
Recommendation of CPC: Approval for a three-year period, subject to conditions
Z156-300(WE)

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

57. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road
Recommendation of Staff and CPC: Approval
Z156-234(JM)
Note: This item was considered by the City Council at a public hearing on September 28, 2016, and was deferred until October 26, 2016, with the public hearing open
58. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a Class A dance hall on property zoned a CR Community Retail District on the northwest corner of Singleton Boulevard and Peoria Avenue
Recommendation of Staff: Approval for a two-year period, subject to conditions
Recommendation of CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions
Z156-241(WE)
Note: This item was considered by the City Council at public hearings on August 10, 2016, and September 14, 2016, and was deferred until October 26, 2016, with the public hearing open
59. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District on property zoned an MF-2(A) Multifamily District, on the southeast corner of West Kiest Boulevard and South Polk Street
Recommendation of Staff and CPC: Approval
Z156-256(WE)
Note: This item was considered by the City Council at a public hearing on August 24, 2016, and was deferred until October 26, 2016, with the public hearing open

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

60. A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.217 and Section 51A-4.217, "Accessory Uses," providing regulations for book exchange structures as accessory outside storage and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA156-002

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS

Housing/Community Services

61. A public hearing to receive comments on the proposed sale of nine unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Housing Acquisition and Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim nine unimproved properties to Dallas Housing Acquisition and Development Corporation, using the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any (list attached) - Revenue: \$9,000

**Land Bank (DHADC) Sale of Lots to
B & J Custom Homes Inc. DBA Redline Development Group
Agenda Item # 23**

<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 401 Cleaves	55B	4	\$22,565.61
2. 435 Cleaves	55B	4	\$ 8,614.11
3. 437 Cleaves	55B	4	\$ 7,998.58
4. 407 Hart	55B	4	\$ 8,191.49
5. 409 Hart	55B	4	\$15,737.05
6. 402 Pecan	55B	4	\$ 5,877.17
7. 400 Bobbie	55B	4	\$ 2,289.34

**Land Bank (DHADC) Sale of Lots to
King Home Builders, LLC**
Agenda Item # 24

<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 916 Bayonne	44P	6	\$8,986.91
2. 4731 Morris	42M	6	\$5,604.91
3. 2024 Kraft	43M	6	\$1,748.65
4. 2411 N. Winnetka	44P	6	\$2,709.18

**Office of Cultural Affairs FY 2016-17
Community Artist Program
Agenda Item # 36**

<u>Organization</u>	<u>Amount</u>
Michelle Hogue	\$ 1,000
Alicia Yvette Holmes	\$ 25,000
Media One Creations	\$ 5,500
Anita N Martinez Ballet	\$ 12,000
Barri Pearson	\$ 10,000
Cara Mia Theatre Company	\$ 12,000
Candace Miller	\$ 34,000
Jesus Evelio Flores	\$ 10,000
Herbie Johnson	\$ 10,000
Frida N Lozano	\$ 7,000
Indian Cultural Heritage Foundation	\$ 6,000
Calvin Sexton DBA Inner City All-Stars	\$ 5,500
Lenotha Barnett Jr.	\$ 12,000
Making Connections	\$ 7,000
Melody Bell	\$ 10,000
Michelle Gibson	\$ 25,000
Ollimpaxqui Ballet Company	\$ 7,500
Ofelia Faz-Garza	\$ 6,000
True Artist Brand	\$ 15,000
Sandra Gipson	\$ 12,000
South Dallas Concert Choir	\$ 5,500
Teatro Hispano de Dallas Inc	\$ 11,000
Tony Browne	\$ 20,000
Terrance M. Johnson Dance Project	\$ 9,000
The Flame Foundation	\$ 5,000
Cynthia Veronica Anzaldua	\$ 5,000
Renee Miche'al Jones	\$ 4,000
Alfredo Villanueva	<u>\$ 8,000</u>
TOTAL	\$300,000

Office of Cultural Affairs FY 2016-17
 Agenda Item # 37

<u>Organization</u>	<u>Amount</u>
Anita N. Martinez Ballet Folklorico, Inc.	\$ 73,645
Artreach-Dallas, Inc.	\$ 34,114
Big Thought	\$ 703,128
The Black Academy of Arts & Letters, Inc.	\$ 203,112
Cara Mia Theatre Co.	\$ 54,258
Children’s Chorus of Greater Dallas	\$ 45,415
Creative Arts Center of Dallas	\$ 23,363
Crow Collection of Asian Art	\$ 30,000
Dallas Black Dance Theatre, Inc.	\$ 357,711
Dallas Chamber Symphony	\$ 25,000
Dallas Children's Theater	\$ 150,222
Dallas County Heritage Society	\$ 162,549
Dallas Historical Society	\$ 16,886
Dallas Museum of Art	\$1,075,896
The Dallas Opera	\$ 164,500
DSM Management Group, Inc.	\$ 72,500
Dallas Theater Center	\$ 41,007
Dallas Wind Symphony	\$ 37,811
Fine Arts Chamber Players	\$ 47,604
Greater Dallas Youth Orchestra	\$ 50,367
Junior Players Guild	\$ 61,257
Kitchen Dog Theater Company	\$ 44,564
Perot Museum of Nature & Science	\$ 770,926
Museum of African American Life and Culture	\$ 19,350
Sammons Center for the Arts	\$ 162,370
The Shakespeare Festival of Dallas	\$ 91,156
Teatro Hispano de Dallas	\$ 63,831
TeCo Theatrical Productions, Inc.	\$ 93,782
Texas International Theatrical Arts Society	\$ 59,314
Texas Winds Musical Outreach, Inc.	\$ 51,646
Theater Three, Inc.	\$ 85,420
Turtle Creek Chorale, Inc.	\$ 54,841
Undermain Theater	\$ 33,594
U S A Film Festival	\$ 50,567
The Writer’s Garret	\$ 40,324
TOTAL	\$5,052,030

Tax Foreclosure and Seizure Property Resale
 Agenda Item # 61

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>	<u>Council District</u>
1.	402 Cleaves	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
2.	408 Cleaves	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
3.	431 Cleaves	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
4.	438 Cleaves	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
5.	457 Hart	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
6.	407 Pecan	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5 (A)	4

Tax Foreclosure and Seizure Property Resale
 Agenda Item # 61 (Continued)

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsc</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>	<u>Council District</u>
7.	408 Pecan	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
8.	411 Pecan	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
9.	405 Albright	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4

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

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

AGENDA DATE October 26, 2016

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of the October 11, 2016 City Council Meeting
2			2	C	AVI	REV \$1,500	NA	NA	Authorize a ten-year lease for approximately 150 square feet of office space with the Federal Aviation Administration, for the Contract Weather Observer station at Dallas Love Field - Annual Revenue: \$1,500
3			3	C	AVI	NC	NA	NA	Authorize a ten-year lease with the Federal Aviation Administration for approximately 211 square feet of technical space, including access and equipment placement in the air traffic control tower cab at Dallas Executive Airport - Financing: No cost consideration to the City
4			3	C	AVI	NC	NA	NA	Authorize a ten-year lease for approximately 2,650 square feet of land with the Federal Aviation Administration, to house equipment for the Instrument Landing System, designated as an outer marker site at Dallas Executive Airport - Financing: No cost consideration to the City
5			All	C	PBD, CCS	\$2,037,978.00	0.00%	0.00%	Authorize a three-year professional services contract, with two one-year renewal options, for spay/neuter services - Spay Neuter Network, most qualified respondent of three - Not to exceed \$2,037,978 - Financing: Current Funds (subject to annual appropriations)
6			All	C	PBD, TW, WTR	\$186,060.00	0.00%	74.13%	Authorize a three-year service contract for the purchase and application of hydro-mulch - 814 Solutions, LLC, lowest responsible bidder of two - Not to exceed \$186,060 - Financing: Stormwater Drainage Management Current Funds (\$181,800) and Water Utilities Current Funds (\$4,260) (subject to annual appropriations)
7			All	C	PBD, DEV	\$663,660.00	0.00%	25.35%	Authorize a three-year service contract for digitization services - DRS Imaging Services of Texas, Inc., most advantageous proposer of twelve - Not to exceed \$663,660 - Financing: Building Inspection Current Funds (subject to annual appropriations)
8			All	C	PBD, LIB	\$1,231,712.00	0.00%	0.00%	Authorize a three-year service contract for database access to downloadable digital media for the Dallas Public Library - OverDrive, Inc. for group a,c,e, & f in the amount of \$882,150, Bibliotheca, LLC for group d in the amount of \$202,500, and ProQuest, LLC for group b in the amount of \$147,062, most advantageous proposers of eight - Total not to exceed \$1,231,712 - Financing: Current Funds (subject to annual appropriations)
9			All	C	PBD, AVI, CCS, CES, STS, PKR, POL, WTR	\$14,783,392.68	100.00%	100.00%	Authorize a three-year service contract for temporary day labor - Lane Staffing, Inc., most advantageous proposer of five - Not to exceed \$14,783,393 - Financing: Current Funds (\$11,380,493), Convention and Event Services Current Funds (\$1,947,450), Water Utilities Current Funds (\$1,067,452), and Aviation Current Funds (\$387,998) (subject to annual appropriations)
10			All	C	PBD, CON	\$500,000.00	85.00%	32.40%	Authorize a five-year service contract for financial advisory services - Hilltop Securities, Inc. in the amount of \$75,000 and Estrada Hinojosa & Company, Inc. in the amount of \$50,000 proposed jointly; and PFM Financial Advisors, LLC in the amount of \$375,000, most advantageous proposers of three - Total not to exceed \$500,000 - Financing: Financial advisory fees to be paid from bond proceeds and Water Utilities Current Funds, contingent upon completion of each bond sale; fees for advisory services not related to bond issuance to be paid from Current funds (\$500,000) (subject to annual appropriations)
11			All	C	PBD, CCS, PKR, SAN, TW, WTR	\$948,210.69	0.00%	0.00%	Authorize (1) 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 testing services; and (2) a service contract for analytical laboratory testing services through December 10, 2017 - Pace Analytical Services, Inc., second lowest responsible bidder of eight - Not to exceed \$948,211 - Financing: Current Funds (\$2,955), Water Utilities Current Funds (\$761,564), Stormwater Drainage Management Current Funds (\$165,357), and Sanitation Current Funds (\$18,335) (subject to annual appropriations)
12			2	C	PBD, AVI	\$1,241,367.91	NA	NA	Authorize the purchase of one heavy duty snow blower, with attachments, for Aviation - M-B Companies, Inc. through the National Joint Powers Alliance - Not to exceed \$1,241,368 - Financing: Aviation Current Funds
13			All	C	PBD, POL, OEM	GT	0.00%	0.00%	Authorize (1) the purchase of one medium duty explosives robot - Remotec, Inc., in the amount of \$200,703, sole source; and (2) the purchase of medium duty explosives robot accessories - Remotec, Inc., in the amount of \$100,468 through the General Services Administration - Total not to exceed \$301,171 - Financing: U.S. Department of Homeland Security Grant Funds
14			All	C	PBD, CCS, EBS	\$622,160.00	NA	NA	Authorize the purchase of twenty-six fleet vehicles for Code Compliance - Sam Pack's Five Star Ford through the Texas Smartbuy - Not to exceed \$622,160 - Financing: Current Funds

AGENDA DATE

October 26, 2016

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
15			All	C	PBD, AVI, HOU, PKR, WTR	\$2,363,890.75	100.00%	60.53%	Authorize (1) a three-year master agreement for the purchase of mulch materials - The LETCO Group, LLC dba Living Earth in the amount of \$549,010, GWG Wood Group, Inc. in the amount of \$308,644, and Blackson, Inc. in the amount of \$75,600; and (2) a three-year service contract for the delivery and installation of playground chips - Naturomulch, LLC in the amount of \$1,431,000, lowest responsible bidders of six - Total not to exceed \$2,364,254 - Financing: Current Funds (\$1,890,813), Water Utilities Current Funds (\$338,078), Aviation Current Funds (\$135,000), and 2016-17 Community Development Block Grant Funds (\$363) (subject to annual appropriations)
16			All	C	PBD, STS, TWM, WTR	\$5,583,158.68	100.00%	0.00%	Authorize a three-year master agreement for large concrete water pipes and accessories - Forterra Pressure Pipe, Inc. in the amount of \$4,469,223 and Forterra Pipe & Precast, LLC in the amount of \$1,113,936, most advantageous proposers of two - Total not to exceed \$5,583,159 - Financing: Current Funds (\$1,012,007), Water Utilities Current Funds (\$4,246,528), and Stormwater Drainage Management Current Funds (\$324,624)
17			All	C	PBD, CIS	\$1,001,235.00	66.45%	79.94%	Authorize Supplemental Agreement No. 1 to increase the service contract for temporary information technology professionals - EJES, Inc. in the amount of \$665,309 from \$2,661,237 to \$3,326,546, Global Information Systems, Inc. in the amount of \$248,119 from \$992,478 to \$1,240,597, and Sierra Infosys, Inc. in the amount of \$87,807 from \$351,228 to \$439,035 - Total not to exceed \$1,001,235, from \$4,004,943 to \$5,006,178 - Financing: Current Funds (subject to annual appropriations)
18			N/A	C	ATT, WTR	\$175,000.00	0.00%	0.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with Stevens & Lee, P.C. for additional legal services in the matter styled Energy Future Holdings Corporation, et al., Case No. 14-10979 - Not to exceed \$175,000, from \$50,000 to \$225,000 - Financing: Water Utilities Current Funds
19			N/A	C	ATT, WTR	\$100,000.00	0.00%	0.00%	Authorize Supplemental Agreement No. 2 to the professional services contract with Pierce & O'Neill, LLP for additional legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney, et al., v. Sabine River Authority of Texas, No. D-150045-C - Not to exceed \$100,000, from \$150,000 to \$250,000 - Financing: Water Utilities Current Funds
20			N/A	C	ATT, WTR	\$150,000.00	0.00%	0.00%	Authorize Supplemental Agreement No. 4 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority - Not to exceed \$150,000, from \$525,000 to \$675,000 - Financing: Water Utilities Current Funds
21			2	C	ECO	NC	NA	NA	Authorize (1) final approval of funding for the Air Rights/Public Parking Garage Purchase and Sale Agreement with FM City Park, LLC, as specified in Resolution No. 15-1105, previously approved on June 10, 2015, and allowing for adjustment of budget categories to provide the total funding of \$8,149,535, as previously authorized; and (2) an amendment to Resolution No.16-1090, previously approved on June 22, 2016, approving a Chapter 380 economic development grant in the amount of \$670,000 for Farmers Market streetscape and infrastructure, to direct \$498,156 of the funds for the public parking garage purchase - Financing: No cost consideration to the City
22			6	C	ECO	NC	NA	NA	Authorize amendments to Resolution No. 15-2104, previously approved on November 10, 2015, which authorized a 75 percent real property tax abatement agreement for 8-years with TCDFW Industrial Development, Inc. for improvements to approximately 35.582 acres of land fronting Chalk Hill Road within a Texas Enterprise Zone to change (1) the name of the contracting party from TCDFW Industrial Development, Inc. to Chalk Hill Distribution, LLC; and (2) the physical address noted for the property from 900 Chalk Hill Road to 1350 Chalk Hill Road - Financing: This action has no cost consideration to the City
23			4	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by B & J Custom Homes Inc. DBA Redline Development Group for the construction of houses; (2) the sale of 7 vacant lots from Dallas Housing Acquisition and Development Corporation to B & J Custom Homes Inc. DBA Redline Development Group; and (3) execution of a release of lien for any non-tax liens on the 7 properties that may have been filed by the City - Financing: No cost consideration to the City
24			6	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by King Home Builders, LLC for the construction of houses; (2) the sale of 4 vacant lots from Dallas Housing Acquisition and Development Corporation to King Home Builders, LLC; and (3) execution of a release of lien for any non-tax liens on the 4 properties that may have been filed by the City - Financing: No cost consideration to the City

AGENDA DATE

October 26, 2016

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
25			All	C	HOU	NC	NA	NA	Authorize Supplemental Agreement No. 2 to the FY 2015-16 contract with Health Services of North Texas, Inc. to provide scattered site housing assistance for persons with HIV/AIDS, to revise the Statement of Services and budget to reallocate funding in the total amount of \$27,175 from the Emergency/Tenant Based Rental Assistance - Housing Services and Program Administration/Project Sponsors budget categories to the Emergency/Tenant Based Rental Assistance - Financial Assistance budget category with no net change in the contract amount - Financing: No cost consideration to the City
26			All	C	IGS	NC	NA	NA	Authorize adoption of the City of Dallas State Legislative Program for the 85th Session of the Texas Legislature - Financing: No cost consideration to the City
27			All	C	IGS, OFS	\$53,400.00	NA	NA	State Legislative Services For FY 2016-17: Authorize a personal services contract with Hector Alcalde for federal legislative information and related services regarding water resources, flood control and transportation for the period October 1, 2016 through September 30, 2017 - Not to exceed \$53,400 - Financing: Current Funds
28			All	C	IGS, OFS	\$31,600.00	NA	NA	State Legislative Services For FY 2016-17: Authorize a personal services contract with Paul Schlesinger for federal legislative information and related services regarding water resources, flood control, and transportation for the period October 1, 2016 through September 30, 2017 - Not to exceed \$31,600 - Financing: Current Funds
29			All	C	IGS, OFS	\$39,000.00	NA	NA	Authorize a personal services contract with Jesse Romero for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$39,000 - Financing: Current Funds
30			All	C	IGS, OFS	\$25,000.00	NA	NA	Authorize a personal services contract with Julianne Acevedo for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$25,000 - Financing: Current Funds
31			All	C	IGS, OFS	\$51,000.00	NA	NA	Authorize a personal services contract with Kwame Walker for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$51,000 - Financing: Current Funds
32			All	C	IGS, OFS	\$107,100.00	NA	NA	Authorize (1) a personal services contract with Randy C. Cain for state legislative information in the amount of \$99,000; and (2) office space and related services in the amount of \$8,100 for the period October 1, 2016 through September 30, 2017 - Total not to exceed \$107,100 - Financing: Current Funds
33			All	C	IGS, OFS	\$160,000.00	NA	NA	Authorize a professional services contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period October 1, 2016 through September 30, 2017 - Not to exceed \$160,000 - Financing: Current Funds
34			All	C	IGS, OFS, WTR	\$87,000.00	NA	NA	Authorize a professional services contract with HillCo Partners, LLC for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$87,000 - Financing: Water Utilities Current Funds
35			6	C	STS, WTR	NC	NA	NA	Authorize (1) street paving, storm drainage, water and wastewater main improvements for Goodnight Lane from Joe Field Road to Royal Lane; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and (2) a benefit assessment hearing to be held on December 14, 2016, to receive comments - Financing: No cost consideration to the City
36			All	C	OCA	\$300,000.00	NA	NA	Authorize contracts with individual artists and cultural organizations for artist services, on an as-needed, when-needed basis, to the City through the Community Artist Program - Not to exceed \$300,000 - Financing: Current Funds
37			All	C	OCA	\$5,052,030.00	NA	NA	Authorize contracts with cultural organizations for the provision of services to the City through the Cultural Services Contracts Program - Not to exceed \$5,052,030 - Financing: Current Funds
38			14	C	OCA	\$4,000,000.00	NA	NA	Authorize the third amendment to the Performing Arts Center Use Agreement with Dallas Center for the Performing Arts Foundation, Inc. to increase annual support from \$2,500,000 to \$4,000,000 to provide promotion and support of nonprofit arts and cultural organizations - Total not to exceed \$4,000,000 - Financing: Current Funds (subject to annual appropriations)
39			N/A	C	OFS, WTR, ECO, CIS	\$885,279.41	NA	NA	Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to Gartner, Inc. (IT Executives and Leaders) in the amount of \$116,687, North Central Texas Council of Governments in the amount of \$125,773, Steering Committee of Cities Served by Oncor in the amount of \$168,178, Texas Coalition of Cities For Utility Issues in the amount of \$52,004, Texas Municipal League in the amount of \$51,194, Water Environment and Reuse Foundation in the amount of \$82,800, and Water Research Foundation in the amount of \$288,644 - Total not to exceed \$885,280 - Financing: Current Funds (\$513,836) and Water Utilities Current Funds (\$371,444)

AGENDA DATE October 26, 2016

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
40			All	C	PNV	\$77,916.67	NA	NA	Authorize a personal service contract with Brent Brown of buildingcommunity Workshop to serve as Consulting Design Director for the Planning and Design Studio for the period November 1, 2016 through September 30, 2017 - Not to exceed \$77,917 - Financing: Current Funds
41			12	C	DEV, WTR	\$13,100.00	NA	NA	Authorize acquisition from Kyle Lee Wilkes and Jessica Spring Ollerman, of a wastewater easement of approximately 1,754 square feet of land located near the intersection of Duffield Drive and Stanworth Drive for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$13,100 (\$11,801, plus closing costs and title expenses not to exceed \$1,299) - Financing: Water Utilities Capital Construction Funds
42			8	C	DEV	NC	NA	NA	A resolution authorizing advertisement for lease with an option to purchase by sealed bid of approximately 32,273 square feet of City-owned land improved with a former library located near the intersection of Simpson Stuart Road and Highland Hills Drive - Financing: No cost consideration to the City
43			8	C	DEV, HOU	NC	NA	NA	Authorize an amendment to an existing ten-year lease agreement with J & J Lancaster Retail Plaza, LLC to revise the monthly rental payments for the remainder of the term for approximately 5,000 square feet of office space located at 8702 South Lancaster Road to be used by the Housing/Community Services' Women, Infants, and Children Program for the period October 1, 2016 through April 30, 2021 - Financing: No cost consideration to the City
44			7	C	TWM	\$201,933.00	NA	NA	Authorize acquisition from David and Robert Podhrasky Investment Company, of two tracts of land containing a total of approximately 23 acres located on Barber Avenue near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$201,933 (\$197,933 plus closing costs and title expenses not to exceed \$4,000) - Financing: 2006 Bond Funds
45			All	C	TWM	\$289,750.00	100.00%	26.05%	Authorize (1) acceptance of an annual grant from the Federal Emergency Management Agency (FEMA) for the Cooperating Technical Partners (CTP) program; (2) execution of a CTP Agreement with FEMA for FY 2016-17 to provide a 75% cost share for updating certain flood studies in the City of Dallas; (3) the receipt and deposit of funds in an amount not to exceed \$869,250 from FEMA; (4) establishment of appropriations in the amount of \$869,250 in the FEMA Cooperating Technical Partnership Fund; (5) a local cash match of \$289,750 for the FY 2016-17; and (6) Supplemental Agreement No. 2 to the contract with Half Associates, Inc., in the amount of \$1,159,000, from \$1,792,667 to \$2,951,667, for updating certain flood studies in accordance with the CTP Agreement with FEMA for FY 2016-17 - Total not to exceed \$1,159,000 - Financing: Stormwater Drainage Management Capital Construction Funds (\$289,750) and FEMA Cooperating Technical Partnership Funds (\$869,250)
46			7	C	TWM, WTR	\$211,401.46	89.74%	17.38%	Authorize an increase in the contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road - Not to exceed \$211,402, from \$2,870,718 to \$3,082,120 - Financing: Capital Construction Funds (\$206,576) and Water Utilities Capital Construction Funds (\$4,826)
47			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
48			All	I	ATT	NC	NA	NA	Consideration of two alternative ordinances amending Chapter 20A, "Fair Housing," of the Dallas City Code to either (1) prohibit discrimination in housing on the basis of source of income; or (2) prohibit discrimination in housing on the basis of source of income, except as prohibited by state law - Financing: No cost consideration to the City
49			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and renewal of, Specific Use Permit No. 1805 for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the southwest corner of Scyene Road and Prichard Lane
50			9	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for a local utility and single family uses on property zoned an R-7.5(A) Single Family District, on the east corner of Barnes Bridge Road and Ferguson Road
51			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and (1) an ordinance granting the creation of a new subarea to allow an alternative financial establishment use by Specific Use Permit within Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District; and (2) an ordinance granting a Specific Use Permit for an alternative financial establishment use on the southeast corner of Lake June Road and South Buckner Boulevard

AGENDA DATE October 26, 2016

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
52			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern on property zoned Planned Development District No. 842 for CR Community Retail District Uses with an MD-1 Modified Delta Overlay on the west side of Greenville Avenue, south of Sears Street
53			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of, and an amendment to, Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and the addition of an inside commercial amusement use limited to a live music venue on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, north of Commerce Street, east of South Good Latimer Expressway
54			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for local utilities limited to utilities services on property zoned an MF-2(A) Multifamily District, on the southwest line of Bank Street, southeast of Herndon Street
55			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District at the northwest corner of Ross Avenue and North Haskell Avenue
56			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District uses with a MD-1 Modified Delta Overlay, on the west line of Greenville Avenue, south of Sears Street
57			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road
58			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a Class A dance hall on property zoned a CR Community Retail District on the northwest corner of Singleton Boulevard and Peoria Avenue
59			4	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District on property zoned an MF-2(A) Multifamily District, on the southeast corner of West Kiest Boulevard and South Polk Street
60			All	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.217 and Section 51A-4.217, "Accessory Uses," providing regulations for book exchange structures as accessory outside storage and an ordinance granting the amendments
61			4	PH	HOU	REV \$9,000	NA	NA	A public hearing to receive comments on the proposed sale of nine unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Housing Acquisition and Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: (1) quitclaim nine unimproved properties to Dallas Housing Acquisition and Development Corporation, using the HB110 process of the City's Land Transfer Program; and (2) release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any - Revenue: \$9,000

TOTAL \$43,173,336.25

AGENDA ITEM # 2

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34E

SUBJECT

Authorize a ten-year lease for approximately 150 square feet of office space with the Federal Aviation Administration, for the Contract Weather Observer station at Dallas Love Field - Annual Revenue: \$1,500

BACKGROUND

The Federal Aviation Administration (FAA) has submitted Lease No. DTFACN-16-L-00133 to replace Lease No. DTFASW-06-L-00022 which expired on September 30, 2016 and has been held over on a month-to-month basis. The new lease effective date has been made retroactive to October 1, 2016 to accommodate the FAA's request. The lease will expire on September 30, 2026. The lease provides the necessary location for the Contract Weather Observer and storage for the FAA at Dallas Love Field.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on October 17, 2016.

FISCAL INFORMATION

\$1,500.00 - Annual Revenue

OWNER

**Federal Aviation Administration/Department of Transportation
United States of America**

MAP

Attached.

DALLAS LOVE FIELD
FEDERAL AVIATION ADMINISTRATION
PROPOSED LEASE PREMISES
MAPSCO PAGE 34E



October 26, 2016

WHEREAS, the City of Dallas (City) and the United States of America, acting by and through the Federal Aviation Administration (FAA), (collectively "Parties"), have entered into numerous Lease Agreements at Dallas Love Field; and,

WHEREAS, on November 1, 2006, the Parties hereto entered into Lease No. DTFASW-06-L-00022, for the consideration and purposes more particularly stated in said lease; and,

WHEREAS, Lease No. DTFASW-06-L-00022 expired on September 30, 2016 and has been held over on a month-to-month basis; and,

WHEREAS, the FAA has requested approval of Lease No. DTFACN-16-L-00133, which replaces Lease No. DTFASW-06-L-00022, for a ten (10) year lease term having a retroactive effective date of October 1, 2016 and expiring on September 30, 2026.

Now, Therefore,

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

Section 1. That the proposed Lease No. DTFACN-16-L-00133, between the City of Dallas and the FAA, for a term of ten (10) years, providing initial annual rental in the amount of \$1,500.00, is hereby approved.

Section 2. That the City Manager is hereby authorized to execute, on behalf of the City of Dallas, Lease No. DTFA07-06-L-00022 with the FAA, after approval as to form by the City Attorney.

Section 3. That the lease evidence, among other things, the following terms and conditions:

1. The lease shall commence retroactively on October 1, 2016 and will expire on September 30, 2026.
2. The lease premises shall consist of approximately 150 square feet of office space for the Contract Weather Observer at Dallas Love Field.

Section 4. That the Chief Financial Officer is hereby authorized to deposit all revenues received under the lease to AVI Operating Fund 0130, Dept. AVI, Unit 7725, and Revenue Source 7814.

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

AGENDA ITEM # 3

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 3
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 63Q

SUBJECT

Authorize a ten-year lease with the Federal Aviation Administration for approximately 211 square feet of technical space, including access and equipment placement in the air traffic control tower cab at Dallas Executive Airport - Financing: No cost consideration to the City

BACKGROUND

The Federal Aviation Administration (FAA) has submitted Lease No. DTFACN-16-L-00130 to replace Lease No. DTFASW-07-L-00185 which expired by its own terms on September 30, 2016. The new lease effective date has been made retroactive to October 1, 2016 to accommodate the FAA's request and will expire on September 30, 2026. This lease provides the necessary location for the placement of air traffic control equipment for the FAA at Dallas Executive Airport.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

**Federal Aviation Administration/Department of Transportation
United States of America**

MAP

Attached.

DALLAS EXECUTIVE AIRPORT
FEDERAL AVIATION ADMINISTRATION
PROPOSED LEASE PREMISES
MAPSCO PAGE 63Q



October 26, 2016

WHEREAS, the City of Dallas (City) and the United States of America, acting by and through the Federal Aviation Administration (FAA), (collectively "Parties"), have entered into numerous Lease Agreements at Dallas Executive Airport; and,

WHEREAS, on January 1, 2007, the Parties hereto entered into Lease No. DTFASW-07-L-00185, for the consideration and purposes more particularly stated in said lease; and,

WHEREAS, Lease No. DTFASW-07-L-00185 expired on its own terms on September 30, 2016; and,

WHEREAS, the FAA has requested approval of Lease No. DTFACN-16-L-00130, which replaces Lease No. DTFASW-07-L-00185, for the same premises, for a ten (10) year lease term having a retroactive effective date of October 1, 2016 and expiring on September 30, 2026.

Now, Therefore,

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

Section 1. That the proposed Lease No. DTFACN-16-L-00130, between the City of Dallas and the FAA, for a term of ten (10) years, is hereby approved.

Section 2. That the City Manager is hereby authorized to execute, on behalf of the City of Dallas, Lease No. DTFACN-16-L-00130 with the FAA, after approval as to form by the City Attorney.

Section 3. That the lease evidence, among other things, the following terms and conditions:

1. The lease shall commence retroactively on October 1, 2016 and will expire on September 30, 2026.
2. The lease premises shall consist of approximately 211 square feet of technical space for equipment placement in the air traffic control tower at Dallas Executive Airport.

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

AGENDA ITEM # 4

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 3
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 75Q

SUBJECT

Authorize a ten-year lease for approximately 2,650 square feet of land with the Federal Aviation Administration, to house equipment for the Instrument Landing System, designated as an outer marker site at Dallas Executive Airport - Financing: No cost consideration to the City

BACKGROUND

The Federal Aviation Administration (FAA) has submitted Lease No. DTFACN-15-L-00246 to replace Lease No. DTFASW-07-L-00139 which expired by its own terms on September 30, 2016. The new lease effective date has been made retroactive to October 1, 2016 to accommodate the FAA's request and will expire on September 30, 2026. This lease provides the necessary location for the Outer Marker Site of the Instrument Landing System for Dallas Executive Airport.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City.

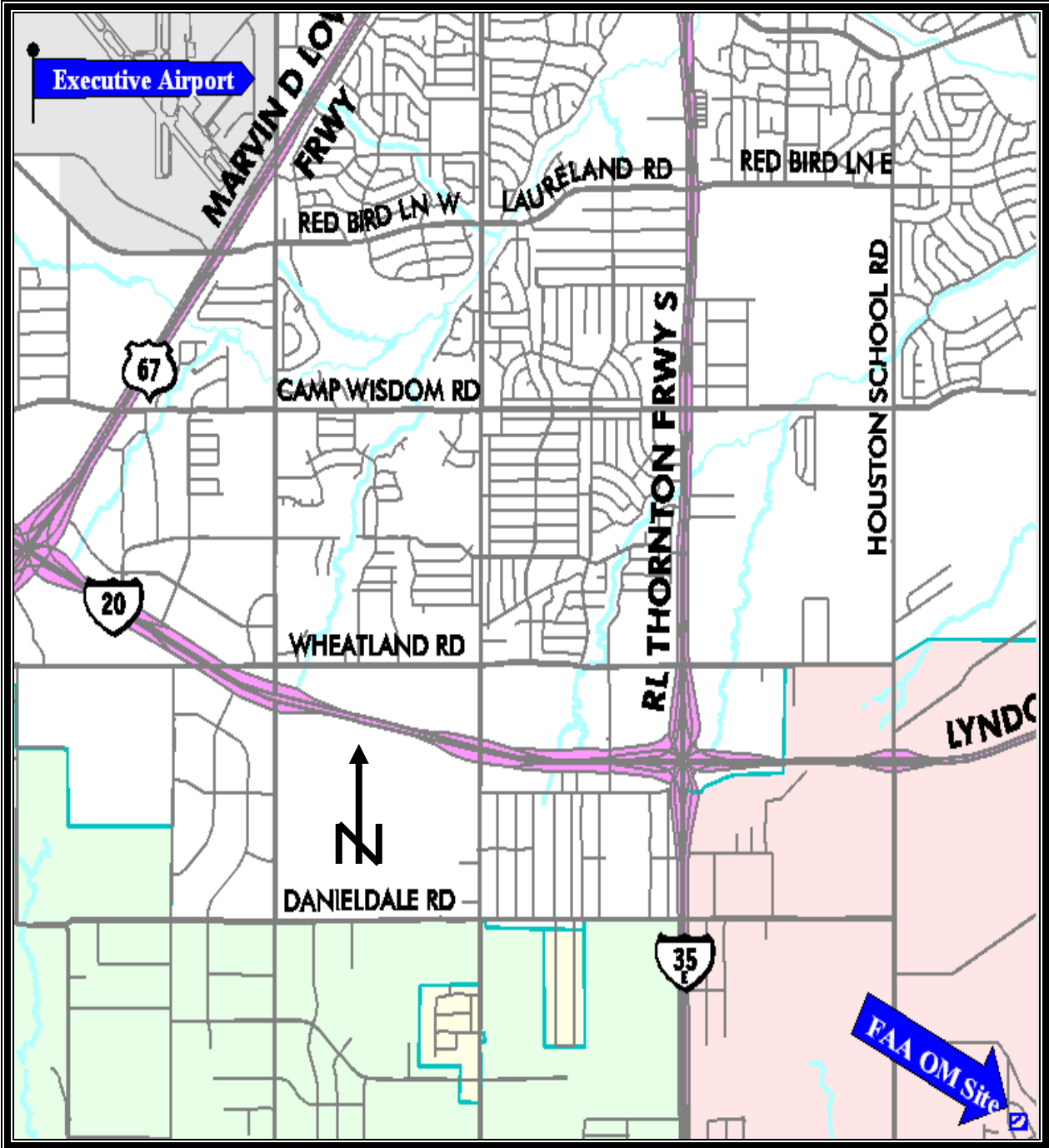
OWNER

**Federal Aviation Administration/Department of Transportation
United States of America**

MAP

Attached.

DALLAS EXECUTIVE AIRPORT
FEDERAL AVIATION ADMINISTRATION
OUTER MARKER SITE
MAPSCO PAGE 75Q



October 26, 2016

WHEREAS, the City of Dallas (City) and the United States of America, acting by and through the Federal Aviation Administration (FAA), (collectively "Parties"), have entered into numerous Lease Agreements at Dallas Executive Airport; and,

WHEREAS, on October 1, 2006, the Parties hereto entered into Lease No. DTFASW-07-L-00139, for the consideration and purposes more particularly stated in said lease; and,

WHEREAS, Lease No. DTFASW-07-L-00139 expired on its own terms on September 30, 2016; and,

WHEREAS, the FAA has requested approval of Lease No. DTFACN-15-L-00246, which replaces Lease No. DTFASW-07-L-00139, for the same premises and rental rates, for a ten (10) year lease term having a retroactive effective date of October 1, 2016 and expiring on September 30, 2026.

Now, Therefore,

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

Section 1. That the proposed Lease No. DTFACN-15-L-00246, between the City of Dallas and the FAA, for a term of ten (10) years, is hereby approved.

Section 2. That the City Manager is hereby authorized to execute, on behalf of the City of Dallas, Lease No. DTFACN-15-L-00246 with the FAA, after approval as to form by the City Attorney.

Section 3. That the lease evidence, among other things, the following terms and conditions:

1. The lease shall commence retroactively on October 1, 2016 and will expire on September 30, 2026.
2. The lease premises shall consist of the Outer Marker Site for the Instrument Landing System at Dallas Executive Airport.

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

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Code Compliance

CMO: Elizabeth Reich, 670-7804
Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

Authorize a three-year professional services contract, with two one-year renewal options, for spay/neuter services - Spay Neuter Network, most qualified respondent of three - Not to exceed \$2,037,978 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

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

This professional services contract will supplement staff in providing spay/neuter services. This professional services contract provides quality spay/neuter services to control the animal population. A spayed/neutered animal is easier to train, less territorial, reduces certain animal health risks, a calmer, and gentler pet.

Approximately 8,400 animals were spayed/neutered in FY 2014-15. This reflects a 31% increase in comparison to FY 2013-14. The capacity to perform these services in-house with the available staff has been maximized. In an effort to shorten the length of time a pet waits for surgery, the City is subcontracting services to maximize its efficiency.

Chapter 7 of the Dallas City Code requires that all animals that are adopted from Dallas Animal Services be spayed/neutered. All animals that are returned to their owners are also to be spayed and neutered, unless an intact animal permit exists.

BACKGROUND (Continued)

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

- Police (2)
- Fire-Rescue (1)
- Code Compliance (1)
- Business Development and Procurement Services (1)*

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

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

- Capability of proposer 30%
- Overall approach 30%
- Qualification 25%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 284 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS’ ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women’s Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$2,037,978.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

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

ETHNIC COMPOSITION

Spay Neuter Network

White Male	4	White Female	10
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	3
Other Male	0	Other Female	0

RESPONDENT INFORMATION

Business Development and Procurement Services received the following responses from solicitation number BAZ1513. We opened them on August 13, 2015. We recommend the City Council award this professional services contract to the most qualified respondent by group.

*Denotes successful respondent

<u>Respondents</u>	<u>Address</u>	<u>Score</u>
*Spay Neuter Network	102 E. Trunk Street Crandall, TX 75114	Group 1 – 86% Group 2 – 86%
Texas Coalition for Animal Protection	713 Sunset Street Denton, TX 76201	Group 1 – 85% Group 2 – No bid
Vax Shack	1311 Squires Lane Aubrey, TX 76227	Non-responsive**

**Vax Shack was deemed non-responsive due to not meeting specifications.

OWNER

Spay Neuter Network

Carol Shiels, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year professional services contract, with two one-year renewal options, for spay/neuter services - Spay Neuter Network, most qualified respondent of three - Not to exceed \$2,037,978 - Financing: Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$2,037,978.00	100.00%
TOTAL CONTRACT	\$2,037,978.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

October 26, 2016

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

Section 1. That the City Manager is authorized to execute a professional services contract with Spay Neuter Network (VS0000026296) for spay/neuter services for a term of three years, with two one-year renewal options, in an amount not to exceed \$2,037,978.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Spay Neuter Network shall be based only on the amount of services directed to be performed by the City and properly performed by Spay Neuter Network under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,037,978.00 (subject to annual appropriations) from Service Contract number BAZ1513.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

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

CMO: Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for the purchase and application of hydro-mulch - 814 Solutions, LLC, lowest responsible bidder of two - Not to exceed \$186,060 - Financing: Stormwater Drainage Management Current Funds (\$181,800) and Water Utilities Current Funds (\$4,260) (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 contract will allow for the purchase and application of hydro-mulch to maintain the grounds of City facilities and outdoor venues. This service contract will be used for erosion control to provide hydro-mulch services in levees, sumps, and other properties where traditional seeding would be impractical. Hydro-mulching provides a seed, fertilizer, mulch slurry-type mixture which is distributed onto the affected area. This type of distribution method is more effective on sloped surfaces, as it is more evenly distributed and requires a single application. Additionally, this method is more cost efficient than traditional seeding because it provides custom blended seeds to match the soil, which prevents overlapping of areas and is completed in a shorter time period. Germination typically occurs within a week of application.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,770 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone.

BACKGROUND (Continued)

Additionally, in an effort to secure more bids, BDPS’ ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women’s Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$181,800.00 - Stormwater Drainage Management Current Funds (subject to annual appropriations)

\$ 4,260.00 - Water Utilities Current Funds (subject to annual appropriations)

M/WBE INFORMATION

267 - Vendors contacted

267 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

1,770 - M/WBE and Non-M/WBE vendors were contacted

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

ETHNIC COMPOSITION

814 Solutions, LLC

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

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BC1614. We opened them on April 1, 2016. We recommend the City Council award this service contract in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*814 Solutions, LLC	5750 Pino Ave. NE Albuquerque, NM 87109	\$186,060.00
Reed Hydromulching, Inc.	7112 County Rd. #802 Burleson, TX 76028	\$297,000.00

OWNER

814 Solutions, LLC

Sam Stribling, Chief Executive Officer
Kevin Langham, Chief Operations Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for the purchase and application of hydro-mulch - 814 Solutions, LLC, lowest responsible bidder of two - Not to exceed \$186,060 - Financing: Stormwater Drainage Management Current Funds (\$181,800) and Water Utilities Current Funds (\$4,260) (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$186,060.00	100.00%
TOTAL CONTRACT	\$186,060.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Hill Country Site Supply, LLC	WFDB04320N0817	\$137,928.00	74.13%
Total Minority - Non-local		\$137,928.00	74.13%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$137,928.00	74.13%
Total	\$0.00	0.00%	\$137,928.00	74.13%

October 26, 2016

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

Section 1. That the City Manager is authorized to execute a service contract with 814 Solutions, LLC (VS0000069778) for the purchase and application of hydro-mulch for City properties in an amount not to exceed \$186,060.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to 814 Solutions, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by 814 Solutions, LLC under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$186,060.00 (subject to annual appropriations) from Service Contract number BC1614.

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

AGENDA ITEM # 7

KEY FOCUS AREA:	E-Gov
AGENDA DATE:	October 26, 2016
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Sustainable Development and Construction
CMO:	Elizabeth Reich, 670-7804 Ryan S. Evans, 671-9837
MAPSCO:	N/A

SUBJECT

Authorize a three-year service contract for digitization services - DRS Imaging Services of Texas, Inc., most advantageous proposer of twelve - Not to exceed \$663,660 - Financing: Building Inspection Current Funds (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 contract will provide digitization services for Sustainable Development and Construction (SDC). SDC has over 10,000,000 images stored on microfilm, microfiche and aperture cards, and 600,000 documents which are physically archived at the Oak Cliff Municipal Center. These records include building plans, permits, applications, authorization forms, plats, zoning maps, and licenses. The records are accessible to the public and are often utilized by customers when researching properties for development/redevelopment. In order to access these documents customers must search the archives in person.

The digitized records will utilize the Electronic Document Management System (EDMS) to make the records easily accessible to staff and the public. The EDMS is a database for digital media currently accessible by City staff and the public via computers at the Oak Cliff Municipal Center. This service contract will allow additional documents to be added to the existing document management system.

The intent of this service contract is to enhance customer service by making documents available online, thereby reducing the need for customers to do business or conduct research in person.

BACKGROUND (Continued)

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

- Sustainable Development & Construction (3)
- Communication and Information Services (2)
- Business Development and Procurement Services (2)*

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

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

- Cost 30%
- Capability, creditability and expertise of the proposer 25%
- Functional match to the City’s requirements 20%
- Business Inclusion and Development Plan 15%
- Overall approach/methodology 10%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,173 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS’ ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women’s Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$663,660.00 - Building Inspection Current Funds (subject to annual appropriations)

M/WBE INFORMATION

191 - Vendors contacted
190 - No response
 1 - Response (Bid)
 0 - No response (No Bid)
 0 - Successful

1,173 – M/WBE and Non-M/WBE vendors were contacted

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

ETHNIC COMPOSITION

DRS Imaging Services of Texas, Inc.

White Male	2	White Female	0
Black Male	2	Black Female	5
Hispanic Male	1	Hispanic Female	2
Other Male	1	Other Female	0

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BNZ1614. We opened them on March 24, 2016. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*DRS Imaging Services of Texas, Inc.	9009 Pinehill Ln. #216 Houston, TX 77041	79.2%	\$ 663,660.00
GRM Information Management Services	1701 Timberlake Dr. Arlington, TX 76010	78.2%	\$ 816,120.00
Prescient Information Systems, Inc.	8902 Vincennes Cr. #B Indianapolis, IN 46268	66.5%	\$1,353,210.00

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
Deluxe Government Solutions, LLC	2400 West Empire Ave. #400 Burbank, CA 91506	65.0%	\$1,603,100.00
Gill Digital Services, LLC	4100 Spring Valley Rd. #920 Dallas, TX 75244	59.3%	\$1,895,650.00
Docucon Imaging Services, Inc.	2801 N. 33 rd Ave. #1 Phoenix, AZ 85009	58.1%	\$2,046,173.00
Compu-Data International, LLC	2203 Timberloch Pl. #100 The Woodlands, TX 77380	56.6%	\$1,527,250.00
Caso, Inc.	3425 IH 34 N. #215 San Antonio, TX 78219	55.8%	\$5,720,200.00
BJAAN, Inc.	801 W. Kearney St. #206B Mesquite, TX 75149	54.2%	\$2,354,050.00
Delta T Digital Archiving, LTD	538 Forest Center Plaza Garland, TX 75042	50.8%	\$3,653,250.00
Integrity Document Services, LLC	8230 Elmbrook Dr. #500 Dallas, TX 75247	45.1%	\$1,886,050.00
ARC Document Solutions	4200 Spring Valley Rd. Farmers Branch, TX 75244		Non-responsive**

**ARC Document Solutions was deemed non-responsive due to not meeting specifications.

OWNER

DRS Imaging Services of Texas, Inc.

Clifford Newman, Chief Executive Officer
Paul Solomon, Chief Operating Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for digitization services - DRS Imaging Services of Texas, Inc., most advantageous proposer of twelve - Not to exceed \$663,660 - Financing: Building Inspection Current Funds (subject to annual appropriations)

DRS Imaging Services of Texas, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$663,660.00	100.00%
TOTAL CONTRACT	\$663,660.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
DR III Inc.	WFWBE00270619	\$168,220.00	25.35%
Total Minority - Non-local		\$168,220.00	25.35%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$168,220.00	25.35%
Total	\$0.00	0.00%	\$168,220.00	25.35%

October 26, 2016

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

Section 1. That the City Manager is authorized to execute a service contract with DRS Imaging Services of Texas, Inc. (VS90690) for digitization services for a term of three years in an amount not to exceed \$663,660.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to DRS Imaging Services of Texas, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by DRS Imaging Services of Texas, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$663,660.00 (subject to annual appropriations) from Service Contract number BNZ1614.

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 # 8

KEY FOCUS AREA:	Culture, Arts and Recreation and Educational Enhancements
AGENDA DATE:	October 26, 2016
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Library
CMO:	Elizabeth Reich, 670-7804 Joey Zapata, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize a three-year service contract for database access to downloadable digital media for the Dallas Public Library - OverDrive, Inc. for group a,c,e, & f in the amount of \$882,150, Bibliotheca, LLC for group d in the amount of \$202,500, and ProQuest, LLC for group b in the amount of \$147,062, most advantageous proposers of eight - Total not to exceed \$1,231,712 - Financing: Current Funds (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 contract will provide Library patrons access to downloadable digital media such as:

- Books
- Audiobooks
- Comics
- Film
- Movie and television shows
- Magazines

Library patrons with a valid Dallas Public Library card will have the ability to download items (24 hours a day), through the Library's webpage. The material can be downloaded to a variety of devices, including personal computers, laptops, tablets and phones (iOS and Android), iPods, MP3 players, and e-book readers.

BACKGROUND (Continued)

Currently the Library offers downloadable e-books, e-magazines, and audiobooks. In FY 2014-15, 155,113 items were downloaded. Additionally, the Library will now offer downloadable film, television, comics, and graphic novels. This service will allow the Library to provide a wide variety of enhanced digital material that can be utilized to conduct research for school, workforce readiness, and lifelong learning.

Patrons will be able to check out and download items for books, magazines, comics, graphic novels, and audiobooks for up to 21 days; film and television can be checked out for up to 7 days. At the end of the check-out period, the material expires and the patron can no longer access the material from their playback device. There is nothing to return and no late fees will be incurred through this service. The Library expects to purchase approximately 60,000 downloadable media titles during this contract term.

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

- Library (2)
- Convention and Event Services (1)
- Communication and Information Services (1)
- Office of Cultural Affairs (1)
- Business Development and Procurement Services (2)*

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

The successful proposers were selected by groups by the committee on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 40%
- Capability and expertise 30%
- Overall approach and methodology 15%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 2,000 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

BACKGROUND (Continued)

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 28, 2013, City Council authorized a three-year service contract for database access to downloadable digital content audiobooks, e-books and e-magazines for the Dallas Public Library by Resolution No. 13-1505.

Information about this item will be provided to the Arts, Culture and Libraries Committee on October 17, 2016.

FISCAL INFORMATION

\$1,231,712.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 248 - Vendors contacted
- 248 - No response
 - 0 - Response (Proposals)
 - 0 - Response (No bid)
 - 0 - Successful

2,000 M/WBE and Non-M/WBE vendors were contacted

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

ETHNIC COMPOSITION

OverDrive, Inc.

White Male	131	White Female	86
Black Male	1	Black Female	3
Hispanic Male	2	Hispanic Female	1
Other Male	12	Other Female	6

Bibliotheca, LLC

White Male	69	White Female	26
Black Male	11	Black Female	6
Hispanic Male	4	Hispanic Female	1
Other Male	7	Other Female	2

ETHNIC COMPOSITION (Continued)

ProQuest, LLC

White Male	565	White Female	612
Black Male	22	Black Female	51
Hispanic Male	16	Hispanic Female	18
Other Male	96	Other Female	72

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BTZ1609. We opened them on March 24, 2016. We recommend the City Council award this service contract to the most advantageous proposer by group. Information related to this solicitation is available upon request.

*Denotes successful proposers

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
*OverDrive, Inc.	One OverDrive Way Cleveland, OH 44125	Multiple Groups
*Bibliotheca, LLC	3169 Holcomb Bridge Rd. Atlanta, GA 30071	Multiple Groups
*ProQuest, LLC	789 East Eisenhower Pkwy. Ann Arbor, WI 48106	Multiple Groups
Baker & Taylor	2550 West Tyvola Rd. Ste. 330 Charlotte, NC 28217	Multiple Groups
Cengage Learning, Inc.	27500 Drake Rd. Farmington Hills, MI 48331	Multiple Groups
EBSCO Learning, Inc.	10 Estes St. Ipswich, MA 01938	Multiple Groups
Midwest Tape, LLC	6950 Hall St. Holland, OH 43528	Non-responsive**

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
Library Ideas, LLC	3949 Pender Dr. Ste. 330 Fairfax, VA 22030	Non-responsive**

**Midwest Tape, LLC and Library Ideas, LLC were deemed non-responsive due to not meeting specifications.

OWNERS

OverDrive, Inc.

Steve Potash, President
Greg Farmer, Secretary

Bibliotheca, LLC

Matt Tempelis, President
Al Coalla, Vice President
Rachel Sachildgen, Secretary
Terrence Coleman, Treasurer

ProQuest, LLC

Kurt Sanford, President
Patrick Randall, Vice President
Larisa Avner Trainor, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for database access to downloadable digital media for the Dallas Public Library - OverDrive, Inc. for group a,c,e, & f in the amount of \$882,150, Bibliotheca, LLC for group d in the amount of \$202,500, and ProQuest, LLC for group b in the amount of \$147,062, most advantageous proposers of eight - Total not to exceed \$1,231,712 - Financing: Current Funds (subject to annual appropriations)

OverDrive, Inc., Bibliotheca, LLC and ProQuest, LLC are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$1,231,712.00	100.00%
TOTAL CONTRACT	\$1,231,712.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

October 26, 2016

WHEREAS, on August 28, 2013, City Council authorized a three-year service contract for database access to downloadable digital content audiobooks, e-books and e-magazines for the Dallas Public Library by Resolution No. 13-1505; and,

WHEREAS, on April 13, 2016, Administrative Action Nos. 16-5695, 16-5696, 16-5697 and 16-5698 authorized a three month extension to the service contract extending the term from August 27, 2016 to November 27, 2016;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with OverDrive, Inc. (VS0000039352) for groups a,c,e, & f in the amount of \$882,150.00, Bibliotheca, LLC (VS91105) for group d in the amount of \$202,500.00, and ProQuest, LLC (VS0000015943) for group b in the amount of \$147,062.00, for database access to downloadable digital media for the Dallas Public Library for a term of three years in a total amount not to exceed \$1,231,712.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to OverDrive, Inc., Bibliotheca, LLC, and ProQuest, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by OverDrive, Inc., Bibliotheca, LLC, and ProQuest, LLC under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,231,712.00 (subject to annual appropriations) from Service Contract number BTZ1609.

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 # 9

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Code Compliance
Convention and Event Services
Mobility and Street Services
Park & Recreation
Police
Water Utilities

CMO: Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837
Joey Zapata, 670-3009
Jill A. Jordan, P.E., 670-5299
Willis Winters, 670-4071
Eric Campbell, 670-3255
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for temporary day labor - Lane Staffing, Inc., most advantageous proposer of five - Not to exceed \$14,783,393 - Financing: Current Funds (\$11,380,493), Convention and Event Services Current Funds (\$1,947,450), Water Utilities Current Funds (\$1,067,452), and Aviation Current Funds (\$387,998) (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 contract will provide temporary day labor on an as needed basis throughout the City. This service contract will also provide flexibility and cost effectiveness with workers supplied by a temporary agency. Workers will remain employees of the temporary agency but receive daily work supervision from City staff.

BACKGROUND (Continued)

Temporary labor will allow for various City projects to be completed, which include, but are not limited to:

- Installation, repair, and maintenance of Water Utilities projects
- Assist Park & Recreation in maintaining services at buildings and grounds
- Maintenance and organization of property and equipment at Dallas Auto Pound

Other City departments needing temporary labor occasionally may also use this contract. Temporary labor for Sanitation Services is covered under a separate service contract.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 43% increase on comparable unit prices for the bid awarded in 2011.

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

- Code Compliance (2)
- Water Utilities (2)
- Business Development and Procurement Services (1)*

*Business Development and Procurement Services only evaluated the cost.

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

- Cost 30%
- Approach to filling positions 30%
- Experience and capabilities 25%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 525 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 14, 2011, City Council authorized a three-year service contract for temporary day labor by Resolution No. 11-2371.

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$11,380,493.40 - Current Funds (subject to annual appropriations)
\$ 1,947,450.08 - Convention and Event Services Current Funds (subject to annual appropriations)
\$ 1,067,451.42 - Water Utilities Current Funds (subject to annual appropriations)
\$ 387,997.78 - Aviation Current Funds (subject to annual appropriations)

M/WBE INFORMATION

127 - Vendors contacted
124 - No response
3 - Response (Bid)
0 - Response (No Bid)
0 - Successful

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

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

ETHNIC COMPOSITION

Lane Staffing, Inc.

White Male	149	White Female	120
Black Male	314	Black Female	254
Hispanic Male	192	Hispanic Female	128
Other Male	26	Other Female	21

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BEZ1606. We opened them on April 15, 2016. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

PROPOSAL INFORMATION (Continued)

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
*Lane Staffing, Inc.	3838 Oak Lawn Suite #1000 Dallas, TX 75219	\$14,783,392.68
CTJ Maintenance, Inc.	6565 N. MacArthur Blvd. Suite #225 Dallas, TX 75212	\$14,848,837.73
Rushmore Corp. dba All Temps 1 Personnel	2606 Martin Luther King, Jr. Blvd. Suite #207 Dallas, TX 75215	\$15,032,896.29
Results Staffing, Inc.	1555 W. Mockingbird Ln. Suite #220 Dallas, TX 75235	\$15,410,521.00
Corpcare, Inc.	5605 N. MacArthur Blvd. Dallas, TX 75038	\$15,623,378.51

OWNER

Lane Staffing, Inc.

Carla Lane, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for temporary day labor - Lane Staffing, Inc., most advantageous proposer of five - Not to exceed \$14,783,393 - Financing: Current Funds (\$11,380,493), Convention and Event Services Current Funds (\$1,947,450), Water Utilities Current Funds (\$1,067,452), and Aviation Current Funds (\$387,998) (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$14,783,392.68	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$14,783,392.68	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Lane Staffing Inc.	BFWBC132050617	\$11,264,945.22	76.20%
Vignon Corporation	WFDB64915Y0417	\$3,518,447.46	23.80%
Total Minority - Local		\$14,783,392.68	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$11,264,945.22	76.20%	\$11,264,945.22	76.20%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$3,518,447.46	23.80%	\$3,518,447.46	23.80%
Total	\$14,783,392.68	100.00%	\$14,783,392.68	100.00%

October 26, 2016

WHEREAS, on September 14, 2011, City Council authorized a three-year service contract for temporary day labor by Resolution No. 11-2371; and,

WHEREAS, on September 8, 2014, Administrative Action No. 14-6572 authorized the extension to the service contract for a two year term from September 15, 2014 to September 14, 2016;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Lane Staffing, Inc. (VS0000050443) for temporary day labor for a term of three years in an amount not to exceed \$14,783,392.68, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Lane Staffing, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Lane Staffing, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$14,783,392.68 (subject to annual appropriations) from Service Contract number BEZ1606.

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

KEY FOCUS AREA:	E-Gov
AGENDA DATE:	October 26, 2016
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services City Controller
CMO:	Elizabeth Reich, 670-7804
MAPSCO:	N/A

SUBJECT

Authorize a five-year service contract for financial advisory services - Hilltop Securities, Inc. in the amount of \$75,000 and Estrada Hinojosa & Company, Inc. in the amount of \$50,000 proposed jointly; and PFM Financial Advisors, LLC in the amount of \$375,000, most advantageous proposers of three - Total not to exceed \$500,000 - Financing: Financial advisory fees to be paid from bond proceeds and Water Utilities Current Funds, contingent upon completion of each bond sale; fees for advisory services not related to bond issuance to be paid from Current funds (\$500,000) (subject to annual appropriations)

BACKGROUND

This service contract will provide financial advisory services to:

- Assist with the preparations for and sale of bonds
- Assist with preparations for and presentations to bond rating agencies
- Assist with certain aspects of capital budgeting and planning
- Provide other financial assistance and advice as needed

Financial advisors are needed to lend expertise in areas relating to public finance such as the structure and timing of bond sales, preparation of bond documents and rating agency presentation, assist in evaluating and selecting the best offers, and to close the transaction(s). In addition, the financial advisors are needed to ensure the City's goals and interests are represented and protected in the structuring of the transactions and during the establishment of the borrowing rates and yields.

BACKGROUND (Continued)

PFM Financial Advisors, LLC will be responsible for obligations secured by governmental fund revenues. Current obligations secured by governmental fund revenues include General Obligation Bonds; General Obligation Commercial Paper Notes; Certificates of Obligation (CO) including Combination Tax and Revenue CO's; Contractual Obligations including Equipment Acquisition Notes; Pension Obligation Bonds, and other financings by governmental fund revenues as approved by the City Council.

Hilltop Securities, Inc. and Estrada Hinojosa & Company, Inc. will be responsible for obligations secured by designated enterprise revenues. Current obligations secured by designated enterprise revenues include Waterworks and Sewer System Revenue Bonds; Waterworks and Sewer System Commercial Paper Notes; General Aviation Revenue Bonds; Civic Center and Convention Complex Revenue Bonds; Tax Increment Bonds; Issuances of Local Government Corporations acting on behalf of the City, and other financings secured by designated enterprise revenues as approved by the City Council.

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

- City Controller's Office (1)
- Convention and Event Services (1)
- Water Utilities (1)
- Business Development and Procurement Services (2)*

*Business Development and Procurement Services (BDPS) with the assistance of the City Controller's Office evaluated cost. BDPS evaluated the Business Inclusion and Development Plan.

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

- Cost 30%
- Capability and expertise 30%
- Overall approach and methodology 25%
- Business Inclusion and Development Plan 15%

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,059 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendors meet the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 26, 2011, City Council authorized a five-year service contract with FirstSouthwest Company for financial advisory services by Resolution No. 11-2878.

On October 26, 2011, City Council authorized a five-year service contract with Estrada Hinojosa & Company, Inc. for financial advisory services by Resolution No. 11-2879.

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$500,000.00 - Current Funds (subject to annual appropriations)

Fees for financial advisory services in connection with the issuance, sale and delivery of the City's bonds are contingent upon the sale and delivery of the bonds and are payable from bond proceeds or Water Utilities Current Funds.

M/WBE INFORMATION

206 - Vendors contacted

206 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

1,059 - M/WBE and Non-M/WBE vendors were contacted

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

ETHNIC COMPOSITION

Hilltop Securities, Inc.

White Male	436	White Female	283
Black Male	23	Black Female	69
Hispanic Male	34	Hispanic Female	79
Other Male	31	Other Female	19

Estrada Hinojosa & Company, Inc.

White Male	8	White Female	5
Black Male	2	Black Female	2
Hispanic Male	14	Hispanic Female	10
Other Male	0	Other Female	0

PFM Financial Advisors, LLC

White Male	11	White Female	1
Black Male	2	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BKZ1615. We opened them on August 5, 2016. We recommend the City Council award this service contract to the most advantageous proposer by group.

*Denotes successful proposers

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Hilltop Securities, Inc.	1201 Elm St. Suite 3500 Dallas, TX 75270	Group A - 80 Group B - 90
*Estrada Hinojosa & Company, Inc.	1717 Main St. Suite 4700 Dallas, TX 75201	Group A - 80 Group B - 90

Note: Hilltop Securities, Inc. and Estrada Hinojosa & Company, Inc. submitted a joint proposal.

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*PFM Financial Advisors, LLC	750 N. St. Paul St. Suite 540 Dallas, TX 75201	Group A - 92 Group B - 89
New Capital Funding, Inc.	12700 Merit Suite 124 Dallas, TX 75251	Group A - 41 Group B - 26

OWNERS

Hilltop Securities, Inc.

Hill A. Feinberg, Chairman
Robert W. Peterson, President
Brian L. Wittneben, Secretary
Laura Leventhal, Treasurer

Estrada Hinojosa & Company, Inc.

Noe Hinojosa, Jr., President
Donald J. Gonzales, Treasurer

PFM Financial Advisors, LLC

John Bonow, President
Steve Boyle, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract for financial advisory services - Hilltop Securities, Inc. in the amount of \$75,000 and Estrada Hinojosa & Company, Inc. in the amount of \$50,000 proposed jointly; and PFM Financial Advisors, LLC in the amount of \$375,000, most advantageous proposers of three - Total not to exceed \$500,000 - Financing: Financial advisory fees to be paid from bond proceeds and Water Utilities Current Funds, contingent upon completion of each bond sale; fees for advisory services not related to bond issuance to be paid from Current funds (\$500,000) (subject to annual appropriations)

Hilltop Securities, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. PFM Financial Advisors, LLC is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor. Estrada Hinojosa & Company, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$425,000.00	85.00%
Total non-local contracts	\$75,000.00	15.00%
TOTAL CONTRACT	\$500,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
TKG & Associates	BFMB63473N116	\$112,000.00	26.35%
Estrada Hinojosa & Company, Inc	HMMB63501Y1116	\$50,000.00	11.76%
Total Minority - Local		\$162,000.00	38.12%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$112,000.00	26.35%	\$112,000.00	22.40%
Hispanic American	\$50,000.00	11.76%	\$50,000.00	10.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$162,000.00</u>	<u>38.12%</u>	<u>\$162,000.00</u>	<u>32.40%</u>

October 26, 2016

WHEREAS, on October 26, 2011, City Council authorized a five-year service contract with FirstSouthwest Company for financial advisory services by Resolution No. 11-2878; and,

WHEREAS, on October 26, 2011, City Council authorized a five-year service contract with Estrada Hinojosa & Company, Inc. for financial advisory services by Resolution No. 11-2879;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Hilltop Securities, Inc. (VS0000052889) in the amount of \$75,000.00, Estrada Hinojosa & Company, Inc. (259910) in the amount of \$50,000.00, and PFM Financial Advisors, LLC (VC16222) in the amount of \$375,000.00 for financial advisory services, for a term of five years in a total amount not to exceed \$500,000.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Hilltop Securities, Inc., Estrada Hinojosa & Company, Inc., and PFM Financial Advisors, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Hilltop Securities, Inc., Estrada Hinojosa & Company, Inc., and PFM Financial Advisors, LLC under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$500,000.00 (subject to annual appropriations) according to the terms of the contract.

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 # 11

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Code Compliance
Park & Recreation
Sanitation Services
Trinity Watershed Management
Water Utilities

CMO: Elizabeth Reich, 670-7804
Joey Zapata, 670-3009
Willis Winters, 670-4071
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize **(1)** 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 testing services; and **(2)** a service contract for analytical laboratory testing services through December 10, 2017 - Pace Analytical Services, Inc., second lowest responsible bidder of eight - Not to exceed \$948,211 - Financing: Current Funds (\$2,955), Water Utilities Current Funds (\$761,564), Stormwater Drainage Management Current Funds (\$165,357), and Sanitation Current Funds (\$18,335) (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.

The City has exercised the termination for convenience clause with the contract awarded to Technical Testing International, LLC dba TTI Environmental Laboratories, awarded on December 11, 2013, by Resolution No. 13-2048. The contract shall be awarded to Pace Analytical Services, Inc., the second lowest bidder. This service contract will continue to allow City departments such as Water Utilities, Trinity Watershed Management, and Code Compliance to utilize certified, independent laboratories to conduct analytical laboratory testing services.

BACKGROUND (Continued)

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.

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.

This contract will allow BDPS sufficient time to complete the solicitation process.

PRIOR ACTION/REVIEW COUNCIL, BOARDS, COMMISSIONS

On June 27, 2012, City Council authorized Supplemental Agreement No. 1 to exercise a one year renewal with forty-three professional service contracts for geotechnical studies and construction materials testing, analytical laboratory testing, and asbestos environmental and non-asbestos environmental testing services by Resolution No. 12-1617.

On December 11, 2013, City Council authorized a three-year service contract for analytical laboratory testing services by Resolution No. 13-2048.

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$ 2,955.00 - Current Funds (subject to annual appropriations)

\$761,564.03 - Water Utilities Current Funds (subject to annual appropriations)

\$165,356.66 - Stormwater Drainage Management Current Funds (subject to annual appropriations)

\$ 18,335.00 - Sanitation Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

Pace Analytical Services, Inc.

White Male	12	White Female	10
Black Male	2	Black Female	1
Hispanic Male	0	Hispanic Female	1
Other Male	4	Other Female	2

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BT1311. We opened them on October 10, 2013. We recommend the City Council award this service contract to the lowest responsive and responsible bidder by group. Information related to this solicitation is available upon request.

*Denotes successful bidder

**Denotes rescinded

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Pace Analytical Services, Inc.	400 W. Bethany Road Suite #190 Allen, TX 75013	Multiple groups
**Technical Testing International, LLC dba TTI Environmental Laboratories	800 106 th Street Arlington, TX 76011	Multiple groups
B&A Laboratories, Inc. dba Xenco Laboratories	9701 Harry Hines Boulevard Dallas, TX 75220	Multiple groups
Environmental Science Corporation dba ENVISCI, Inc.	801 Stadium Drive Suite #201 Arlington, TX 76011	Multiple groups
TestAmerica Laboratories, Inc.	4101 Shuffel Street NW North Canton, OH 44720	Multiple groups
A&B Environmental Service, Inc. dba A&B Labs	10100 East Freeway Suite #100 Houston, TX 77029	Multiple groups

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
Bio-Aquatic Testing, Inc.	2501 Mayes Road Suite #100 Carrollton, TX 75006	Non-responsive***
Oxidor Laboratories, LLC	1825 E. Plano Parkway Suite #160 Plano, TX 75074	Non-responsive***

***Bio-Aquatic Testing, Inc. and Oxidor Laboratories, LLC were deemed non-responsive due to not meeting specifications.

OWNER

Pace Analytical Services, Inc.

Steve Vanderboom, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** 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 testing services; and **(2)** a service contract for analytical laboratory testing services through December 10, 2017 - Pace Analytical Services, Inc., second lowest responsible bidder of eight - Not to exceed \$948,211 - Financing: Current Funds (\$2,955), Water Utilities Current Funds (\$761,564), Stormwater Drainage Management Current Funds (\$165,357), and Sanitation Current Funds (\$18,335) (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$948,210.69	100.00%
TOTAL CONTRACT	\$948,210.69	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

October 26, 2016

WHEREAS, on June 27, 2012, City Council authorized Supplemental Agreement No. 1 to exercise a one year renewal with forty-three professional service contracts for geotechnical studies and construction materials testing, analytical laboratory testing, and asbestos environmental and non-asbestos environmental testing services by Resolution No. 12-1617; and,

WHEREAS, on December 11, 2013, City Council authorized a three-year service contract for analytical laboratory testing services by Resolution No. 13-2048; and,

WHEREAS, on May 18, 2016, Administrative Action Nos. 16-5924, 16-5925 and 16-5926 authorized to extend the service contract for a one year term from December 11, 2016 to December 10, 2017;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to (1) rescind the contract with Technical Testing International, LLC dba TTI Environmental Laboratories, previously approved on December 11, 2013, by Resolution No. 13-2048, for analytical laboratory testing services; and (2) execute a service contract with Pace Analytical Services, Inc. (VS0000068442) for analytical laboratory testing services through December 10, 2017 in an amount not to exceed \$948,210.69, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Pace Analytical Services, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Pace Analytical Services, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$948,210.69 (subject to annual appropriations) from Service Contract number BT1311.

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

KEY FOCUS AREA: E-Gov
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Business Development & Procurement Services
Aviation
CMO: Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837
MAPSCO: 34E

SUBJECT

Authorize the purchase of one heavy duty snow blower, with attachments, for Aviation - M-B Companies, Inc. through the National Joint Powers Alliance - Not to exceed \$1,241,368 - Financing: Aviation Current Funds

BACKGROUND

This item will authorize the purchase of one heavy duty snow blower, with attachments, for Aviation.

Dallas Love Field is required to meet Federal Aviation Administration (FAA) Regulations Part 139.313 governing snow and ice control. This regulation, in part, requires any air carrier airport that is located where snow and icing conditions occur must prepare, maintain, and carry out a snow and ice control plan that provides for the prompt removal or control of snow, ice, and slush on the airports runways and taxiways. Currently, FAA regulations require airport operations to maintain approximately 15 million square feet of paved surfaces utilized by aircraft and other equipment. This purchase of one additional heavy duty snow blower, with attachments, will provide an effective and efficient method to continue to meet FAA regulations.

The National Joint Powers Alliance (NJPA) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, the NJPA receive bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance, and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$1,241,367.91 - Aviation Current Funds

ETHNIC COMPOSITION

M-B Companies, Inc.

White Male	188	White Female	19
Black Male	1	Black Female	0
Hispanic Male	2	Hispanic Female	0
Other Male	7	Other Female	0

OWNER

M-B Companies, Inc.

Terrence J. Cosgrove, President
Michael Shinnars, Vice President
Eldon L. Bohrofen, Secretary
Susan A. Torrison, Treasurer

October 26, 2016

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

Section 1. That the purchase of one heavy duty snow blower, with attachments, for Aviation is authorized with M-B Companies, Inc. (177102) through the National Joint Powers Alliance in an amount not to exceed \$1,241,367.91.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for one heavy duty snow blower, with attachments, for Aviation. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriation in an amount not to exceed \$1,241,367.91:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>Amount</u>	<u>FY</u>	<u>Encumbrance</u>
0130	AVI	7722	4890	\$1,241,367.91	FY17	POAVI00000129003

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

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

CMO: Elizabeth Reich, 670-7804
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** the purchase of one medium duty explosives robot - Remotec, Inc., in the amount of \$200,703, sole source; and **(2)** the purchase of medium duty explosives robot accessories - Remotec, Inc., in the amount of \$100,468 through the General Services Administration - Total not to exceed \$301,171 - Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

This action will allow for the purchase of one medium duty explosives robot and medium duty explosive robot accessories for the Dallas Police Department (DPD). The robot will be used by the Explosive Ordnance Disposal (EOD) team composed of Police and Fire personnel. Personnel on this team are uniquely trained in identifying, handling, deactivating, and disposing of explosive devices. The team requires specialized clothing, tools, and equipment to effectively handle explosive devices to ensure their safety as well, as the safety of others.

The EOD team utilizes the mobilization of robots when assessing explosive devices and is a critical component during the disposition process of any explosive unit. Due to the nature of this complex and hazardous process, the team requires uniformity in their clothing, tools, and equipment to ensure no operation is compromised due to unfamiliarity with any of the team's equipment. Additionally, because other surrounding municipal agencies use the same equipment, during multiple incidents, large-scale events or mutual aid situations, bomb technicians from other agencies can operate the equipment collaboratively.

BACKGROUND (Continued)

This purchase will replace a unit that has been in operation since 1994. The current robot has reached the end of its useful life and is no longer supported by the manufacturer. DPD will continue to utilize the current robot in training scenarios. The new robot will make available many of the newer technologies needed to assist the EOD team in managing explosive threats.

The General Services Administration (GSA) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, GSA receives bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety Committee on October 24, 2016.

FISCAL INFORMATION

\$301,171.00 - U.S. Department of Homeland Security Grant Funds

ETHNIC COMPOSITION

Remotec, Inc.

White Male	53	White Female	20
Black Male	4	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	3	Other Female	1

M/WBE INFORMATION

There were no M/WBE vendors contacted for this item because the recommended awardee is the only authorized distributor and is the sole source provider.

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

BID INFORMATION

<u>Bidder</u>	<u>Address</u>	<u>Amount</u>
Remotec, Inc.	353 J.D. Yarnell Industrial Parkway Clinton, TN 37716	\$301,171.00

Note: A sole source review process has been conducted by Business Development and Procurement Services and no exceptions have been found.

OWNER

Remotec, Inc.

Wes Bush, President
Jennifer C. McGarey, Secretary
Steven C. Movius, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** the purchase of one medium duty explosives robot - Remotec, Inc., in the amount of \$200,703, sole source; and **(2)** the purchase of medium duty explosives robot accessories - Remotec, Inc., in the amount of \$100,468 through the General Services Administration - Total not to exceed \$301,171 - Financing: U.S. Department of Homeland Security Grant Funds

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$200,703.00	100.00%
TOTAL CONTRACT	\$200,703.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

October 26, 2016

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

Section 1. That the purchase of one medium duty explosives robot and medium duty explosives robot accessories is authorized with Remotec, Inc. (VS0000035947) in an amount not to exceed \$301,171.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for one medium duty explosives robot and medium duty explosives robot accessories. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriation in an amount not to exceed \$301,171.00:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance</u>	<u>Amount</u>
F479	MGT	1819	4890	PODPD00000127652	\$301,171.00

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Code Compliance
Equipment & Building Services

CMO: Elizabeth Reich, 670-7804
Joey Zapata, 670-3009
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize the purchase of twenty-six fleet vehicles for Code Compliance - Sam Pack's Five Star Ford through the Texas Smartbuy - Not to exceed \$622,160 - Financing: Current Funds

BACKGROUND

This item will allow for the purchase of twenty-six vehicles for various divisions in Code Compliance. Four trucks are replacing older animal vans and twenty-two vehicles are new additions to the fleet to accommodate new staff in the single family inspection program and the multi-tenant inspection program. Furthermore, vans being replaced have gone through an evaluation process using an established criterion which includes life-to-date maintenance costs, recommended replacement mileage, and recommended replacement life.

Texas Smartbuy conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, Texas Smartbuy receive bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 12, 2013, City Council authorized a one-year master agreement for the purchase of two-hundred seventy-two pieces of fleet and equipment; a one -year master agreement for the purchase of eight pieces of fleet equipment; and a one-year master agreement for the purchase of four pieces of fleet equipment by Resolution No. 13-0936.

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

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$622,160.00 - Current Funds

ETHNIC COMPOSITION

Sam Pack's Five Star Ford

White Male	97	White Female	22
Black Male	19	Black Female	1
Hispanic Male	94	Hispanic Female	12
Other Male	4	Other Female	2

OWNER

Sam Pack's Five Star Ford

Sam Pack, President

October 26, 2016

WHEREAS, on June 12, 2013, City Council authorized a one-year master agreement for the purchase of two-hundred seventy-two pieces of fleet and equipment; a one-year master agreement for the purchase of eight pieces of fleet equipment; and a one-year master agreement for the purchase of four pieces of fleet equipment by Resolution No. 13-0936;

NOW, THEREFORE,

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

Section 1. That the purchase of twenty-six fleet vehicles for Code Compliance is authorized with Sam Pack’s Five Star Ford (113696) through the Texas Smartbuy in an amount not to exceed \$622,160.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for twenty-six fleet vehicles for Code Compliance. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$622,160.00:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>Amount</u>	<u>FY</u>	<u>Encumbrance</u>
0001	CCS	2741	4740	\$208,828.00	FY17	POCCS00000129065
0001	CCS	3473	4740	\$191,920.00	FY17	POCCS00000129065
0001	CCS	3476	4740	\$221,412.00	FY17	POCCS00000129065

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Housing/Community Services
Park & Recreation
Water Utilities

CMO: Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837
Alan Sims, Chief of Neighborhood Plus, 670-1611
Willis Winters, 670-4071
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize **(1)** a three-year master agreement for the purchase of mulch materials - The LETCO Group, LLC dba Living Earth in the amount of \$549,010, GWG Wood Group, Inc. in the amount of \$308,644, and Blackson, Inc. in the amount of \$75,600; and **(2)** a three-year service contract for the delivery and installation of playground chips - Naturomulch, LLC in the amount of \$1,431,000, lowest responsible bidders of six - Total not to exceed \$2,364,254 - Financing: Current Funds (\$1,890,813), Water Utilities Current Funds (\$338,078), Aviation Current Funds (\$135,000), and 2016-17 Community Development Block Grant Funds (\$363) (subject to annual appropriations)

BACKGROUND

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

This agreement will be used to supply mulching materials for horticulture beds and tree plantings, top dressing for weed, moisture control, and playground chips.

The master agreement will provide wood fiber playground chips to replace existing wood chips in City-owned playgrounds. The playground chips provide a safe play surface under and around outdoor playground equipment and are certified by the International Playground Equipment Manufacturers Association (IPEMA) prior to delivery.

BACKGROUND (Continued)

IPEMA certification verifies that the playground chips meet applicable American Society of the International Association for Testing and Materials (ASTM) standards F2075 and F1487 with regard to composition, particle size, consistency, purity, and impact attenuation (critical fall height).

The Park and Recreation Department maintains grounds at six 18-hole golf courses, over 21,000 acres of park property and 43 recreation centers.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,382 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 (for applicable service component) approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 28, 2014, City Council authorized a three-year master agreement for mulching materials and playground chips by Resolution No. 14-0818.

The Park and Recreation Board approved this item on September 1, 2016.

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$1,890,812.50 - Current Funds (subject to annual appropriations)
\$ 338,078.25 - Water Utilities Current Funds (subject to annual appropriations)
\$ 135,000.00 - Aviation Current Funds (subject to annual appropriations)
\$ 362.50 - 2016-17 Community Development Block Grant Funds (subject to annual appropriations)

M/WBE INFORMATION

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

1,382 - M/WBE and Non-M/WBE vendors were contacted

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

ETHNIC COMPOSITION

The LETCO Group, LLC dba Living Earth

White Male	7	White Female	2
Black Male	4	Black Female	0
Hispanic Male	22	Hispanic Female	5
Other Male	0	Other Female	0

GWG Wood Group, Inc.

White Male	18	White Female	5
Black Male	4	Black Female	0
Hispanic Male	10	Hispanic Female	0
Other Male	2	Other Female	0

Blackson, Inc.

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

Naturomulch, LLC

White Male	3	White Female	0
Black Male	8	Black Female	1
Hispanic Male	3	Hispanic Female	0
Other Male	6	Other Female	1

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BC1608. We opened them on May 6, 2016. We recommend the City Council award this master agreement to the lowest responsive and responsible bidder by line and group. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*The LETCO Group, LLC dba Living Earth	1901 California Crossing Rd. Dallas, TX 75220	Multiple Lines/Groups
*GWG Wood Group, Inc.	2797 Millers Ferry Rd. Ferris, TX 75125	Multiple Lines/Groups
*Blackson, Inc.	10034 Royal Ln. Dallas, TX 75238	Multiple Lines/Groups
*Naturomulch, LLC	602 Davis St. Grand Prairie, TX 75050	Multiple Lines/Groups
Preceptor Pad	9448 Forest Ln., #1401 Dallas, TX 75243	Multiple Lines/Groups
Soil Express, Ltd.	166 W. Frontier Pkwy. Prosper, TX 75078	Multiple Lines/Groups

OWNERS

The LETCO Group, LLC dba Living Earth

Mark Rose, President
Daniel Wagner, Vice President

GWG Wood Group, Inc.

Kirk Grady, Owner
Lisa Grady, Treasurer

Blackson, Inc.

Blackson Aiwerioghene, Owner

Naturomulch, LLC

Shobha Goyal, President
Omprakash Goyal, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a three-year master agreement for the purchase of mulch materials - The LETCO Group, LLC dba Living Earth in the amount of \$549,010, GWG Wood Group, Inc. in the amount of \$308,644, and Blackson, Inc. in the amount of \$75,600; and **(2)** a three-year service contract for the delivery and installation of playground chips - Naturomulch, LLC in the amount of \$1,431,000, lowest responsible bidders of six - Total not to exceed \$2,364,254 - Financing: Current Funds (\$1,890,813), Water Utilities Current Funds (\$338,078), Aviation Current Funds (\$135,000), and 2016-17 Community Development Block Grant Funds (\$363) (subject to annual appropriations)

The LETCO Group, LLC dba Living Earth, GWG Wood Group, Inc., and Blackson, Inc. are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Naturomulch, LLC is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,364,253.25	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$2,364,253.25	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Naturomulch, LLC	IFMB28373N0618	\$1,431,000.00	60.53%
Total Minority - Local		\$1,431,000.00	60.53%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$1,431,000.00	60.53%	\$1,431,000.00	60.53%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$1,431,000.00</u>	<u>60.53%</u>	<u>\$1,431,000.00</u>	<u>60.53%</u>

October 26, 2016

WHEREAS, on May 28, 2014, City Council authorized a three-year master agreement for mulching materials and playground chips by Resolution No. 14-0818;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of mulch materials is authorized with The LETCO Group, LLC dba Living Earth (239731) in the amount of \$549,009.25, GWG Wood Group, Inc. (515537) in the amount of \$308,644.00, and Blackson, Inc. (VS90931) in the amount of \$75,600.00, for a term of three years in a total amount not to exceed \$933,253.25.

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

Section 3. That the City Manager is authorized to execute a service contract with Naturomulch, LLC (VS0000074476) for the delivery and installation of playground chips in an amount not to exceed \$1,431,000.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Naturomulch, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Naturomulch, LLC under the contract.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,364,253.25 (subject to annual appropriations) from Master Agreement/Service Contract number BC1608.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Mobility and Street Services
Trinity Watershed Management
Water Utilities

CMO: Elizabeth Reich, 670-7804
Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for large concrete water pipes and accessories - Forterra Pressure Pipe, Inc. in the amount of \$4,469,223 and Forterra Pipe & Precast, LLC in the amount of \$1,113,936, most advantageous proposers of two - Total not to exceed \$5,583,159 - Financing: Current Funds (\$1,012,007), Water Utilities Current Funds (\$4,246,528), and Stormwater Drainage Management Current Funds (\$324,624)

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 large pressurized and precast concrete water pipes with accessories. Dallas Water Utilities (DWU) uses prestressed concrete cylinder pressurized pipe for repairs and replacement activities within untreated and potable water systems. The pressurized pipe is a watertight material that has a steel cylinder, steel joint rings, and a steel wire or rod wrap. This pipe material is utilized for the purpose of pressurized water application such as water transmission mains, water treatment plants, or other application where a watertight product is critical. DWU purchases large diameter pipe sections ranging from 20" - 96" in diameter and lengths from 16' - 24' linear feet. The availability of pipe will enable timely repairs to critical infrastructure; eliminating long lead time or extended customer outages.

BACKGROUND (Continued)

DWU maintains approximately 4,900 miles of water mains throughout the water distribution system.

Trinity Watershed Management (TWM), Park and Recreation, and Mobility & Street Services utilizes reinforced precast concrete pipes for rerouting water, water drainage, and replacement of collapsed or broken pipe structures as needed. Precast pipe is not a watertight pipe and is generally used for gravity applications. TWM currently maintains approximately 2,000 miles of storm sewers and manholes which carries storm water run-off from City streets.

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

- Trinity Watershed Management (1)
- Water Utilities (1)
- Mobility & Street Services (1)
- Business Development and Procurement Services (2)*

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

The successful proposer was selected by the committee on the basis of the following criteria:

- Cost 35 points
- Experience 30 points
- Business Inclusion and Development Plan 15 points
- Approach 10 points
- Functional Match 10 points

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 936 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendors meet the wage floor rate of \$10.37 (for applicable service component) approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 27, 2011, City Council authorized a three-year master agreement for concrete pipe by Resolution No. 11-1109.

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$1,012,006.38 - Current Funds
\$4,866,433.00 - Water Utilities Current Funds
\$ 324,624.30 - Stormwater Drainage Management Current Funds

M/WBE INFORMATION

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

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

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

ETHNIC COMPOSITION

Forterra Pressure Pipe, Inc.

White Male	292	White Female	13
Black Male	18	Black Female	2
Hispanic Male	315	Hispanic Female	12
Other Male	15	Other Female	0

Forterra Pipe & Precast, LLC

White Male	55	White Female	13
Black Male	8	Black Female	0
Hispanic Male	14	Hispanic Female	4
Other Male	0	Other Female	0

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BMZ1615. We opened them on May 20, 2016. We recommend the City Council award this master agreement to the most advantageous proposers by group. Information related to this solicitation is available upon request.

*Denotes successful proposers

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
*Forterra Pressure Pipe, Inc.	1003 N. MacArthur Blvd. Grand Prairie, TX 75050	Multiple Groups
*Forterra Pipe & Precast, LLC	1000 N. MacArthur Blvd. Grand Prairie, TX 75050	Multiple Groups

OWNERS

Forterra Pressure Pipe, Inc.

Jeffrey Bradley, President
Ken Primavera, Vice President
Jeff Nelson, Treasurer

Forterra Pipe & Precast, LLC

Jeffrey Bradley, President
Mark Carpenter, Vice President
Lori Browne, Secretary
William Matthew Brown, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for large concrete water pipes and accessories - Forterra Pressure Pipe, Inc. in the amount of \$4,469,223 and Forterra Pipe & Precast, LLC in the amount of \$1,113,936, most advantageous proposers of two - Total not to exceed \$5,583,159 - Financing: Current Funds (\$1,012,007), Water Utilities Current Funds (\$4,246,528), and Stormwater Drainage Management Current Funds (\$324,624)

Forterra Pressure Pipe, Inc. and Forterra Pipe & Precast, LLC are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$5,583,158.68	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$5,583,158.68	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

October 26, 2016

WHEREAS, on April 27, 2011, City Council authorized a three-year master agreement for concrete pipe by Resolution No. 11-1109; and,

WHEREAS, on April 1, 2014, Administrative Action No. 14-5696 authorized to extend the master agreement for twelve-months from April 26, 2014 to April 26, 2015 with Hanson Pipe Products, Inc.; and,

WHEREAS, on April 2, 2015, Administrative Action No. 15-5737 authorized to extend the master agreement for twelve-months from April 26, 2015 to April 25, 2016 with Hanson Pipe Products, Inc.;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of large concrete water pipes and accessories is authorized with Forterra Pressure Pipe, Inc. (VC15523) in the amount of \$4,469,223.00 and Forterra Pipe & Precast, LLC (138811) in the amount of \$1,113,935.68, for a term of three years in a total amount not to exceed \$5,583,158.68.

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

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,583,158.68 from Master Agreement number BMZ1615.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

CMO: Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to increase the service contract for temporary information technology professionals - EJES, Inc. in the amount of \$665,309 from \$2,661,237 to \$3,326,546, Global Information Systems, Inc. in the amount of \$248,119 from \$992,478 to \$1,240,597, and Sierra Infosys, Inc. in the amount of \$87,807 from \$351,228 to \$439,035 - Total not to exceed \$1,001,235, from \$4,004,943 to \$5,006,178 - Financing: Current Funds (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 increase to the service contract will allow the City to continue to provide temporary Information Technology (IT) professionals to Communication and Information Services (CIS) while a new service contract is established. Additionally, the contract allows the City the flexibility to utilize temporary resources on an as needed basis.

Temporary IT resources supplied under this contract have specialized skills to assist short-term and time sensitive projects, and are utilized to architect, design, develop, and implement various infrastructure and software system projects. IT temporary professionals are utilized to assist CIS with various IT projects, which include, but are not limited to:

- Love Field Modernization Project Phase II
- Increased network bandwidth for recreation centers
- Enhanced IT support for Water Utilities projects
- Data Center support

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 22, 2014, City Council authorized a three-year service contract for temporary information technology professionals by Resolution No. 14-1779.

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

\$1,001,235.00 - Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

EJES, Inc.

White Male	18	White Female	4
Black Male	17	Black Female	14
Hispanic Male	5	Hispanic Female	0
Other Male	7	Other Female	2

Global Information Systems, Inc.

White Male	0	White Female	1
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	12	Other Female	8

Sierra Infosys, Inc.

White Male	58	White Female	10
Black Male	12	Black Female	3
Hispanic Male	3	Hispanic Female	1
Other Male	33	Other Female	23

OWNERS

EJES, Inc.

Edwin B. Jones, President
Sheila F. Jones, Secretary

OWNERS (Continued)

Global Information Systems, Inc.

Prasad Devabhaktuni, President
Sunitha Devabhaktuni, Vice President
Sirisha Pinnamaneni, Secretary

Sierra Infosys, Inc.

Raghunathan Kumar, President
Rajmohan Pendyala, Senior Vice President
Sangeetha Kumar, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to increase the service contract for temporary information technology professionals - EJES, Inc. in the amount of \$665,309 from \$2,661,237 to \$3,326,546, Global Information Systems, Inc. in the amount of \$248,119 from \$992,478 to \$1,240,597, and Sierra Infosys, Inc. in the amount of \$87,807 from \$351,228 to \$439,035 - Total not to exceed \$1,001,235, from \$4,004,943 to \$5,006,178 - Financing: Current Funds (subject to annual appropriations)

EJES, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Global Information Systems, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Sierra Infosys, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$665,309.00	66.45%
Non-local contracts	\$335,926.00	33.55%
TOTAL THIS ACTION	\$1,001,235.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
EJES, Inc	BMDB53984Y1017	\$665,309.00	100.00%
Total Minority - Local		\$665,309.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Sierra Infosys, Inc.	IMMB64157N0217	\$87,807.00	26.14%
Total Minority - Non-local		\$87,807.00	26.14%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$665,309.00	66.45%	\$3,562,755.28	71.17%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$87,807.00	8.77%	\$439,035.00	8.77%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$753,116.00</u>	<u>75.22%</u>	<u>\$4,001,790.28</u>	<u>79.94%</u>

October 26, 2016

WHEREAS, on October 22, 2014, City Council authorized a three-year service contract for temporary information technology professionals by Resolution No. 14-1779;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to increase the service contract with EJES, Inc. (505524) in the amount of \$665,309.00 from \$2,661,236.52 to \$3,326,545.52, Global Information Systems, Inc. (VS0000050253) in the amount of \$248,119.00 from \$992,478.00 to \$1,240,597.00, and Sierra Infosys, Inc. (VS0000049977) in the amount of \$87,807.00 from \$351,228.00 to \$439,035.00, for temporary information technology professionals, in a total amount not to exceed \$1,001,235.00, increasing the service contract from \$4,004,942.52 to \$5,006,177.52.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,001,235.00 (subject to annual appropriations) from Service Contract number BKZ1403.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Water Utilities

CMO: Larry Casto, 670-3491
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Stevens & Lee, P.C. for additional legal services in the matter styled Energy Future Holdings Corporation, et al., Case No. 14-10979 - Not to exceed \$175,000, from \$50,000 to \$225,000 - Financing: Water Utilities Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize Stevens & Lee, P.C. to continue providing legal services as local counsel in the matter styled Energy Future Holdings Corporation, et al., Case No. 14-10979, to pursue \$17,523,615 in claims pending in the Delaware Bankruptcy Court.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed in Closed Session on October 19, 2016.

FISCAL INFORMATION

\$175,000 - Water Utilities Current Funds

M/WBE INFORMATION

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

OWNER

Stevens & Lee, P.C.

John D. Demmy, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Stevens & Lee, P.C. for additional legal services in the matter styled Energy Future Holdings Corporation, et al., Case No. 14-10979 - Not to exceed \$ 175,000, from \$50,000 to \$225,000 - Financing: Water Utilities Current Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$175,000.00	100.00%
TOTAL THIS ACTION	\$175,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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

October 26, 2016

WHEREAS, on July 3, 2014, pursuant to Administrative Action No. 14-6184, the City authorized a professional services contract with Stevens & Lee, P.C. in an amount not to exceed \$50,000.00, for legal services in the matter styled Energy Future Holdings Corporation, et al., Case No. 14-10979; and,

WHEREAS, the professional legal services of Stevens & Lee, P.C., continue to be necessary for this matter; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with Stevens & Lee, P.C. for additional services in the matter styled Energy Future Holdings Corporation, et al., Case No. 14-10979, in an amount not to exceed \$175,000.00, increasing the original contract amount from \$50,000.00 to \$225,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Stevens & Lee, P.C. an amount not to exceed \$175,000.00 from Fund 0100, Department DWU, Unit 7017, Obj. 3033, Vendor No. VS0000005575.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Water Utilities

CMO: Larry Casto, 670-3491
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Pierce & O'Neill, LLP for additional legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney, et al., v. Sabine River Authority of Texas, No. D-150045-C - Not to exceed \$100,000, from \$150,000 to \$250,000 - Financing: Water Utilities Current Funds

BACKGROUND

Supplemental Agreement No. 2 will authorize Pierce & O'Neill, LLP, to continue providing legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney, et al., v. Sabine River Authority of Texas, No. D-150045-C.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on April 6, 2016.

City Council authorized Supplemental Agreement No. 1 with Pierce & O'Neill, LLP for additional legal services in connection with the pending disputes between the City of Dallas and the Sabine River Authority on April 13, 2016, by Resolution No. 16-0797.

Council was briefed in Closed Session on May 18, 2016.

Council will be briefed in Closed Session on October 19, 2016.

FISCAL INFORMATION

\$100,000 - Water Utilities Current Funds

M/WBE INFORMATION

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

OWNER

Pierce & O'Neill, LLP

Jack O'Neill, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Pierce & O'Neill, LLP for additional legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney, et al., v. Sabine River Authority of Texas, No. D-150045-C - Not to exceed \$100,000, from \$150,000 to \$250,000 - Financing: Water Utilities Current Funds

Pierce & O'Neill, LLP, is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$100,000.00	100.00%
TOTAL THIS ACTION	\$100,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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

October 26, 2016

WHEREAS, the City of Dallas is involved in a lawsuit styled City of Dallas v. Cary "Mac" Abney et al., Cause No. D-150045-C; and,

WHEREAS, on March 17, 2016, pursuant to Administrative Action No. 16-5500, the City authorized a professional services contract with Pierce & O'Neill, LLP, in an amount not to exceed \$50,000.00 for legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney, et al., v. Sabine River Authority of Texas, No. D-150045-C; and,

WHEREAS, on April 13, 2016, the City Council authorized Supplemental Agreement No. 1, in the amount of \$100,000.00, with Pierce & O'Neill, LLP, by Resolution No. 16-0568, for additional legal services in connection with the pending disputes between the City of Dallas and the Sabine River Authority; and,

WHEREAS, the professional legal services of Pierce & O'Neill, LLP, continue to be necessary for this matter; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the professional services contract with Pierce & O'Neill, LLP, for additional services in the lawsuit styled City of Dallas v. Cary "Mac" Abney, et al., v. Sabine River Authority of Texas, No. D-150045-C, in an amount not to exceed \$100,000.00 increasing the contract amount from \$150,000.00 to \$250,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Pierce & O'Neill, LLP, an amount not to exceed \$100,000.00 from Fund 0100, Department DWU, Unit 7017, Obj. 3033, Encumbrance No. CTDWU7017F1634, Vendor No. VC15433.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Water Utilities

CMO: Larry Casto, 670-3491
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority - Not to exceed \$150,000, from \$525,000 to \$675,000 - Financing: Water Utilities Current Funds

BACKGROUND

Supplemental Agreement No. 4 will authorize Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. to provide additional services necessary on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on December 3, 2014.

City Council authorized Supplemental Agreement No. 1 with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional legal services in connection with the pending disputes between the City of Dallas and the Sabine River Authority on December 10, 2014, by Resolution No. 14-2191.

Council was briefed in Closed Session on January 14, 2015.

Council was briefed in Closed Session on November 3, 2015.

City Council authorized Supplemental Agreement No. 2 with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional legal services in connection with the pending disputes between the City of Dallas and the Sabine River Authority on November 10, 2015, by Resolution No. 15-2136.

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

Council was briefed in Closed Session on April 6, 2016.

Council was briefed in Closed Session on May 18, 2016.

City Council authorized Supplemental Agreement No. 3 with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional legal services in connection with the pending disputes between the City of Dallas and the Sabine River Authority on May 25, 2016, by Resolution No. 16-0797.

Council will be briefed in Closed Session on October 19, 2016.

FISCAL INFORMATION

\$150,000 - Water Utilities Current Funds

M/WBE INFORMATION

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

OWNER

Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C.

Norman J. Gordon, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority - Not to exceed \$150,000, from \$525,000 to \$675,000 - Financing: Water Utilities Current Funds

Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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

October 26, 2016

WHEREAS, on October 1, 2014, pursuant to Administrative Action No. 14-6720, the City authorized a professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., in an amount not to exceed \$50,000.00 to provide consultation to the City in connection with the pending disputes between the City of Dallas and the Sabine River Authority; and,

WHEREAS, on December 10, 2014, the City Council authorized Supplemental Agreement No. 1, in the amount of \$250,000.00, with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., by Resolution No. 14-2191, for additional legal services in connection with the pending disputes between the City of Dallas and the Sabine River Authority; and,

WHEREAS, on November 10, 2015, the City Council authorized Supplemental Agreement No. 2, in the amount of \$150,000.00, with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., by Resolution No. 15-2136, for additional legal services in connection with the pending disputes between the City of Dallas and the Sabine River Authority; and,

WHEREAS, on May 25, 2016, the City Council authorized Supplemental Agreement No. 3, in the amount of \$75,000.00, with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., by Resolution No. 16-0797, for additional legal services in connection with the pending disputes between the City of Dallas and the Sabine River Authority; and,

WHEREAS, the professional legal services of Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., continue to be necessary; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 4 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority, in an amount not to exceed \$150,000.00, increasing the contract amount from \$525,000.00 to \$675,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., an amount not to exceed \$150,000.00 from Fund 0100, Department DWU, Unit 7015, Obj. 3033, Encumbrance No. CTDWU7015A1606, Vendor No. 513285.

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45R

SUBJECT

Authorize **(1)** final approval of funding for the Air Rights/Public Parking Garage Purchase and Sale Agreement with FM City Park, LLC, as specified in Resolution No. 15-1105, previously approved on June 10, 2015, and allowing for adjustment of budget categories to provide the total funding of \$8,149,535, as previously authorized; and **(2)** an amendment to Resolution No.16-1090, previously approved on June 22, 2016, approving a Chapter 380 economic development grant in the amount of \$670,000 for Farmers Market streetscape and infrastructure, to direct \$498,156 of the funds for the public parking garage purchase - Financing: No cost consideration to the City

BACKGROUND

As part of the Farmers Market Redevelopment Project, Brian Bergersen (FM City Park, LLC) funded up-front costs for the construction of a public parking garage (300 spaces) as part of Harvest Lofts Mixed Use Project (Sheds 3 and 4). Upon completion, City agreed to purchase air rights and 300 parking spaces for \$8,149,535. Payment of initial funding is due five business days after substantial completion of garage improvements, which includes inspection and completion of punchlist, if necessary, and City will take ownership at such time.

On June 10, 2015, City Council approved and encumbered funding sources for the purchase including 2006 bond funds, Farmers Market land sale proceeds, Public Private Partnership (PPP) Grant funds and Farmers Market TIF District funds. Since the June 2015 approval, additional interest earnings generated from the bonds and land sale proceeds total \$171,844. This City Council action will reallocate funds which include interest earnings on 2006 Farmers Market bonds in the amount of \$160,465, include interest earnings on land sale proceeds in the amount of \$11,379 (total of \$171,844) and use \$498,156 in PPP funds previously authorized. TIF total funding and total purchase price remains the same.

BACKGROUND (Continued)

On June 22, 2016, City Council approved Resolution No. 16-1090, to use the PPP funds for infrastructure costs associated with the Farmers Market Redevelopment Project. This item will redirect \$498,156 of those funds to the purchase of the Farmers Market public parking garage.

The public parking garage is intended to be free. For special events, the operator may charge a fee, with City approval. The City is entitled to a percentage of all gross revenues generated (if any) from the public parking.

The following is a summary of Farmers Market Redevelopment Project Components and Status:

- Shed 1 is renovated and now operating as a marketplace for local farmers, farm merchants and vendors to sell produce and other farm-related products. It has a capacity for 119 stalls
- Shed 2 has been renovated and contains 24,148 square feet of retail space. It is active with restaurants, specialty food vendors and other retail vendors. Part of the Shed 2 redevelopment is the Mudhen restaurant, located just north of the Shed 2 parking lot. Shed 2 grand opening was May 6, 2016
- Harvest Lofts Mixed Use Project (Sheds 3 and 4) is currently under construction and will have 240 residential units, 16,000 square feet of retail space and 300 public parking spaces. Residential and retail space is expected to be delivered in first quarter of calendar year 2017
- 2101 and 2111 Taylor Street project will include 60 residential units and 25,000 square feet of commercial space. Construction will begin in first quarter of calendar year 2017
- North Texas Food Bank purchased the Farmers Market Administration Building in 2014 and relocated its administration office to that site in 2015
- Construction of the futsal fields and community gardens on land east of southbound Cesar Chavez Boulevard is scheduled to begin in the first quarter of calendar year 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 27, 1998, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Six, the Farmers Market TIF District by Ordinance No. 23521, as amended.

On August 25, 1999, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for the Farmers Market TIF District by Ordinance No. 24001, as amended.

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

On February 27, 2013, City Council authorized a Master Agreement for the Redevelopment of the Dallas Farmers Market with DFM Developer, Ltd by Resolution No. 13-0447.

On March 27, 2013, City Council authorized amendments to the Farmers Market TIF Project and Financing Plan, including the expansion of the geographic boundaries of the TIF district to include the Dallas Farmers Market property by Ordinance No. 28951.

On June 10, 2015, City Council authorized a purchase and sale agreement with FM City Park, LLC for: (1) the purchase of an air rights parcel which is part of the Harvest Development Land; and (2) the purchase of a completed public parking structure (300 public parking spaces), to be constructed by FM City Park, LLC in accordance with the City approved plans and set specifications by Resolution No. 15-1105.

On June 22, 2016, City Council authorized a Chapter 380 economic development grant agreement with DFM Developer, Ltd., in accordance with the approved Master Agreement for the Redevelopment of the Farmers Market, executed pursuant to City Council Resolution No. 13-0447, as amended, for streetscape and infrastructure improvements - pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program by Resolution No. 16-1090.

Information about this item will be provided to the Economic Development Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City

OWNER

FM City Park, LLC

Brian Bergersen
Owner/Developer

DEVELOPER

FM City Park, LLC

Brian Bergersen
Owner/Developer

October 26, 2016

WHEREAS, the City recognizes the importance of its role in local economic development initiatives and programs; and

WHEREAS, the City, pursuant to Resolution No. 14-0993 approved by the City Council on June 25, 2014: (1) adopted revised Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and (2) established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code, (the "Act"); and

WHEREAS, on May 27, 1998, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Six, (Farmers Market TIF District), in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the Farmers Market area through the use of tax increment financing by Ordinance No. 23521, as amended; and

WHEREAS, on August 25, 1999, City Council authorized the Farmers Market TIF District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 24001, as amended; and

WHEREAS, on February 27, 2013, by Resolution No. 13-0447, City Council authorized a Master Agreement for the Redevelopment of the Dallas Farmers Market with DFM Developer, Ltd; and

WHEREAS, on March 27, 2013, City Council authorized amendments to the Farmers Market TIF Project and Financing Plan, including the expansion of the geographic boundaries of the TIF district to include the Dallas Farmers Market property by Ordinance No. 28951; and

WHEREAS, on June 10, 2015, City Council authorized a purchase and sale agreement with FM City Park, LLC for: (1) the purchase of an air rights parcel which is part of the Harvest Development Land in an amount not to exceed \$439,530; and (2) the purchase of a completed public parking structure (300 public parking spaces), to be constructed by FM City Park, LLC in accordance with the City approved plans and set specifications in an amount not exceed \$7,710,005, total amount for both purchases not to exceed \$8,149,535, by Resolution No. 15-1105; and

October 26, 2016

WHEREAS, the expenditure of TIF funds supporting this redevelopment project is consistent with promoting development and redevelopment of the Farmers Market TIF District in accordance with the purposes for its creation, the City's revised Public/Private Partnership Guidelines and Criteria, the ordinance adopted by the City Council approving the Project and Financing Plan, as amended, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan, as amended, for the Farmers Market TIF District; and

WHEREAS, on June 22, 2016, City Council authorized a Chapter 380 economic development grant agreement in an amount not to exceed \$670,000 with DFM Developer, Ltd., in accordance with the approved Master Agreement for the Redevelopment of the Farmers Market, executed pursuant to City Council Resolution No. 13-0447, as amended, for streetscape and infrastructure improvements - pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program by Resolution No. 16-1090.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is authorized to amend Resolution No. 16-1060 to redirect \$498,156 of the \$670,000 Chapter 380 Public/Private Partnership economic development grant from streetscape and infrastructure improvements to the purchase of the Farmers Market Public Parking Garage (**Exhibit A**).

Section 2. That the City Manager is hereby authorized to increase appropriations in:

Fund 1T40, Department PBW, Unit T820, Object 4315, Activity FMIM in an amount not to exceed \$51,218;

Fund 7T40, Department PBW, Unit T820, Object 4315, Activity FMIM in an amount not to exceed \$72,038; and

For a total amount not to exceed \$123,256.

Section 3. That Section 3 of Resolution No. 15-1105, previously approved on June 10, 2015, is amended as follows, to account for interest earnings and decrease in Public Private Partnership funding:

Section 3. That the Chief Financial Officer is hereby authorized to encumber and disburse additional funds from future tax increments and subject to future appropriations from:

October 26, 2016

Section 3. (Continued)

Fund 0036, Department ECO, Unit Q025, Activity TFFM, Object 4315, Program No. FMTIF0013, CT EC01737G246, Vendor No. VS88464 in an amount not to exceed \$4,667,875;

Fund 1T40, Department PBW, Unit T820, Activity FMIM, Object 4315, Program No. PB06T820, CT EC01737G246, Vendor No. VS88464 in an amount not to exceed ~~\$1,588,389.54~~ \$1,621,534;

Fund 7T40, Department PBW, Unit T820, Activity FMIM, Object 4315, Program No. PB06T820, CT ECO1737G246, Vendor No. VS88464 in an amount not to exceed ~~\$69,699.46~~ \$197,020;

Fund 0632, Department ECO, Unit 1737, Activity INFS, Object 4315, Program No. FMTIF0013, CT ECO1737G246, Vendor No. VS88464 in an amount that may exceed ~~\$1,153,571~~ \$1,164,950; and

~~Fund 0352, Department ECO, Unit 9992, Activity PPPF, Object 4315, Program No. FMTIF0013, CT ECO1737G246, Vendor No. VS88464 in an amount not exceed \$670,000; and~~

Total amount not to exceed \$8,149,535, when including \$498,156 of PPP funds approved by Resolution No. 16-1090.

Section 4. That the Chief Financial Officer is hereby authorized to accept and deposit future parking revenue generated by special event parking in Fund 0001, Department ECO, Unit 1163, Revenue Source 7454.

Section 5. That the facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.

Section 6. That with the exception of the sections above, all other requirements of Resolution Nos. 15-1105 and 16-1090 will remain in full force and effect.

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

**EXHIBIT A AMENDED
Chapter 380 PPP GRANT
FARMERS MARKET REDEVELOPMENT PROJECT
ELIGIBLE EXPENDITURES**

PROJECT	COST
Farmers Market Public Parking Garage Purchase	<u>\$498,156</u>
Architectural design for streetscape phase 2 (Taylor/Harvest)	\$10,800
Sidewalk connection to Mudhen, including trees, landscaping and irrigation	\$26,000
Pavers and street lights around the 2111 and 2101 Taylor building, civil work and supervision	\$158,000
Pavers and street lights around the FM Harvest development, plus civil work and supervision – increase power supply/electrical underground/transformers, plus drainage	\$240,000
Demolish Ida Pappert Parkway (Pearl) and pave new street	\$180,000
Architectural design, trees and landscaping along Ida Pappert Parkway (Pearl)	\$28,000
Demolish Taylor Street dock (in Public Right of Way), disconnect drainage and street work for access	\$42,000
TOTAL	\$684,800* <u>\$682,156*</u>

***Maximum Chapter 380 Grant in the amount of \$670,000**

Expenditures may be paid upon completion of each project as described above.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 6
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 42 Y

SUBJECT

Authorize amendments to Resolution No. 15-2104, previously approved on November 10, 2015, which authorized a 75 percent real property tax abatement agreement for 8-years with TCDFW Industrial Development, Inc. for improvements to approximately 35.582 acres of land fronting Chalk Hill Road within a Texas Enterprise Zone to change **(1)** the name of the contracting party from TCDFW Industrial Development, Inc. to Chalk Hill Distribution, LLC; and **(2)** the physical address noted for the property from 900 Chalk Hill Road to 1350 Chalk Hill Road - Financing: This action has no cost consideration to the City

BACKGROUND

On November 10, 2015, pursuant to Resolution No. 15-2104, the City Council authorized a 75 percent real property tax abatement agreement for 8-years with TCDFW Industrial Development, Inc. (an affiliate company of Trammell Crow Company). The project entails the development of a speculative industrial/warehouse facility of approximately 475,000 square feet on approximately 35.582 acres located at 1350 Chalk Hill Road, Dallas, Texas in a Texas Enterprise Zone. Trammell Crow secured a contract to purchase two parcels making up the development site in the name of TCDFW Industrial Development, Inc. and transferred the properties at closing to a joint venture entity created with its financial partner called Chalk Hill Distribution, LLC. Prior to assembly, the property was previously noted to be 900 Chalk Hill Road but the address for the property was updated to 1350 Chalk Hill Road when an address was assigned by the City in the building permit process.

With the project, the developer is required to invest a minimum of \$10,000,000 constructing the approximately 475,000 square foot facility with substantial completion by September 31, 2018. Furthermore, TCDFW Industrial must have at least 51 percent of the facility leased in order to receive the real property tax abatement upon the value of the new real property improvements proposed. If the required space is not occupied during a given year within the 8-year tax abatement period, the abatement is lost for that year.

BACKGROUND (Continued)

Net fiscal impact from the project after incentives, is estimated at \$318,696 over 10 years and \$1,516,052 over 20 years. This proposed project conforms to minimum eligibility criteria for the City's Public/Private Partnership Program Guidelines and Criteria as it has a private investment exceeding \$1 million. Staff recommends approval of the proposed incentive.

Trammell Crow, founded in Dallas in 1948, is a full-service real estate development company which has developed or acquired over \$60 billion in property. Trammell Crow is headquartered in Kansas City, Missouri with regional offices in Columbus, Dallas, Houston and Phoenix. The company's diverse product expertise includes office, industrial, residential, retail, and health care.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	January 2016
Complete Construction	September 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on November 2, 2015.

On November 10, 2015, City Council authorized a real property tax abatement agreement with TCDFW Industrial Development, Inc., for the purpose of granting an 8-year abatement of 75 percent of the taxes on added value to the real property for the development of a new 475,000 square feet speculative industrial/warehouse facility within a Texas Enterprise Zone located at 900 Chalk Hill Road, south of I-30 in Dallas, Texas, by Resolution No. 15-2104.

Information about this item will be provided to the Economic Development Committee on October 17, 2015.

FISCAL INFORMATION

This action has no cost consideration to the City.

OWNER

Chalk Hill Distribution, LLC

Scott Krikorian, Vice President

October 26, 2016

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, by Resolution No. 14-0993 approved on June 25, 2014, the City Council authorized the continuation of its participation in tax abatements and established, appropriate Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act"); and

WHEREAS, by Resolution No. 16-1056 approved on June 22, 2016, the City Council re-adopted the City's Public/Private Partnership Program Guidelines and Criteria to extend the Program from June 25, 2016 through December 31, 2016, governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act") and other incentives intended to promote private investment, tax base growth and job creation; and

WHEREAS, pursuant to Section 312.2011, the Property Redevelopment and Tax Abatement act provides that the designation of an area as an enterprise zone under the Texas Enterprise Zone Act constitutes designation of an area as a reinvestment zone without further hearing or other procedural requirements; and

WHEREAS, by Resolution No. 15-2104 approved on November 10, 2015, the City Council authorized a 75 percent real property tax abatement agreement for 8-years with TCDFW Industrial Development, Inc. for improvements to approximately 35.582 acres of land fronting Chalk Hill Road within a Texas Enterprise Zone.

WHEREAS, City Council desires to amend Resolution No. 15-2104 previously approved on November 10, 2015, to change (1) the name of the contracting party from TCDFW Industrial Development, Inc. to Chalk Hill Distribution, LLC; and (2) the physical address noted for the property from 900 Chalk Hill Road to 1350 Chalk Hill Road.

NOW, THEREFORE,

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

October 26, 2016

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to amend Resolution No. 15-2104, previously approved on November 10, 2015, to change (1) the name of the contracting party from TCDFW Industrial Development, Inc. to Chalk Hill Distribution, LLC; and (2) the physical address noted for the property from 900 Chalk Hill Road to 1350 Chalk Hill Road as depicted below:

WHEREAS, the City desires to enter into a real property tax abatement agreement with ~~TCDFW Industrial Development, Inc.~~ Chalk Hill Distribution, LLC for the added value on real property improvements located within a Texas Enterprise Zone.

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a real property tax abatement agreement with ~~TCDFW Industrial Development, Inc.~~ Chalk Hill Distribution, LLC in accordance with the Act and the City's Public/Private Partnership Guidelines and Criteria subject to ~~TCDFW Industrial Development, Inc.~~ Chalk Hill Distribution, LLC purchasing the 35.582 acre development by January 10, 2016.

Section 5. That the tax abatement agreement shall provide, among other provisions, the following:

- (d) A 8-year abatement of 75 percent of the added value to the real property building improvements located on approximately 35.582 acres within a Texas Enterprise Zone located at ~~900~~ 1350 Chalk Hill Road in Dallas, Texas, as provided in Exhibit A (Metes and Bounds).
- (f) ~~TCDFW Industrial Development, Inc.~~ Chalk Hill Distribution, LLC must have at least 51 percent of the facility leased in order to receive the real property tax abatement upon the value of the new real property improvements proposed. If the required space is not occupied during a given year within the 8 year tax abatement period commencing no later than January 1, 2019, the abatement is lost for that year.
- (l) That the tax abatement agreement shall be personal to ~~TCDFW Industrial Development, Inc.~~ Chalk Hill Distribution, LLC and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

Section 2. That with the exception of the section above, all other requirements of Resolution No. 15-2104 will remain in full force and effect.

October 26, 2016

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing/Community Services
CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611
MAPSCO: 55B

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by B & J Custom Homes Inc. DBA Redline Development Group for the construction of houses; **(2)** the sale of 7 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to B & J Custom Homes Inc. DBA Redline Development Group; and **(3)** execution of a release of lien for any non-tax liens on the 7 properties that may have been filed by the City - Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

B & J Custom Homes Inc. DBA Redline Development Group has submitted a proposal and development plan to DHADC for 7 lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the 7 lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by B & J Custom Homes Inc. DBA Redline Development Group to DHADC, the sale of those lots from DHADC to B & J Custom Homes Inc. DBA Redline Development Group and the release of lien for any non-tax liens that may have been filed by the City.

BACKGROUND (continued)

The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to B & J Custom Homes Inc. DBA Redline Development Group will contain a reverter that returns the property to DHADC if a construction permit is not applied for by B & J Custom Homes Inc. DBA Redline Development Group and construction financing is not closed within three years of conveyance.

B & J Custom Homes Inc. DBA Redline Development Group will build single family houses on the lots. The approximate square footage and sales price of the houses will be from 1,400 to 2,000 square feet and from \$175,000 up. The lots will be deed restricted for sale to eligible families.

DHADC will receive \$35,000.00 for the sales price of the vacant lots to B & J Custom Homes Inc. DBA Redline Development Group, as calculated from the 2015-16 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, by Resolution No. 04-0458, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code.

On September 22, 2016, the DHADC board of directors approved the development plan and sale of 7 lots from DHADC to B & J Custom Homes Inc. DBA Redline Development Group.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

Information about this item will be provided to the Housing Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City

DEVELOPER

B & J Custom Homes Inc. DBA Redline Development Group

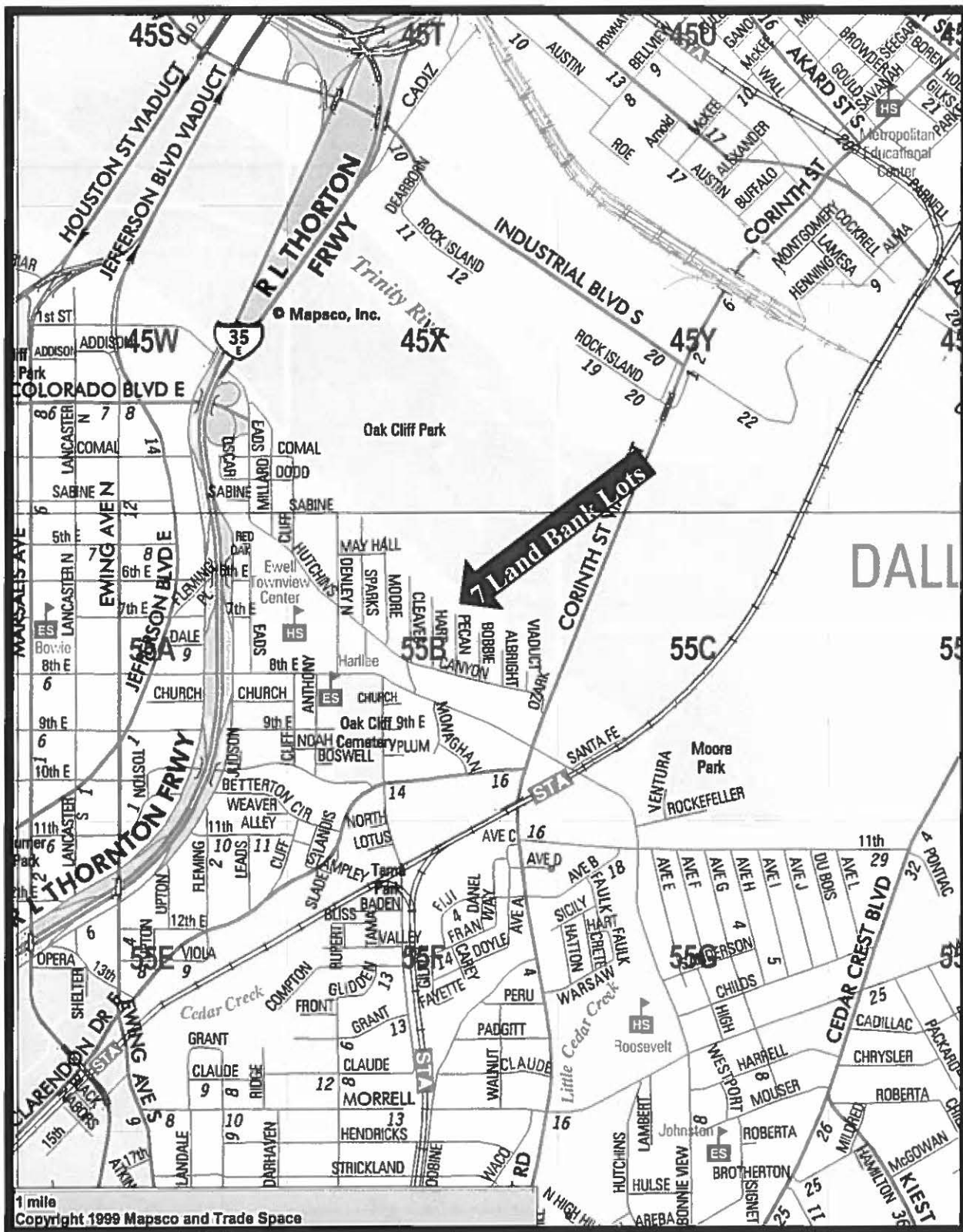
Frederick A. Brown, President

MAP

Attached

**Land Bank (DHADC) Sale of Lots to
B & J Custom Homes Inc. DBA Redline Development Group**

<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 401 Cleaves	55B	4	\$22,565.61
2. 435 Cleaves	55B	4	\$ 8,614.11
3. 437 Cleaves	55B	4	\$ 7,998.58
4. 407 Hart	55B	4	\$ 8,191.49
5. 409 Hart	55B	4	\$15,737.05
6. 402 Pecan	55B	4	\$ 5,877.17
7. 400 Bobbie	55B	4	\$ 2,289.34



MAPSCO 55B

October 26, 2016

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C, by Resolution No. 04-0458; and

WHEREAS, B & J Custom Homes Inc. DBA Redline Development Group submitted a proposal and development plan to DHADC for 7 lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by B & J Custom Homes Inc. DBA Redline Development Group and authorize the sale of 7 lots from DHADC to B & J Custom Homes Inc. DBA Redline Development Group to build houses;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sales price range of the proposed houses submitted by B & J Custom Homes Inc. DBA Redline Development Group and the sale of 7 lots shown on Exhibit "A" from DHADC to B & J Custom Homes Inc. DBA Redline Development Group is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a Deed without Warranty and releases of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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.

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT
1	401 Cleaves Lot 1 and the South 10 Feet of Lot 2, Meadowmere Addition Block 1/7676	B & J Custom Homes Inc. DBA Redline Development Group	1	\$5,000.00
2	435 Cleaves Lot 5, Meadowmere Annex Addition Block 1/7678	B & J Custom Homes Inc. DBA Redline Development Group	1	\$5,000.00
3	437 Cleaves Lot 5, Meadowmere Annex Addition Block 1/7678	B & J Custom Homes Inc. DBA Redline Development Group	1	\$5,000.00
4	407 Hart North 35 Feet of Lot 3, Meadowmere Addition Block 3/7677	B & J Custom Homes Inc. DBA Redline Development Group	1	\$5,000.00
5	409 Hart Lot 4, Meadowmere Addition Block 3/7677	B & J Custom Homes Inc. DBA Redline Development Group	1	\$5,000.00
6	402 Pecan Lot 2, Meadowmere No. 3 Addition Block 6/7679	B & J Custom Homes Inc. DBA Redline Development Group	1	\$5,000.00
7	400 Bobbie Lot 1, Meadowmere No. 3 Addition Block 7/7679	B & J Custom Homes Inc. DBA Redline Development Group	1	\$5,000.00
TOTAL				\$35,000.00

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 7

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

<u>400 Bobbie Street</u>	<u>401 Cleaves Street</u>
<u>402 Pecan Street</u>	<u>437 Cleaves Street</u>
<u>407 Hart Street</u>	<u>435 Cleaves Street</u>
<u>409 Hart Street</u>	

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages _____ Number of Carports _____ Detached _____ Attached _____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages _____ Number of Carports _____ Detached _____ Attached _____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built 7
Square Footage range of each home 1400/sf - 2000/sf
Number of Bedrooms/Baths in each home 3+ / 2+
Number of Garages 1&2 Number of Carports _____ Detached X Attached X
Type of Exterior Veneer Various Materials- Brick etc. Which sides All Sides
Your Sales Price range without Subsidies to Qualified Low Income Buyer \$175,000 +

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: 1-360 days after receiving the deed to the property

Completion of Construction: 90-120 days after start of construction

Sale of first affordable housing unit to low income household: 60 days after completion of construction

Sale of last affordable unit to low income households: 360 days after completion of first house

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 6
DEPARTMENT: Housing/Community Services
CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611
MAPSCO: 42M 43M 44P

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by King Home Builders, LLC for the construction of houses; **(2)** the sale of 4 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to King Home Builders, LLC; and **(3)** execution of a release of lien for any non-tax liens on the 4 properties that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

King Home Builders, LLC has submitted a proposal and development plan to DHADC for 4 lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the 4 lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by King Home Builders, LLC to DHADC, the sale of those lots from DHADC to King Home Builders, LLC and the release of lien for any non-tax liens that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff’s sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC’s Deed without Warranty to King Home Builders, LLC will contain a reverter that returns the property to DHADC if a construction permit is not applied for by King Home Builders, LLC and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

King Home Builders, LLC will build single family houses on the lots. The approximate square footage and sales price of the houses will be from 1,300 to 1,650 square feet and from \$135,000 to \$175,000. The lots will be deed restricted for sale to eligible families.

DHADC will receive \$20,000.00 for the sales price of the vacant lots to King Home Builders, LLC, as calculated from the 2015-16 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, by Resolution No. 04-0458, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code.

On August 25, 2016, the DHADC board of directors approved the development plan and sale of 4 lots from DHADC to King Home Builders, LLC.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

Information about this item will be provided to the Housing Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City

DEVELOPER

King Home Builders, LLC

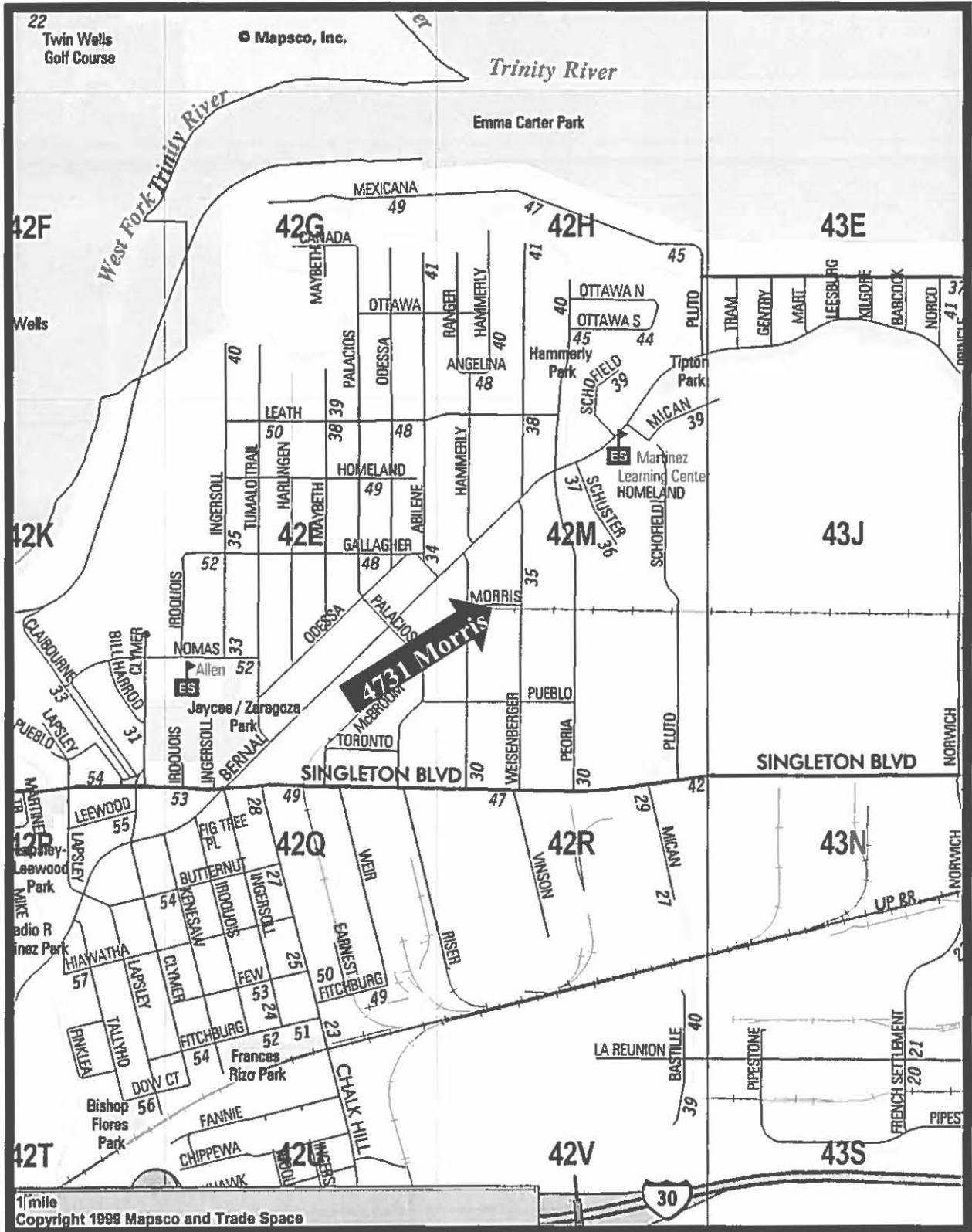
Jorge G. Lariz, Managing Member

MAPS

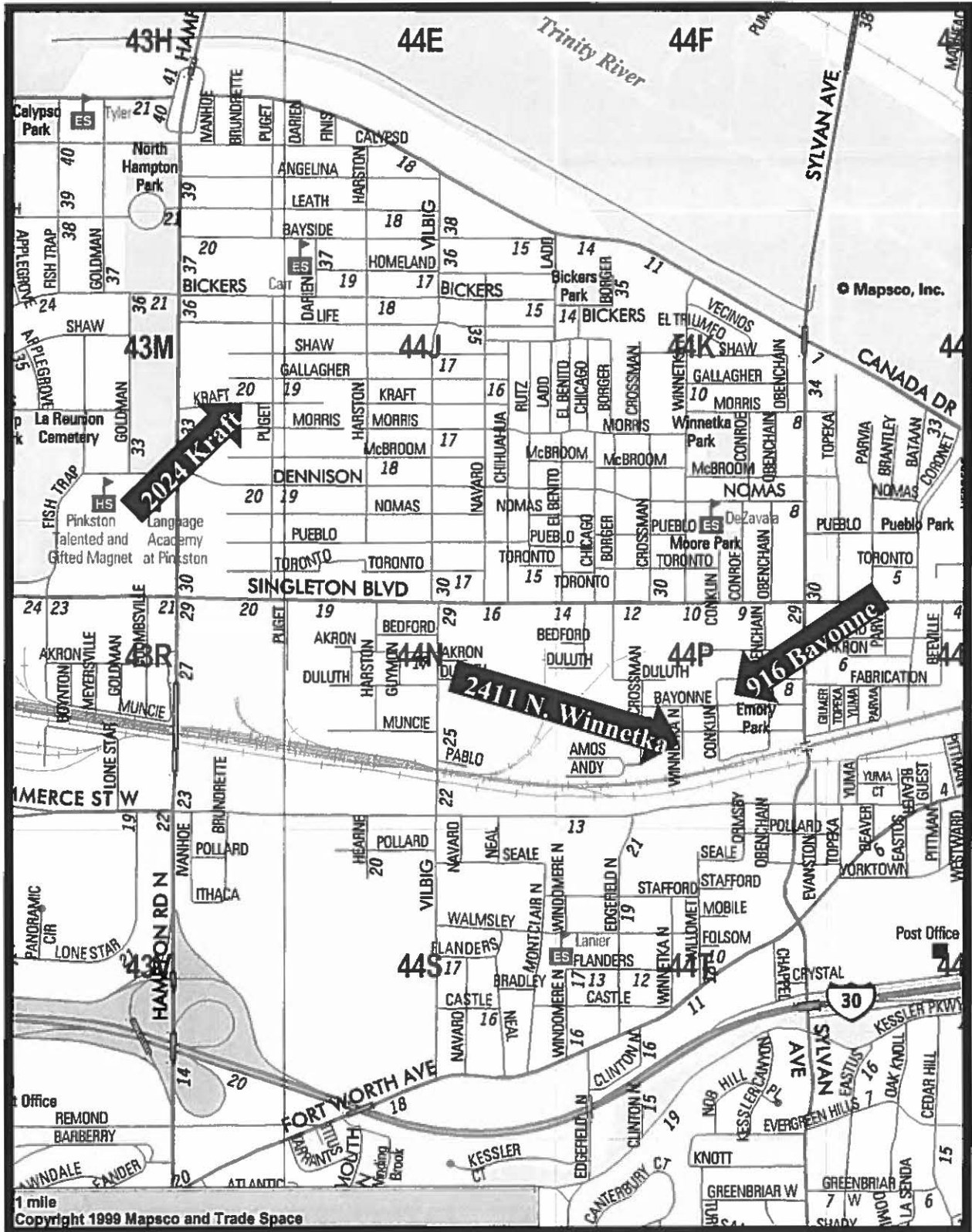
Attached

**Land Bank (DHADC) Sale of Lots to
King Home Builders, LLC**

<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 916 Bayonne	44P	6	\$8,986.91
2. 4731 Morris	42M	6	\$5,604.91
3. 2024 Kraft	43M	6	\$1,748.65
4. 2411 N. Winnetka	44P	6	\$2,709.18



MAPSCO 42M



MAPSCO 43M & 44P

October 26, 2016

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C, by Resolution No. 04-0458; and

WHEREAS, King Home Builders, LLC submitted a proposal and development plan to DHADC for 4 lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by King Home Builders, LLC and authorize the sale of 4 lots from DHADC to King Home Builders, LLC to build houses;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sales price range of the proposed houses submitted by King Home Builders, LLC and the sale of 4 lots shown on Exhibit "A" from DHADC to King Home Builders, LLC is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a Deed without Warranty and releases of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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.

EXHIBIT "A"

LAND BANK PROPERTY					
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT	
1	916 Bayonne Street Lot 6, Z. E. Coombs West End Addition Block 5/7265	King Home Builders, LLC	1	\$5,000.00	
2	4731 Morris Street Lot 1, Weisenberger Gardens Addition Revised Block 10/7158	King Home Builders, LLC	1	\$5,000.00	
3	2024 Kraft Street East 31 Feet of Lot 2 & West 15 Feet of Lot 3, Victory Gardens No. 5 Addition, Section 2 Block 23/7127	King Home Builders, LLC	1	\$5,000.00	
4	2411 N. Winnetka Avenue Lots 1 & 2, Z E Coombs West End Addition Block 10/7265	King Home Builders, LLC	1	\$5,000.00	
TOTAL				\$20,000.00	

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 4

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

916 Bayonne
4731 Morris
2024 Kraft
2411 N. Winnetka

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home 1
Number of Garages ___ Number of Carports ___ Detached ___ Attached ___
Type of Exterior Veneer _____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home 1
Number of Garages ___ Number of Carports ___ Detached ___ Attached ___
Type of Exterior Veneer _____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built 4
Square Footage range of each home 1300 - 1650
Number of Bedrooms/Baths in each home 4 / 2
Number of Garages 0 Number of Carports - Detached - Attached -
Type of Exterior Veneer Brick + Siding Which sides 75% siding 25% Brick
Your Sales Price range without Subsidies to Qualified Low Income Buyer 135 - 175k

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: 10 days after receiving the deed to the property

Completion of Construction: 60 days after start of construction

Sale of first affordable housing unit to low income household: ^{within} 30 days after completion of construction

Sale of last affordable unit to low income households: 15 days after completion of first house

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 2 to the FY 2015-16 contract with Health Services of North Texas, Inc. to provide scattered site housing assistance for persons with HIV/AIDS, to revise the Statement of Services and budget to reallocate funding in the total amount of \$27,175 from the Emergency/Tenant Based Rental Assistance - Housing Services and Program Administration/Project Sponsors budget categories to the Emergency/Tenant Based Rental Assistance - Financial Assistance budget category with no net change in the contract amount - Financing: No cost consideration to the City

BACKGROUND

On August 12, 2015, City Council by Resolution No. 15-1369 approved the contract with Health Services of North Texas, Inc. to enter into the second twelve month renewal option to provide scattered site housing under the Housing Opportunities for Persons with AIDS (HOPWA) Program.

Under the HOPWA program, Health Services of North Texas, Inc. provides short-term emergency assistance and long-term tenant based rental assistance to low income persons living with HIV/AIDS primarily in Collin, Delta, Denton, Ellis, Hunt, Kaufman, and Rockwall counties. In addition to housing assistance, HOPWA clients also receive supportive services through case managers at each location who ensure that clients have access to other services in the Dallas area.

Health Services of North Texas, Inc. is a non-profit agency located in Denton, with offices also located in Plano, providing quality medical and support services to persons living with HIV/AIDS in the rural and outer urban communities of North Texas. The agency was founded in 1988, and has been providing HOPWA scattered site housing assistance through Tarrant County since 1995, and through Dallas County since 1996.

BACKGROUND (Continued)

The agency's programs include outpatient medical care assistance; prescription and insurance assistance; HOPWA housing assistance; behavioral health counseling; medical and comprehensive case management assistance; food pantries; and transportation.

The agency will have funds remaining in the Emergency/Tenant Based Rental Assistance E/TBRA - Housing Services and Program Administration/Project Sponsors budget categories, and will use those funds to meet rental assistance needs. Accordingly, the agency has requested to reallocate funding to the appropriate budget category. Approval of this item will reallocate funding as listed below, with no net change in the contract amount.

	Original	Change	Revised
E/TBRA - Financial Assistance	\$405,000	\$27,175	\$432,175
E/TBRA - Housing Services	\$134,000	(\$22,919)	\$111,081
Prog Admin/Project Sponsors	<u>\$ 37,730</u>	<u>(\$ 4,256)</u>	<u>\$ 33,474</u>
	\$576,730	\$ 0	\$576,730

PERFORMANCE MEASURES

Number of Persons Assisted

	2015-16 <u>Goal</u>	2015-16 <u>Actual</u>
Emergency-unduplicated clients served	45	57
Tenant-based-unduplicated clients served	40	49
Total-unduplicated clients served	85	106

OUTCOME MEASURES

The intended outcome of HOPWA facility based housing assistance, as required by HUD, is: Housing Stability, measured by the percentage of clients who remain in stable housing at the end of each program year.

	2015-16 <u>Goal</u>	2015-16 <u>Actual</u>
Emergency - percent in stable housing	92%	TBD%
Tenant-based - percent in stable housing	92%	98%

In FY 2015-16, the agency also reported data on access to care and support per HOPWA requirements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2014, City Council authorized the first twelve-month renewal option to the contract with Health Services of North Texas, Inc. for scattered site housing assistance, by Resolution No. 14-1224.

On August 12, 2015, City Council authorized the second twelve-month renewal option to the contract with Health Services of North Texas, Inc. for scattered site housing assistance, by Resolution No. 15-1369.

On April 27, 2016, City Council authorized Supplemental Agreement No. 1 to the FY 2014-15 contract with Health Services of North Texas, Inc. for scattered site housing assistance, by Resolution No. 16-0634.

On October 11, 2016, City Council authorized a twelve-month contract, with two twelve-month renewal options, with Health Services of North Texas, Inc. for scattered site housing assistance, by Resolution No. 16-1663.

Information about this item will be provided to the Housing Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City

ETHNIC COMPOSITION

Health Services of North Texas, Inc. (Board)

Black Female	1	Black Male	0
White Female	1	White Male	8
Hispanic Female	2	Hispanic Male	1
Other Female	1	Other Male	1

OWNER(S)

Health Services of North Texas, Inc.

Board of Directors

Glen McKenzie, President
Randy Robinson, Vice President
Gloria Herron, Secretary
David Garcia, Treasurer
Louise Baldwin
Justin Coury
Michael Foster
Cordella Ikegwuoha
Herman Oosterwijk
Clara Sanchez
Derrell Bulls
Trang Dang-Le
Jerry Garrett
Kelvyn McCarley
Dean Perkins

October 26, 2016

WHEREAS, Housing Opportunities for Persons with AIDS (HOPWA) grant funds received from the U.S. Department of Housing and Urban Development (HUD) have been designated to provide services to low-income persons with HIV/AIDS and HIV-related illness and their families; and

WHEREAS, the FY 2015-16 Consolidated Plan Budget includes the HOPWA grant from HUD in the amount of \$5,637,374; and

WHEREAS, the City of Dallas entered into the FY 2015-16 contract with Health Services of North Texas, Inc. to provide scattered site housing assistance services to eligible persons for the period October 1, 2015 through September 30, 2016, in an amount not to exceed \$576,730, by Resolution No. 15-1369; and

WHEREAS, Health Services of North Texas, Inc. has requested to reallocate funding in the total amount of \$27,175 from the Emergency/Tenant Based Rental Assistance (E/TBRA) - Housing Services and Program Administration/Project Administration budget categories to the E/TBRA - Financial Assistance budget category, with no net change in the contract amount;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the FY 2015-16 contract with Health Services of North Texas, Inc. to provide scattered site housing assistance for persons with HIV/AIDS, to revise the Statement of Services and budget to reallocate funding in the total amount of \$27,175 from the Emergency/Tenant Based Rental Assistance (E/TBRA) - Housing Services and Program Administration/Project Sponsors budget categories to the E/TBRA - Financial Assistance budget category with no net change in the contract amount, and execute any and all documents required by the agreement.

Section 2. That the Chief Financial Officer is hereby authorized to reallocate funds as follows:

		Object Encumbrance					
Fund	Unit	Code	Number	Description	Original	Change	Revised
HW15	670H	3099	CTGH184724	E/TBRA - Fin Asst	\$405,000	\$27,175	\$432,175
HW15	671H	3099	CTGH184725	E/TBRA - Hsg Serv	\$134,000	(\$22,919)	\$111,081
HW15	676H	3099	CTGH184726	Prog Admin/Proj Sp	<u>\$ 37,730</u>	<u>(\$ 4,256)</u>	<u>\$ 33,474</u>
				Total	\$576,730	\$ 0	\$576,730

October 26, 2016

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

KEY FOCUS AREA: E-Gov
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): All
DEPARTMENT: Intergovernmental Services
CMO: A. C. Gonzalez, 670-3297
MAPSCO: N/A

SUBJECT

Authorize adoption of the City of Dallas State Legislative Program for the 85th Session of the Texas Legislature - Financing: No cost consideration to the City

BACKGROUND

Prior to the beginning of each state legislative session, the City of Dallas has historically adopted a state legislative program. The program sets forth issues of interest to the City Departments and gives the City Attorney's Office the authority to support legislation that upholds the City of Dallas home-rule authority, as well as oppose any legislation that diminishes resources or home-rule authority.

PRIOR ACTIONS/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Legislative Ad Hoc Committee was briefed on October 22, 2012.

The Dallas City Council was briefed on November 7, 2012.

The City Council authorized adoption of the State 83rd Legislative Program on November 14, 2012, by Resolution No. 12-2742.

The Legislative Ad Hoc Committee was briefed on September 22, 2014.

The Dallas City Council was briefed on October 15, 2014.

The City Council authorized adoption of the State 84th Legislative Program on October 22, 2014, by Resolution No. 14-1796

The Legislative Ad Hoc Committee was briefed on October 10, 2016.

City Council will be briefed on October 19, 2016.

FISCAL INFORMATION

No cost consideration to the City

October 26, 2016

WHEREAS, the 85th Session of the Texas Legislature will convene in January 2017; and,

WHEREAS, many legislative issues affecting local government will be considered; and,

WHEREAS, the City of Dallas has historically adopted a legislative program for consideration by the Legislature;

NOW, THEREFORE,

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

SECTION 1. That the City of Dallas Legislative Program for the 85th Session of the Texas Legislature is adopted.

SECTION 2. That the City Attorney is directed to communicate the items included in the state legislative program to members of the Texas Legislature.

SECTION 3. That the City Attorney is directed to support legislation that upholds the City of Dallas' home-rule authority, as well as oppose legislation that diminishes resources or home-rule authority.

SECTION 4. That for those issues that arise during or prior to the Session for which there is no official City position and there is insufficient time to convene a meeting of the Legislative Ad Hoc Committee or the City Council, the Chair of the Legislative Ad Hoc Committee is authorized to represent and protect the interests of the City.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Intergovernmental Services
Office of Financial Services

CMO: A. C. Gonzalez, 670-3297
Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

State Legislative Services for FY 2016-17

- * Authorize a personal services contract with Hector Alcalde for federal legislative information and related services regarding water resources, flood control and transportation for the period October 1, 2016 through September 30, 2017 - Not to exceed \$53,400 - Financing: Current Funds
- * Authorize a personal services contract with Paul Schlesinger for federal legislative information and related services regarding water resources, flood control, and transportation for the period October 1, 2016 through September 30, 2017 - Not to exceed \$31,600 - Financing: Current Funds

BACKGROUND

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

Hector Alcalde and Paul Schlesinger provide the City with advice, assistance and advocacy services to achieve the City Council's designated legislative objectives in the areas of water resources, flood control and transportation. To date, they have worked to secure over \$220 million in federal funding for the city.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Hector Alcalde for FY 2011-12 on October 10, 2011, by Resolution No. 11-2725.

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

Authorized a contract with Paul Schlesinger for FY 2011-12 on October 10, 2011, by Resolution No. 11-2726.

The Legislative Ad Hoc Committee was briefed on October 22, 2012.

Authorized a contract with Hector Alcalde for FY 2012-13 on November 14, 2012, by Resolution No. 12-2747.

Authorized a contract with Paul Schlesinger for FY 2012-13 on November 14, 2012, by Resolution No. 12-2748.

The Dallas City Council was briefed on October 16, 2013.

Authorized a contract with Hector Alcalde for FY 2013-14 on October 23, 2013, by Resolution No. 13-1832.

Authorized a contract with Paul Schlesinger for FY 2013-14 on October 23, 2013, by Resolution No. 13-1833.

The Legislative Ad Hoc Committee was briefed on September 22, 2014.

The Dallas City Council was briefed on October 15, 2014.

Authorized a contract with Hector Alcalde for FY 2014-15 on October 22, 2014, by Resolution No. 14-1797.

Authorized a contract with Paul Schlesinger for FY 2014-15 on October 22, 2014, by Resolution No. 14-1798.

The Legislative Ad Hoc Committee was briefed on October 13, 2015.

Authorized a contract with Hector Alcalde for FY 2015-16 on October 28, 2015 by Resolution No. 15-1942.

Authorized a contract with Paul Schlesinger for FY 2015-16 on October 28, 2015 by Resolution No. 15-1943.

The Legislative Ad Hoc Committee was briefed on October 10, 2016.

City Council will be briefed on October 19, 2016.

FISCAL INFORMATION

\$85,000.00 - Current Funds

October 26, 2016

WHEREAS, there exists a need for the City to have reliable means of receiving information regarding pending federal legislative action on issues pertaining to water resources, flood control and transportation which may impact the City; and

WHEREAS, on October 10, 2011, Resolution No. 11-2725 authorized a contract with Hector Alcalde for FY 2011-12; and

WHEREAS, on November 14, 2012, Resolution No. 12-2747 authorized a contract with Hector Alcalde for FY 2012-13; and

WHEREAS, on October 23, 2013, Resolution No. 13-1832 authorized a contract with Hector Alcalde for FY 2013-14; and

WHEREAS, on October 22, 2014, Resolution No. 14-1797 authorized a contract with Hector Alcalde for FY 2014-15; and

WHEREAS, on October 28, 2015, Resolution No. 15-1942 authorized a contract with Hector Alcalde for FY 2015-16; and

WHEREAS, Hector Alcalde provides the City with advice, assistance and advocacy services to achieve the City Council's designated legislative objectives; and

WHEREAS, in order to successfully achieve the legislative initiatives needed in areas concerning water resources, flood control and transportation the City would benefit from a liaison in Washington with expertise in specific areas; and

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

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Hector Alcalde for federal legislative information and related services regarding water resources, flood control and transportation for the period October 1, 2016 through September 30, 2017, in an amount not to exceed \$53,400.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$53,400.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, MASC-MGT- HA17BMS1978, Vendor No. 338625.

October 26, 2016

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

October 26, 2016

WHEREAS, there exists a need for the City to have reliable means of receiving information regarding pending federal legislative action on issues pertaining to water resources, flood control and transportation which may impact the City; and

WHEREAS, on October 10, 2011, Resolution No. 11-2726 authorized a contract with Paul Schlesinger for FY 2011-12; and

WHEREAS, on November 14, 2012, Resolution No. 12-2748 authorized a contract with Paul Schlesinger for FY 2012-13; and

WHEREAS, on October 23, 2013, Resolution No. 13-1833 authorized a contract with Paul Schlesinger for FY 2013-14; and

WHEREAS, on October 22, 2014, Resolution No. 14-1798 authorized a contract with Paul Schlesinger for FY 2014-15; and

WHEREAS, on October 28, 2015, Resolution No. 15-1943 authorized a contract with Paul Schlesinger for FY 2015-16; and

WHEREAS, Paul Schlesinger provides the City with advice, assistance and advocacy services to achieve the City Council's designated legislative objectives; and

WHEREAS, in order to successfully achieve the legislative initiatives needed in areas concerning water resources, flood control and transportation the City would benefit from a liaison in Washington with expertise in specific areas; and

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

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Paul Schlesinger for federal legislative information and related services regarding water resources, flood control and transportation for the period October 1, 2016 through September 30, 2017, in an amount not to exceed \$31,600.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$31,600.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, MASC-MGT- PS17BMS1978, Vendor No. 338626.

October 26, 2016

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Intergovernmental Services
Office of Financial Services

CMO: A. C. Gonzalez, 670-3297
Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

Authorize a personal services contract with Jesse Romero for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$39,000 - Financing: Current Funds

BACKGROUND

Jesse Romero has represented the City of Dallas before the State Legislature and various state agencies during the last six legislative sessions.

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

The scope of services for this contract will include:

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Jesse Romero for FY 2011-12 on October 10, 2011, by Resolution No. 11-2721.

The Legislative Ad Hoc Committee was briefed on October 22, 2012.

Authorized a contract with Jesse Romero for FY 2012-13 on November 14, 2012, by Resolution No. 12-2743.

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

The Dallas City Council was briefed on October 16, 2013.

Authorized a contract with Jesse Romero for FY 2013-14 on October 23, 2013, by Resolution No. 13-1834.

The Legislative Ad Hoc Committee was briefed on September 22, 2014.

The Dallas City Council was briefed on October 15, 2014.

Authorized a contract with Jesse Romero for FY 2014-15 on October 22, 2014, by Resolution No. 14-1799.

The Legislative Ad Hoc Committee was briefed on October 13, 2015.

Authorized a contract with Jesse Romero for FY 2015-16 on October 28, 2015, by Resolution No. 15-1944.

The Legislative Ad Hoc Committee was briefed on October 10, 2016.

City Council will be briefed on October 19, 2016.

FISCAL INFORMATION

\$39,000.00 - Current Funds

October 26, 2016

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

WHEREAS, on October 10, 2011, Resolution No. 11-2721 authorized a contract with Jesse Romero for FY 2011-12; and

WHEREAS, on November 14, 2012, Resolution No. 12-2743 authorized a contract with Jesse Romero for FY 2012-13; and

WHEREAS, on October 23, 2013, Resolution No. 13-1834 authorized a contract with Jesse Romero for FY 2013-14; and

WHEREAS, on October 22, 2014, Resolution No. 14-1799 authorized a contract with Jesse Romero for FY 2014-15; and

WHEREAS, on October 28, 2015, Resolution No. 15-1944 authorized a contract with Jesse Romero for FY 2015-16; and

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

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

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Jesse Romero to provide state legislative information and related services for the period October 1, 2016 through September 30, 2017, in an amount not to exceed \$39,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$39,000.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, MASC- MGT- JR17BMS1978, Vendor No. VC0000005104.

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

KEY FOCUS AREA: E-Gov
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): All
DEPARTMENT: Intergovernmental Services
Office of Financial Services
CMO: A. C. Gonzalez, 670-3297
Elizabeth Reich, 670-7804
MAPSCO: N/A

SUBJECT

Authorize a personal services contract with Julianne Acevedo for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$25,000 - Financing: Current Funds

BACKGROUND

Julianne Acevedo has lobbied in Austin since 2003. Her assignments have included building relationships with legislators and staff members, monitoring legislation, updating clients on legislative activity, lobbying legislators and staff members, monitoring conference committee negotiations, and searching for last minute floor amendments added onto legislation. She also is responsible for arranging and attending meetings between clients and members of the legislature, as well as members of the Governor’s, Lt. Governor’s and Speaker’s offices.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Legislative Ad Hoc Committee was briefed on October 10, 2016.

City Council will be briefed on October 19, 2016.

FISCAL INFORMATION

\$25,000.00 - Current Funds

October 26, 2016

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

WHEREAS, Julianne Acevedo assists the City Attorney's Office with various legislator and staff requests on issues of importance to the City of Dallas;

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Julianne Acevedo to provide state legislative and information related services for the period October 1, 2016 through September 30, 2017, in an amount not to exceed \$25,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$25,000.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, MASC-MGT-JA17BMS1978, Vendor No. VC0000007607.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Intergovernmental Services
Office of Financial Services

CMO: A. C. Gonzalez, 670-3297
Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

Authorize a personal services contract with Kwame Walker for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$51,000 - Financing: Current Funds

BACKGROUND

Kwame Walker represents governmental entities and corporations before the State Legislature. He has represented the City of Dallas during the last nine legislative and interim sessions.

The scope of services for this contract will include:

- Representation before state agencies and legislators.
- Monitoring interim state legislative and committee activities as requested by the City Council, City Manager and City Attorney.
- Assistance with special projects as requested.
- Providing office space, utilities, and parking for City of Dallas use in Austin.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Kwame Walker for FY 2011-12 on October 10, 2011, by Resolution No. 11-2722.

The Legislative Ad Hoc Committee was briefed on October 22, 2012.

Authorized a contract with Kwame Walker for FY 2012-13 on November 14, 2012, by Resolution No. 12-2744.

The Dallas City Council was briefed on October 16, 2013.

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

Authorized a contract with Kwame Walker for FY 2013-14 on October 23, 2013, by Resolution No. 13-1835.

The Legislative Ad Hoc Committee was briefed on September 22, 2014.

The Dallas City Council was briefed on October 15, 2014.

Authorized a contract with Kwame Walker for FY 2014-15 on October 22, 2014, by Resolution No. 14-1800.

The Legislative Ad Hoc Committee was briefed on October 13, 2015.

Authorized a contract with Kwame Walker for FY 2015-16 on October 28, 2016 by Resolution No. 15-1945.

The Legislative Ad Hoc Committee was briefed on October 10, 2016.

City Council will be briefed on October 19, 2016.

FISCAL INFORMATION

\$51,000.00 - Current Funds

October 26, 2016

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

WHEREAS, on October 10, 2011, Resolution No. 11-2722 authorized a contract with Kwame Walker for FY 2011-12; and

WHEREAS, on November 14, 2012, Resolution No. 12-2744 authorized a contract with Kwame Walker for FY 2012-13; and

WHEREAS, on October 23, 2013, Resolution No. 13-1835 authorized a contract with Kwame Walker for FY 2013-14; and

WHEREAS, on October 22, 2014, Resolution No. 14-1800 authorized a contract with Kwame Walker for FY 2014-15; and

WHEREAS, on October 28, 2015, Resolution No. 15-1945 authorized a contract with Kwame Walker for FY 2015-16; and

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

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

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

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Kwame Walker to provide state legislative information and related services for the period October 1, 2016 through September 30, 2017, in an amount not to exceed \$51,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$51,000.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, MASC-MGT- KW17BMS1978, Vendor No. 354093.

October 26, 2016

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Intergovernmental Services
Office of Financial Services

CMO: A. C. Gonzalez, 670-3297
Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

Authorize **(1)** a personal services contract with Randy C. Cain for state legislative information in the amount of \$99,000; and **(2)** office space and related services in the amount of \$8,100 for the period October 1, 2016 through September 30, 2017 - Total not to exceed \$107,100 - Financing: Current Funds

BACKGROUND

Randy Cain has represented the City of Dallas before the State Legislature and various state agencies during the last eleven legislative sessions.

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

The scope of services for this contract will include:

- Representation before state agencies and legislators.
- Monitoring interim state legislative and committee activities as requested by the City Council, City Manager and City Attorney.
- Assistance with special projects as requested.
- Providing office space, utilities, and parking for City of Dallas use in Austin.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Randy C. Cain for FY 2011-12 on October 10, 2011, by Resolution No. 11-2723.

The Legislative Ad Hoc Committee was briefed on October 22, 2012.

Authorized a contract with Randy C. Cain for FY 2012-13 on November 14, 2012, by Resolution No. 12-2745.

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

The Dallas City Council was briefed on October 16, 2013.

Authorized a contract with Randy C. Cain for FY 2013-14 on October 23, 2013, by Resolution No. 13-1836.

The Legislative Ad Hoc Committee was briefed on September 22, 2014.

The Dallas City Council was briefed on October 15, 2014.

Authorized a contract with Randy C. Cain for FY 2014-15 on October 22, 2014, by Resolution No. 14-1801.

The Legislative Ad Hoc Committee was briefed on October 13, 2015.

Authorized a contract with Randy C. Cain for FY 2015-16 on October 28, 2015, by Resolution No. 15-1946.

The Legislative Ad Hoc Committee was briefed on October 10, 2016.

City Council will be briefed on October 19, 2016.

FISCAL INFORMATION

\$107,100.00 - Current Funds

October 26, 2016

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

WHEREAS, on October 10, 2011, Resolution No. 11-2723 authorized a contract with Randy C. Cain for FY 2011-12; and

WHEREAS, on November 14, 2012, Resolution No. 12-2745 authorized a contract with Randy C. Cain for FY 2012-13; and

WHEREAS, on October 23, 2013, Resolution No. 13-1836 authorized a contract with Randy C. Cain for FY 2013-14; and

WHEREAS, on October 22, 2014, Resolution No. 14-1801 authorized a contract with Randy C. Cain for FY 2014-15; and

WHEREAS, on October 28, 2015, Resolution No. 15-1946 authorized a contract with Randy C. Cain for FY 2015-16; and

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

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

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a personal services contract with Randy C. Cain to provide state legislative and information related services in the amount of \$99,000, and office space and related services in the amount of \$8,100 for the period October 1, 2016 through September 30, 2017.

SECTION 2. That the Chief Financial Officer is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$107,100.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, MASC-MGT-RC17BMS1978, Vendor No. 513298.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Intergovernmental Services
Office of Financial Services

CMO: A. C. Gonzalez, 670-3297
Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

Authorize a professional services contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period October 1, 2016 through September 30, 2017 - Not to exceed \$160,000 - Financing: Current Funds

BACKGROUND

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

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

CapitalEdge Strategies, LLC has frequently assisted the City by connecting high-level members of the Administration with Dallas leadership. CapitalEdge Strategies, LLC has also advised on working with federal agencies such as the U.S. Department of Housing and Urban Development, Transportation, Homeland Security, Federal Transit Administration, and The White House.

BACKGROUND (Continued)

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with CapitalEdge Strategies, LLC for FY 2011-12 on October 10, 2011, by Resolution No. 11-2727.

The Legislative Ad Hoc Committee was briefed on October 22, 2012.

Authorized a contract with CapitalEdge Strategies, LLC for FY 2012-13 on November 14, 2012, by Resolution No. 12-2749.

The Dallas City Council was briefed on October 16, 2013.

Authorized a contract with CapitalEdge Strategies, LLC for FY 2013-14 on October 23, 2013, by Resolution No. 13-1837.

The Legislative Ad Hoc Committee was briefed on September 22, 2014.

The Dallas City Council was briefed on October 15, 2014.

Authorized a contract with CapitalEdge Strategies, LLC for FY 2014-15 on October 22, 2014, by Resolution No. 14-1802.

The Legislative Ad Hoc Committee was briefed on October 13, 2015.

Authorized a contract with CapitalEdge Strategies, LLC for FY 2015-16 on October 28, 2015, by Resolution No. 15- 1947.

The Legislative Ad Hoc Committee was briefed on October 10, 2016.

City Council will be briefed on October 19, 2016.

FISCAL INFORMATION

\$160,000.00 - Current Funds

October 26, 2016

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

WHEREAS, on October 10, 2011, Resolution No. 11-2727 authorized a contract with CapitalEdge Strategies, LLC, for FY 2011-12; and

WHEREAS, on November 14, 2012, Resolution No. 12-2749 authorized a contract with CapitalEdge Strategies, LLC, for FY 2012-13; and

WHEREAS, on October 23, 2013, Resolution No. 13-1837 authorized a contract with CapitalEdge Strategies, LLC, for FY 2013-14; and

WHEREAS, on October 22, 2014, Resolution No. 14-1802 authorized a contract with CapitalEdge Strategies, LLC, for FY 2014-15; and

WHEREAS, on October 28, 2015, Resolution No. 15-1947 authorized a contract with CapitalEdge Strategies, LLC, for FY 2015-16; and

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

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

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

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

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

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

October 26, 2016

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to enter into a professional services contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period October 1, 2016 through September 30, 2017, in an amount not to exceed \$160,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$160,000.00 from Fund 0001, Department BMS, Unit 1978, Object Code 3070, Commodity Code 91858, MASC- MGT- RG17BMS1978, Vendor No. VC0000008080.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Intergovernmental Services
Office of Financial Services
Water Utilities

CMO: A. C. Gonzalez, 670-3297
Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a professional services contract with HillCo Partners, LLC for state legislative information and related services for the period October 1, 2016 through September 30, 2017 - Not to exceed \$87,000 - Financing: Water Utilities Current Funds

BACKGROUND

Construction of water infrastructure and planning for water supply will continue to be important issues. Water and wastewater is critical to the quality of life and economic vitality of the City.

HillCo Partners, LLC, a well respected firm with offices in Austin and Washington, D.C., provided the City with legislative consulting and related services during the past four sessions of the state legislature.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with HillCo Partners, LLC for FY 2011-12 on October 10, 2011, by Resolution No. 11-2724.

The Legislative Ad Hoc Committee was briefed on October 22, 2012.

Authorized a contract with HillCo Partners, LLC for FY 2012-13 on November 14, 2012, by Resolution No. 12-2746.

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

The Dallas City Council was briefed on October 16, 2013.

Authorized a contract with HillCo Partners, LLC for FY 2013-14 on October 23, 2013, by Resolution No. 13-1838.

The Legislative Ad Hoc Committee was briefed on September 22, 2014.

The Dallas City Council was briefed on October 15, 2014.

Authorized a contract with HillCo Partners, LLC for FY 2014-15 on October 22, 2014, by Resolution No. 14-1803.

The Legislative Ad Hoc Committee was briefed on October 13, 2015.

Authorized a contract with HillCo Partners, LLC for FY 2015-16 on October 28, 2015, by Resolution No. 15-1948.

The Legislative Ad Hoc Committee was briefed on October 10, 2016.

City Council will be briefed on October 19, 2016.

FISCAL INFORMATION

\$87,000 - Water Utilities Current Funds

October 26, 2016

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

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

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

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

WHEREAS, on October 10, 2011, Resolution No. 11-2724 authorized a contract with HillCo Partners, LLC for FY 2011-12; and

WHEREAS, on November 14, 2012, Resolution No. 12-2746 authorized a contract with HillCo Partners, LLC for FY 2012-13; and

WHEREAS, on October 23, 2013, Resolution No. 13-1838 authorized a contract with HillCo Partners, LLC for FY 2013-14; and

WHEREAS, on October 22, 2014, Resolution No. 14-1803 authorized a contract with HillCo Partners, LLC for FY 2014-15; and

WHEREAS, on October 28, 2015, Resolution No. 15-1948 authorized a contract with HillCo Partners, LLC for FY 2015-16; and

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

NOW, THEREFORE,

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

October 26, 2016

SECTION 1. That the City Manager is authorized to enter into a professional services contract with HillCo Partners, LLC to provide state legislative information and related services for the period October 1, 2016 through September 30, 2017, in an amount not to exceed \$87,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$87,000.00 from Fund 0100, Department DWU, Unit 7015, Object Code 3070, MASC-MGT-DWU7015A1702, Vendor No. VS0000014218.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Mobility and Street Services
Water Utilities

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

MAPSCO: 22G

SUBJECT

Authorize **(1)** street paving, storm drainage, water and wastewater main improvements for Goodnight Lane from Joe Field Road to Royal Lane; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on December 14, 2016, to receive comments - Financing: No cost consideration to the City

BACKGROUND

Goodnight Lane from Joe Field Road to Royal Lane was included in the 2006 Bond Program under the category of Thoroughfares. A professional services contract for the design of this project was authorized by City Council on June 10, 2009, by Resolution No. 09-1463, and this action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The improvements will consist of a 44-foot wide concrete pavement with curbs, sidewalk, bike trail, drive approaches, and installation of a storm drainage system and water and wastewater main improvements.

The paving assessment process requires the following three steps:

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

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

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2009
Completed Design	January 2013
Begin Construction	March 2017
Complete Construction	March 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

Authorized Supplemental Agreement No. 1 to the professional services contract for engineering on January 27, 2010, by Resolution No. 10-0330.

Information about this item will be provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

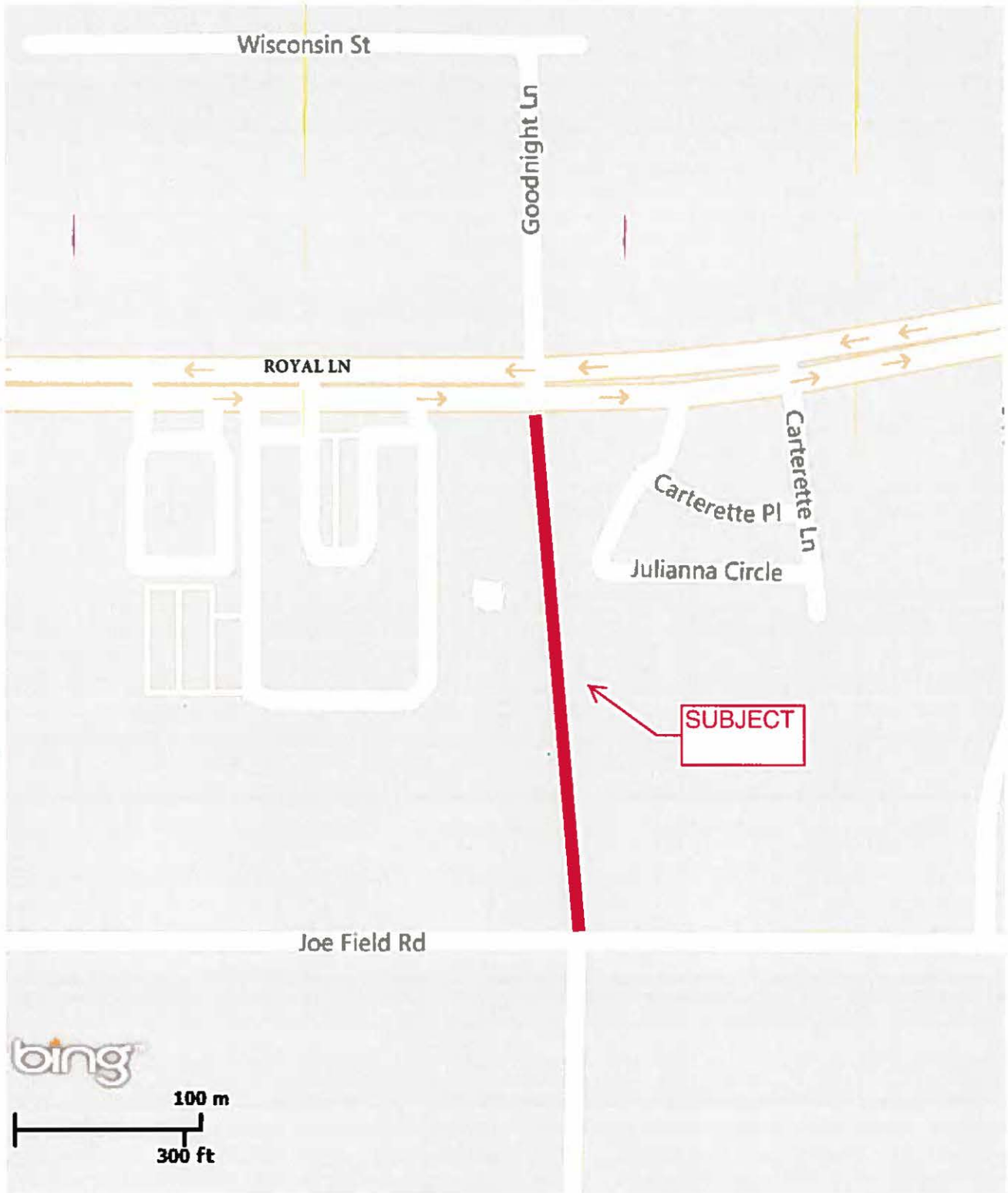
Design	\$ 216,075.00
Supplemental Agreement No. 1	\$ 53,730.00
Supplemental Agreement No. 2	\$ 21,516.00
Construction	
Paving & Drainage - PBW	\$3,266,257.00 (est.)
Water & Wastewater - WTR	\$ <u>385,262.74</u> (est.)
Total Project Cost	\$3,942,840.74 (est.)

This project does involve assessments.

MAP

Attached.

GOODNIGHT LANE FROM JOE FIELD ROAD TO ROYAL LANE PROJECT



MAPSCO 22G



October 26, 2016

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

Now, Therefore,

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

SECTION 1. That the following street

Goodnight Lane from Joe Field Road to Royal Lane

shall be improved in the following manner, to wit:

- (1) That said street shall be profiled so as to bring same to design grade.
- (2) That said street shall be paved from curb to curb with 11-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade stabilization; with 6-inch high integral curbs; with 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with a 10-foot wide bike trail, so that the roadway shall be 44 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 storm sewers, and also all the cost of improving intersections of said street 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:

October 26, 2016

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 Mobility and Street Services. 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 Mobility and Street Services. 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.

October 26, 2016

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 Mobility and Street Services 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:

Goodnight Lane from Joe Field Road to Royal Lane

West Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
	6546	Split 1 Acs. 0.0963
	6545	Tr 17 Acs. 0.6944

East Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
	6546	Acs. 4.0546 Joe Field Rd 379.65FR Emerald

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)

October 26, 2016

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:

Goodnight Lane from Joe Field Road to Royal Lane

for a part of the cost of improving said street, 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 street enumerated above, by paving said street from curb to curb with 11-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade stabilization; with 6-inch high integral curbs; with 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with a 10-foot wide bike trail, so that the roadway shall be 44 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 Mobility and Street Services 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 Mobility and Street Services 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 street, 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:

October 26, 2016**Goodnight Lane from Joe Field Road to Royal Lane**

shall be improved from curb to curb with 11-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade stabilization; with 6-inch high integral curbs; with 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with a 10-foot wide bike trail, so that the roadway shall be 44 feet in width; and

The estimated cost of the improvements is **\$3,651,519.74 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$47.21/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-III (Commercial, Industrial)

The rate for 11-inch adjusted to 10-inch thick reinforced concrete pavement 22 feet wide with curb: **\$143.00/L. F.**

The rate for 4-inch thick reinforced concrete sidewalk is: **\$9.43/L. F.**

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

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **14th** day of **December**, A.D. **2016**, 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

October 26, 2016

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

October 26, 2016

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 **Goodnight Lane from Joe Field Road to Royal Lane**. That said street shall be paved curb to curb with 11-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade stabilization; with 6-inch high integral curbs; with 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with a 10-foot wide bike trail, so that the roadway shall be 44 feet in width; and with estimates of the cost of improving the street 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:

Goodnight Lane from Joe Field Road to Royal Lane

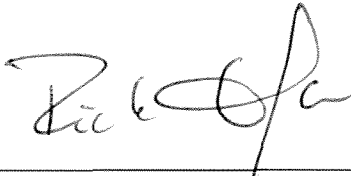
Total Property Owners' Cost - Assessments		\$74,901.69
Total Estimated City of Dallas' Cost - Paving	\$1,430,628.31	
Total Estimated City of Dallas' Cost - Drainage	\$1,760,727.00	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	\$385,262.74	
Total Estimated City of Dallas' Cost		\$3,576,618.05
Total Estimated Cost of Improvements		\$3,651,519.74

Goodnight Lane from Joe Field Road to Royal Lane

Total Property Owners' Cost - Assessments		\$74,901.69
Total Estimated City of Dallas' Cost - Paving	\$1,430,628.31	
Total Estimated City of Dallas' Cost - Drainage	\$1,760,727.00	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	\$385,262.74	
Total Estimated City of Dallas' Cost		\$3,576,618.05
Total Estimated Cost of Improvements		\$3,651,519.74

The Director of Mobility and Street Services reports that Goodnight Lane from Joe Field Road to Royal Lane is being improved per the City of Dallas Thoroughfare Plan to provide access to the neighborhood and promote economic development. 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, Mobility & Street Services Department

**GOODNIGHT LANE FROM JOE FIELD ROAD TO ROYAL LANE
 SHALL BE PAVED FROM CURB TO CURB WITH 11-INCH THICK 4000-POUNDS PER SQUARE INCH
 REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME TREATED SUBGRADE STABILIZATION;
 WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 8-INCH THICK REINFORCED CONCRETE DRIVE
 APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALK 6 FEET WIDE; SO THAT
 THE ROADWAY SHALL BE 44 FEET IN WIDTH; INCLUDING A 10-FOOT WIDE BIKE TRAIL**

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
SAM GARRETT PROPERTIES LLC 2311 JOE FIELD ROAD DALLAS, TX 75229	SPLIT 1 Acs. 0.0963	6546	182 FT PVMT ADJ TO 74 FT PVMT 54 FT WALK 18.3 SY DR(10'Wide)	\$143.00 \$9.43 \$47.21	\$10,582.00 \$509.22 \$863.94	\$11,955.16
DAVID W ANDERSON & JACQUELYN H ANDERSON 42 MARY ST MOUNT VERNON, TX 75457	TR 17 Acs. 0.6944 2265 Goodnight Lane	6545	62 FT PVMT 62 FT WALK	\$143.00 \$9.43	\$8,866.00 \$584.66	\$9,450.66
MASTER CLEANING SUPPLY INC 2254 ROYAL LANE STE 200 DALLAS, TX 75229	TR 1 Acs. 2.1113 155.7X622	6545	NO ASSESSMENT EASEMENTS INTERVINING AND PARTIAL EXISTING PAVEMENT IN PLACE			
EAST SIDE OF PROPERTY						
CURL FLOOR EQUIP&SUPPLY INC P O BOX 817 ANTLERS, OKLAHOMA 74523	1 A/6456 2302 Royal Lane	A/6456	NO ASSESSMENT PAID PROPERTY DAMAGES			
SAM GARRETT PROPERTIES LLC 2311 JOE FIELD RD DALLAS, TX 75229	Acs. 4.0546 Joe Field Rd 379.65FR Emerald	6546	360 FT PVMT 42.7 SY DR(30'Wide)	\$143.00 \$47.21	\$51,480.00 \$2,015.87	\$53,495.87

AGENDA ITEM # 36

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

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Cultural Affairs

CMO: Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize contracts with individual artists and cultural organizations for artist services, on an as-needed, when-needed basis, to the City through the Community Artist Program (list attached) - Not to exceed \$300,000 - Financing: Current Funds

BACKGROUND

The Community Artist Program (CAP) is a function of the Cultural Programs Division of the Office of Cultural Affairs. The program's purpose is to provide support and opportunities for ethnic artists and cultural organizations to teach, perform, and exhibit at host facilities in Dallas neighborhoods.

CAP is open to individual culturally and/or ethnic specific artists and/or ethnic specific arts organizations with administrative offices that are permanently located in the City of Dallas. Artists and nonprofit cultural organizations performing and presenting in the areas of music, dance, theatre, literature, visual arts, film/video, literary arts, and folk art are all eligible to apply.

CAP services are provided through one of three program types:

1. Performance - A proposed performance will introduce an audience to a cultural art form or tradition. Performances average 50 minutes in length plus set up and break down times.
2. Workshops - A workshop is a hands-on opportunity to introduce the audience/participants to a cultural art form or tradition. A workshop series allows the participants to explore the topic in greater detail and includes a culminating activity. A workshop series can be 2 day or 4 day sessions. Each workshop session is generally two hours depending on the need of the host organization.

BACKGROUND (Continued)

3. Residency - Residencies are tailored to the needs of a specific neighborhood, community, or host site(s). Residency programs are implemented by artists with a history of engagement with the community and a commitment to utilize arts education for community development. The goal of the residency program is to provide the opportunity for artists and the community to collaborate on arts projects that develop positive and sustainable neighborhood outcomes. Residency services are a minimum of 1-4 hours per week for a minimum of 2 weeks and a maximum of 8 weeks.

Artists and organizations apply for participation in the CAP program, and are selected through a community panel process. The Office of Cultural Affairs assigns participating artists/organizations to services in the community on a request and need basis. Community hosts include churches, community organizations, recreation centers, social service agencies, and other non-profit groups. Emphasis is placed on underserved or un-served communities that have not had prior exposure to the art form. All funded activities occur within the city of Dallas.

Artist Services

Michelle Hogue

Presentations on African culture from Senegal, Ghana, Ivory Coast, and Nigeria

Alicia Yvette Holmes

Presentations on coming-of-age rituals from around the world

Media One Creations (Angelique Westerfield)

Student lessons on audio production

Anita Martinez Ballet

Traditional Mexican Folklorico dance

Barri Pearson

Jazz music performances

Cara Mia Theatre Company

Theatrical performances designed to introduce students to theater

Candace Miller

Live band performances in various styles of African music

Jesus Evelio Flores

Performances in the artistic tradition of the Mexihua-Nahuatl (Aztec)

BACKGROUND (Continued)

Artist Services

Herbie Johnson

Jazz and Blues performances within the context of African American standards

Indian Cultural Heritage Foundation

Performances in the Asian Indian classic dance Bharatnatyam style

Frida N Lozano

Visual arts workshops and residencies focusing on Hispanic culture

Calvin Sexton (Inner City All-Stars)

Performances in the world musical styles of gospel and traditional New Orleans Brass Band jazz

Lenotha Barnett Jr.

Lectures and performances that reflect the Afro-Latino and Brazilian cultures

Making Connections

Cultural education workshop sessions focused on Hispanic heritage

Melody Bell

Theatrical performances in the art of ancient "griot" storytelling

Michelle Gibson

Movement and music exercises that are mentally and physically stimulating for senior citizen participants

Ollimpaxqui Ballet Company

Performances in the tradition of folklorico dance of Mexico, Central America and South America

Ofelia Faz-Garza

Workshops on zine making - self published materials with short print runs

True Artist Brand (Rhianna Mack)

Theater acting, improvisation techniques, and art craft projects

Sandra Gipson

Workshops teaching participants how to make their own percussive musical instruments from recycled materials

BACKGROUND (Continued)

Artist Services

South Dallas Concert Choir

Performances of African American Classics including Negro spirituals, classics, show tunes and contemporary gospel

Teatro Hispano de Dallas, Inc.

Bilingual theater workshops

Tony Browne (Bandon Koro)

Performances of traditional dance and drum demonstrations from various west African ethnicities

Terrance M. Johnson

Dance activities to promote community outreach, cultural awareness, social consciousness and art education

The Flame Foundation

Workshops and performances in the flamenco dance style

Cynthia Veronica Anzaldua

Folk art projects from diverse cultures and traditions

Renee Miche'al Jones

Workshops that explore the history and culture of Africa through textiles

Alfredo Villanueva

Mural projects and mobile media art projects that raise awareness of community needs

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

Information about this item will be provided to the Arts, Culture and Libraries Committee on October 17, 2016.

FISCAL INFORMATION

\$300,000 - Current Funds

ETHNIC COMPOSITION

Artistic/Cultural Organizations - Staff

Media One Creations

African American Female 1

Anita N Martinez Ballet

Hispanic Female 4 White Female 1
African American Male 1

Cara Mia Theatre Company

Hispanic Male 1 Hispanic Female 1

Indian Cultural Heritage Foundation

Asian American Female 2

Making Connections

Hispanic Female 1

Ollimpaxqui Ballet Company

Hispanic Male 1 Hispanic Female 2
African American Male 1

True Artist Brand

African American Female 1

South Dallas Concert Choir

African American Female 2

Teatro Hispano de Dallas Inc

Hispanic Female 2

The Flame Foundation

Hispanic Female 1 Hispanic Male 1

ETHNIC COMPOSITION (Continued)

Artistic/Cultural Organizations - Board

Anita N Martinez Ballet

Hispanic Female 2 White Female 6

Cara Mia Theatre Company

Hispanic Male 4 Hispanic Female 3

Indian Cultural Heritage Foundation

Asian American Male 2 Asian American Female 1
White Female 2

Ollimpaxqui Ballet Company

Hispanic Male 2 Hispanic Female 2
White Male 1 White Female 1

South Dallas Concert Choir

African American Female 2

Teatro Hispano de Dallas Inc

Hispanic Male 2 Hispanic Female 3
White Male 3 White Female 2
African American Female 1

The Flame Foundation

Hispanic Female 1 Hispanic Male 1

Artistic/Cultural Organizations - Owners

Media One Creations

Angelique Westerfield

Anita N Martinez Ballet

Giles Davidson, President

Cara Mia Theatre Company

Linda Cantu, President

ETHNIC COMPOSITION (Continued)

Artistic/Cultural Organizations - Owners

Indian Cultural Heritage Foundation
Ram Rao, Chair

Making Connections
Dulce Parker

Ollimpaxqui Ballet Company
Eduardo Gutierrez, Chair

True Artist Brand
Rhianna Mack

South Dallas Concert Choir
Alfrelynn Roberts

Teatro Hispano de Dallas Inc
John Fullinwider, President

The Flame Foundation
Delilah Buitron

**Office of Cultural Affairs FY 2016-17
Community Artist Program**

<u>Organization</u>	<u>Amount</u>
Michelle Hogue	\$ 1,000
Alicia Yvette Holmes	\$ 25,000
Media One Creations	\$ 5,500
Anita N Martinez Ballet	\$ 12,000
Barri Pearson	\$ 10,000
Cara Mia Theatre Company	\$ 12,000
Candace Miller	\$ 34,000
Jesus Evelio Flores	\$ 10,000
Herbie Johnson	\$ 10,000
Frida N Lozano	\$ 7,000
Indian Cultural Heritage Foundation	\$ 6,000
Calvin Sexton DBA Inner City All-Stars	\$ 5,500
Lenotha Barnett Jr.	\$ 12,000
Making Connections	\$ 7,000
Melody Bell	\$ 10,000
Michelle Gibson	\$ 25,000
Ollimpaxqui Ballet Company	\$ 7,500
Ofelia Faz-Garza	\$ 6,000
True Artist Brand	\$ 15,000
Sandra Gipson	\$ 12,000
South Dallas Concert Choir	\$ 5,500
Teatro Hispano de Dallas Inc	\$ 11,000
Tony Browne	\$ 20,000
Terrance M. Johnson Dance Project	\$ 9,000
The Flame Foundation	\$ 5,000
Cynthia Veronica Anzaldua	\$ 5,000
Renee Miche'al Jones	\$ 4,000
Alfredo Villanueva	<u>\$ 8,000</u>
TOTAL	\$300,000

October 26, 2016

WHEREAS, on September 21, 2016, by Ordinance No. 30178, the City Council approved funds in the FY 2016-17 operating budget for the procurement of cultural services; and

WHEREAS, the Community Artist Program provides support and opportunities for ethnic artists and cultural organizations to teach, perform, and exhibit at host facilities in Dallas neighborhoods; and

WHEREAS, services provided through the Community Artist Program help to promote cultural awareness, heighten citizen understanding of diverse art forms, and celebrates the various traditions that contribute to the composition of this city; and

WHEREAS, it is desirable to authorize Community Artist Program contracts for FY 2016-17.

Now, Therefore,

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into contracts with individual artists and cultural organizations for artist services, on an as-needed, when-needed basis, to the City through the Community Artist Program in an amount not to exceed \$300,000.

Section 2. That the Chief Financial Officer is authorized to disburse, in periodic payments, an amount not to exceed \$300,000 from Fund 0001, Department OCA, Unit 4878, Object 3089, as invoices are processed by the Office of Cultural Affairs, in the amounts indicated below:

<u>Organization</u>	<u>Amount</u>	<u>Encumbrance</u>	<u>Vendor</u>
Michelle Hogue	\$1,000	OCA4878V045	VS86853
Alicia Yvette Holmes	\$25,000	OCA4878V046	505598
Media One Creations	\$5,500	OCA4878V047	VC14017
Anita N Martinez Ballet	\$12,000	OCA4878V048	269236
Barri Pearson	\$10,000	OCA4878V049	518087
Cara Mia Theatre Company	\$12,000	OCA4878V050	519974

October 26, 2016**Section 2. (Continued)**

<u>Organization</u>	<u>Amount</u>	<u>Encumbrance</u>	<u>Vendor</u>
Candace Miller	\$34,000	OCA4878V051	VC0000008591
Jesus Evelio Flores	\$10,000	OCA4878V052	VS0000018327
Herbie Johnson	\$10,000	OCA4878V053	513407
Frida N Lozano	\$7,000	OCA4878V054	VS0000032876
Indian Cultural Heritage Foundation	\$6,000	OCA4878V055	354652
Calvin Sexton DBA Inner City All-Stars	\$5,500	OCA4878V056	VS0000029954
Lenotha Barnett Jr.	\$12,000	OCA4878V057	246533
Making Connections	\$7,000	OCA4878V058	506487
Melody Bell	\$10,000	OCA4878V059	345334
Michelle Gibson	\$25,000	OCA4878V060	VS0000036514
Ollimpaxqui Ballet Company	\$7,500	OCA4878V061	344347
Ofelia Faz-Garza	\$6,000	OCA4878V062	VS88191
True Artist Brand	\$15,000	OCA4878V063	VC13968
Sandra Gipson	\$12,000	OCA4878V064	VS88190
South Dallas Concert Choir	\$5,500	OCA4878V065	246150
Teatro Hispano de Dallas Inc	\$11,000	OCA4878V066	243541
Tony Browne	\$20,000	OCA4878V067	VS0000036517

October 26, 2016**Section 2.** (Continued)

<u>Organization</u>	<u>Amount</u>	<u>Encumbrance</u>	<u>Vendor</u>
Terrance M. Johnson Dance Project	\$9,000	OCA4878V069	VS91771
The Flame Foundation	\$5,000	OCA4878V070	VS0000043189
Cynthia Veronica Anzaldua	\$5,000	OCA4878V071	342514
Renee Miche'al Jones	\$4,000	OCA4878V072	513892
Alfredo Villanueva	\$8,000	OCA4878V073	VS90328

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 # 37

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

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Cultural Affairs

CMO: Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize contracts with cultural organizations for the provision of services to the City through the Cultural Services Contracts Program (list attached) - Not to exceed \$5,052,030 - Financing: Current Funds

BACKGROUND

On September 21, 2016, by Ordinance No. 30178, the City Council approved funds in the FY2016-17 operating budget for services procured from cultural organizations. The Office of Cultural Affairs staff and the Cultural Affairs Commission reviewed proposals from Cultural Organizations. Proposals were evaluated and funding levels were recommended and approved by the Cultural Affairs Commission.

The Cultural Services Contracts Program provides operating support to eligible organizations in exchange for cultural services to the citizens of Dallas over a twelve-month period. All services must be provided no later than September 30, 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

On September 15, 2016, the Cultural Affairs Commission approved FY 2016-17 Cultural Organization Program funding.

FISCAL INFORMATION

\$5,052,030 - Current Funds

ETHNIC COMPOSITION

Staff

Anita N. Martinez Ballet Folklorico, Inc.

Hispanic Female	4
African American Male	1
White Female	1

Artreach-Dallas, Inc

White Male	1	White Female	2
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Big Thought

African American Male	13	African American Female	32
Asian Male	0	Asian Female	1
Hispanic Male	14	Hispanic Female	30
White Male	12	White Female	23

The Black Academy of Arts & Letters, Inc.

African American Male	6	African American Female	4
Hispanic Female	7	Hispanic Male	4

Cara Mia Theatre Co.

Hispanic Male	1	Hispanic Female	1
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Children's Chorus of Greater Dallas

White Male	7	White Female	16
Hispanic Male	1		

Creative Arts Center of Dallas

Hispanic Male	1	Hispanic Female	2
White Female	3		

Crow Collection of Asian Art

African American Male	1	African American Female	2
Asian American Male	2	Asian American Female	3
Hispanic Male	5	Hispanic Female	3
White Male	4	White Female	23

ETHNIC COMPOSITION

Staff (continued)

Dallas Black Dance Theatre, Inc.

African American Male	7	African American Female	14
Asian Male	1	Asian Female	2
White Male	1	White Female	2

Dallas Chamber Symphony

White Male	2	White Female	3
Asian American Male	1	Hispanic Female	1
Native American Female	1		

Dallas Children's Theater

African American Male	6	African American Female	4
Asian Male	1	Asian Female	1
Hispanic Male	8	Hispanic Female	5
White Male	44	White Female	49

Dallas County Heritage Society

Hispanic Male	0	Hispanic Female	2
White Male	5	White Female	13

Dallas Historical Society

African American Male	0	African American Female	1
White Male	1	White Female	5
Hispanic Female	2		

Dallas Museum of Art

African American Male	20	African American Female	41
Asian Male	0	Asian Female	3
Hispanic Male	13	Hispanic Female	24
Native American Male	1	Native Hawaiian Female	0
White Male	50	White Female	82

ETHNIC COMPOSITION

Staff (continued)

The Dallas Opera

African American Male	2	African American Female	2
Hispanic Male	1	Hispanic Female	1
White Male	12	White Female	22

Dallas Summer Musicals, Inc.

African American Male	0	African American Female	2
White Male	24	White Female	16

Dallas Theater Center

African American Male	4	African American Female	3
Hispanic Male	1	Hispanic Female	2
White Male	17	White Female	20

Dallas Wind Symphony

White Male	2	White Female	2
Hispanic Male	1		

Fine Arts Chamber Players

White Male	0	White Female	3
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Greater Dallas Youth Orchestra

African American Male	1	Asian Female	1
Asian Male	1		
White Male	3	White Female	9

Junior Players Guild

African American Male	1	African American Female	0
Hispanic Female	1	White Female	0

ETHNIC COMPOSITION

Staff (continued)

Kitchen Dog Theater Company

Hispanic Male	1		
White Male	2	White Female	2

Perot Museum of Nature & Science

African American Male	5	African American Female	19
Asian American Male	1	Asian American Female	6
Hispanic Male	23	Hispanic Female	46
White Male	62	White Female	138
Pacific Islander Male	2	Pacific Islander Female	6

Museum of African American Life and Culture

African American Male	4	African American Female	6
Hispanic Male	0	Hispanic Female	0
White Male	0	White Female	0

Sammons Center for the Arts

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

The Shakespeare Festival of Dallas

African American Male	1	Native American Male	2
Hispanic Male	3	Hispanic Female	4
White Male	12	White Female	15

Teatro Hispano de Dallas

Hispanic Female	3		
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TeCo Theatrical Productions, Inc.

White Male	2	Hispanic Female	1
		African American Female	2

ETHNIC COMPOSITION

Staff (continued)

Texas International Theatrical Arts Society

Hispanic Male	1	Hispanic Female	0
White Male	1	White Female	1

Texas Winds Musical Outreach, Inc.

White Male	0	White Female	3
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Theater Three, Inc.

African American Male	0	African American Female	1
Hispanic Male	1	Hispanic Female	0
White Male	5	White Female	4

Turtle Creek Chorale, Inc.

White Male	6	White Female	0
Asian American Male	1	Hispanic Male	1

Undermain Theater

White Male	7	White Female	6
African American Male	2	African American Female	0
Hispanic Male	2	Hispanic Female	0
Native American Female	1	Asian American Female	1

USA Film Festival

White Male	0	White Female	3
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The Writer's Garret

White Female	3	Hispanic Female	1
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ETHNIC COMPOSITION

Board

Anita N. Martinez Ballet Folklorico, Inc.

Hispanic Female	2	White Female	6
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Artreach Dallas, Inc

Asian Male	1		
White Male	7	White Female	20

Big Thought

African American Male	4	African American Female	5
Asian Male	0	Asian American Female	1
Hispanic Male	2	Hispanic Female	1
White Male	19	White Female	25

The Black Academy of Arts & Letters, Inc.

African American Male	2	African American Female	6
White Male	0	White Female	1

Cara Mia Theatre Co.

Hispanic Male	4	Hispanic Female	3
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Children's Chorus of Greater Dallas

African American Female	2	Hispanic Male	1
Asian Female	1		
White Female	11	White Male	2

Creative Arts Center of Dallas

White Male	6	White Female	4
Hispanic Male	2		

Crow Collection of Asian Art

Asian American Male	2	Asian American Female	1
Hispanic Female	1	White Male	6
White Female	2		

ETHNIC COMPOSITION

Board (continued)

Dallas Black Dance Theatre, Inc.

African American Male	12	African American Female	21
Hispanic Male	1	Hispanic Female	1
White Male	2	White Female	9

Dallas Chamber Symphony

African American Female	1	Hispanic Male	1
Native American Female	1	White Male	4
White Female	4		

Dallas Children's Theater

African American Male	1	African American Female	4
Hispanic Male	1	Hispanic Female	2
White Male	10	White Female	19
Asian American Female	1		

Dallas County Heritage Society

African American Male	4	African American Female	1
Hispanic Male	2	Hispanic Female	0
White Male	16	White Female	30
Asian American Male	1		

Dallas Historical Society

African American Male	2	African American Female	2
Hispanic Male	0	Hispanic Female	2
White Male	19	White Female	19
Asian American Male	1		

Dallas Museum of Art

African American Male	1	African American Female	4
Asian Male	0	Asian American Female	2
Hispanic Male	2	Hispanic Female	0
White Male	27	White Female	26

ETHNIC COMPOSITION

Board (continued)

The Dallas Opera

Hispanic Male	1	Hispanic Female	0
White Male	31	White Female	31
African American Male	1	Native Hawaiian Female	1

Dallas Summer Musicals, Inc.

African American Male	6	African American Female	6
Hispanic Male	3	Hispanic Female	7
White Male	52	White Female	66

Dallas Theater Center

African American Male	3	African American Female	2
Hispanic Male	0	Hispanic Female	1
White Male	30	White Female	27

Dallas Wind Symphony

White Male	17	White Female	5
Hispanic Male	1	Native American Female	1

Fine Arts Chamber Players

White Male	2	African American Female	1
Hispanic Male	1	White Female	5
		Asian Female	1

Greater Dallas Youth Orchestra

African American Male	1	African American Female	2
Asian Male	1	Asian American Female	1
White Male	11	White Female	14

Junior Players Guild

African American Male	2	African American Female	1
Hispanic Male	2	Hispanic Female	2
White Male	1	White Female	4

ETHNIC COMPOSITION

Board (continued)

Kitchen Dog Theater Company

Hispanic Male	1	Hispanic Female	0
White Male	8	White Female	3
African American Female	1		

Perot Museum of Nature & Science

African American Male	1	African American Female	1
Hispanic Male	1		
White Male	16	White Female	10

Museum of African American Life and Culture

African American Male	22	African American Female	25
Native Hawaiian Male	1		
White Male	1		

Sammons Center for the Arts

African American Male	1	African American Female	1
Hispanic Male	1	Hispanic Female	0
White Male	10	White Female	2

The Shakespeare Festival of Dallas

African American Male	1	African American Female	1
Hispanic Female	1	White Female	7
White Male	4		

Teatro Hispano de Dallas

Hispanic Male	2	Hispanic Female	3
Pacific Islander Male	3	Pacific Islander Female	2
African American Female	1		

TeCo Theatrical Productions, Inc.

African American Male	2	African American Female	3
White Male	2	White Female	1
Hispanic Female	1		

ETHNIC COMPOSITION

Board (continued)

Texas International Theatrical Arts Society

African American Male	0	African American Female	1
Hispanic Male	1	Hispanic Female	0
White Male	14	White Female	12
Asian American Female	1		

Texas Winds Musical Outreach, Inc.

African American Male	0	African American Female	2
White Male	2	White Female	6
Hispanic Male	1		

Theater Three, Inc.

African American Male	0	African American Female	1
Hispanic Male	0	Hispanic Female	2
White Male	8	White Female	5

Turtle Creek Chorale, Inc.

White Male	9	White Female	1
African American Male	1	African American Female	1

Undermain Theater

White Male	9	White Female	9
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USA Film Festival

African American Male	1	African American Female	2
Hispanic Male	1	Hispanic Female	2
White Male	19	White Female	41

The Writer's Garret

African American Female	1	Hispanic Female	1
White Male	2	White Female	2
Asian American Female	1		

OWNERS

Anita N. Martinez Ballet Folklorico, Inc

Giles Davidson, President

Artreach-Dallas, Inc.

Susie Strauss Breen, President

Big Thought

Bill Albers, Chair

The Black Academy of Arts & Letters, Inc.

Barbara Steele, Chair

Cara Mia Theatre Co.

Linda Cantu, President

Children's Chorus of Greater Dallas

Lani Burgar, Chair

Creative Arts Center of Dallas

Derek Jones, President

Crow Collection of Asian Art

Trammell Crow, President

Dallas Black Dance Theatre, Inc

Gilbert Gerst, Chair

Dallas Chamber Symphony

James T. Langham, Jr., President

Dallas Children's Theater

Carol March, President

OWNERS (Continued)

Dallas County Heritage Society

Jethro Pugh III, President

Dallas Historical Society

Margaret Keliher, Chair

Dallas Museum of Art

Melissa Foster Fetter, Chair

The Dallas Opera

Holly Mayer, Chair

Dallas Theater Center

Julie Hersh, Chair

Dallas Wind Symphony

Ross L. Finkleman, Chair

Fine Arts Chamber Players

Celeste Yeager, President

Greater Dallas Youth Orchestra

Nita Prothro Clark, Chair

Junior Players Guild

Derwin Broughton, President

Kitchen Dog Theater Company

Paul Barnes, President

OWNERS (Continued)

Perot Museum of Nature & Science

John Jagers, Chair

Museum of African American Life and Culture

Wright L. Lassiter, Jr., President

Sammons Center for the Arts

Mary Anne Sammons Cree, Chair

Shakespeare Festival of Dallas

Jennifer Green Moneta, Chair

Teatro Hispano de Dallas

John Fullinwider, President

TeCo Theatrical Productions, Inc.

C.W. Whitaker, Chair

Texas International Theatrical Arts Society

Fred Margolin, President

Texas Winds Musical Outreach, Inc.

Kay Ellis, President

Theatre Three, Inc.

Scott Williams, Chair

Turtle Creek Chorale, Inc.

David Hess, Chair

Undermain Theater

Lin Medlin, President

OWNERS (Continued)

USA Film Festival

Greg Nieberding, Chair

The Writer's Garret

J. Roderick Pannek, President

Office of Cultural Affairs FY 2016-17

<u>Organization</u>	<u>Amount</u>
Anita N. Martinez Ballet Folklorico, Inc.	\$ 73,645
Artreach-Dallas, Inc.	\$ 34,114
Big Thought	\$ 703,128
The Black Academy of Arts & Letters, Inc.	\$ 203,112
Cara Mia Theatre Co.	\$ 54,258
Children's Chorus of Greater Dallas	\$ 45,415
Creative Arts Center of Dallas	\$ 23,363
Crow Collection of Asian Art	\$ 30,000
Dallas Black Dance Theatre, Inc.	\$ 357,711
Dallas Chamber Symphony	\$ 25,000
Dallas Children's Theater	\$ 150,222
Dallas County Heritage Society	\$ 162,549
Dallas Historical Society	\$ 16,886
Dallas Museum of Art	\$1,075,896
The Dallas Opera	\$ 164,500
DSM Management Group, Inc.	\$ 72,500
Dallas Theater Center	\$ 41,007
Dallas Wind Symphony	\$ 37,811
Fine Arts Chamber Players	\$ 47,604
Greater Dallas Youth Orchestra	\$ 50,367
Junior Players Guild	\$ 61,257
Kitchen Dog Theater Company	\$ 44,564
Perot Museum of Nature & Science	\$ 770,926
Museum of African American Life and Culture	\$ 19,350
Sammons Center for the Arts	\$ 162,370
The Shakespeare Festival of Dallas	\$ 91,156
Teatro Hispano de Dallas	\$ 63,831
TeCo Theatrical Productions, Inc.	\$ 93,782
Texas International Theatrical Arts Society	\$ 59,314
Texas Winds Musical Outreach, Inc.	\$ 51,646
Theater Three, Inc.	\$ 85,420
Turtle Creek Chorale, Inc.	\$ 54,841
Undermain Theater	\$ 33,594
U S A Film Festival	\$ 50,567
The Writer's Garret	<u>\$ 40,324</u>
TOTAL	\$5,052,030

October 26, 2016

WHEREAS, on September 21, 2016, by Ordinance No. 30178, the City Council approved funds in the 2016-17 operating budget for the procurement of services from cultural organizations; and

WHEREAS, Cultural Services Contracts provide operating support to eligible organizations in exchange for cultural services to the citizens of Dallas over a twelve month period; and

WHEREAS, it is necessary for the City to define services to be received through the Cultural Services Program and authorize payment of these funding allocations during the 2016-17 fiscal year.

Now, Therefore,

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter to contracts with cultural organizations for the provision of services to the City through Cultural Services Contracts in an amount not to exceed \$5,056,030.

Section 2. That the Chief Financial Officer is authorized to disburse, in periodic payments, an amount not to exceed \$5,056,030 from Fund 0001, Department OCA, as invoices are processed by the Office of Cultural Affairs, in the amounts indicated below:

<u>Organization</u>	<u>Amount</u>	<u>Encumbrance</u>	<u>Vendor</u>	<u>Unit</u>	<u>Object</u>
Anita N. Martinez Ballet Folklorico, Inc.	\$73,645	OCA4836V100	269236	4836	3089
Artreach-Dallas, Inc.	\$34,114	OCA4836V101	223078	4836	3089
Big Thought	\$661,460	OCA4836V102	269229	4836	3089
	\$41,668			4836	3070
The Black Academy of Arts & Letters, Inc.	\$103,112	OCA4836V103	219248	4836	3089
	\$100,000			1736	3089
Cara Mia Theatre Co.	\$54,258	OCA4836V104	357327	4836	3089
Children's Chorus of Greater Dallas	\$45,415	OCA4836V105	359020	4836	3089

October 26, 2016

Section 2. (Continued)

<u>Organization</u>	<u>Amount</u>	<u>Encumbrance</u>	<u>Vendor</u>	<u>Unit</u>	<u>Object</u>
Creative Arts Center Of Dallas	\$23,363	OCA4836V106	VS0000036818	4836	3089
Crow Collection of Asian Art	\$30,000	OCA4836V107	514650	4836	3089
Dallas Black Dance Theatre, Inc.	\$87,711 \$100,000 \$170,000	OCA4836V108	219206	4836 1736 4854	3089 3089 3099
Dallas Chamber Symphony	\$25,000	OCA4836V113	VS0000073121	4836	3089
Dallas Children's Theater	\$150,222	OCA1736V109	243720	4836	3089
Dallas County Heritage Society	\$162,549	OCA4836V129	126247	4836	3089
Dallas Historical Society	\$16,886	OCA4836V130	126319	4836	3089
Dallas Museum of Art	\$420,620 \$655,276	OCA1736V131	188483	4836 1736	3089 3089
The Dallas Opera	\$39,500 \$125,000	OCA1736V110	207225	4836 1736	3089 3089
DSM Management Group, Inc.	\$72,500	OCA4813V134	VS0000049924	4813	3099
Dallas Theater Center	\$41,007	OCA4836V111	077356	4836	3089
Dallas Wind Symphony	\$37,811	OCA4836V112	243546	4836	3089

October 26, 2016

Section 2. (Continued)

<u>Organization</u>	<u>Amount</u>	<u>Encumbrance</u>	<u>Vendor</u>	<u>Unit</u>	<u>Object</u>
Fine Arts Chamber Players	\$47,604	OCA4836V115	223166	4836	3089
Greater Dallas Youth Orchestra	\$50,367	OCA4836V116	219235	4836	3089
Junior Players Guild	\$61,257	OCA4836V117	223195	4836	3089
Kitchen Dog Theater Company	\$44,564	OCA4836V118	239976	4836	3089
Perot Museum of Nature & Science	\$220,926 \$550,000	OCA4836V133	263880	4836 1736	3089 3089
Museum of African American Life and Culture	\$19,350	OCA4836V132	219251	4836	3089
Sammons Center for the Arts	\$86,370 \$76,000	OCA4836V135	265704	4836 4845	3089 3099
The Shakespeare Festival of Dallas	\$91,156	OCA4836V120	128849	4836	3089
Teatro Hispano de Dallas	\$63,831	OCA4836V121	243541	4836	3089
TeCo Theatrical Productions, Inc.	\$93,782	OCA4836V122	507328	4836	3089
Texas International Theatrical Arts Society	\$59,314	OCA4836V125	269237	4836	3089
Texas Winds Musical Outreach, Inc.	\$51,646	OCA4836V123	269232	4836	3089
Theater Three, Inc.	\$85,420	OCA4836V124	219189	4836	3089

October 26, 2016

Section 2. (Continued)

<u>Organization</u>	<u>Amount</u>	<u>Encumbrance</u>	<u>Vendor</u>	<u>Unit</u>	<u>Object</u>
Turtle Creek Chorale, Inc.	\$54,841	OCA4836V126	223283	4836	3089
Undermain Theater	\$33,594	OCA4836V114	223140	4836	3089
U S A Film Festival	\$50,567	OCA4836V127	223296	4836	3089
The Writer's Garret	\$40,324	OCA4836V128	350999	4836	3089
TOTAL	\$5,052,030				

Section 3. That the following services, at a minimum, are to be performed by the Cultural Agencies for the period October 1, 2016, through September 30, 2017:

Anita N. Martinez Ballet Folklorico, Inc.

The cultural agency will serve over 110,000 people through 282 programs that include: 2 semesters of Dance Academy classes, each session ending with a recital; 2 Dance Academy Open Houses; advanced dance workshops; 4 major educational and cultural awareness productions celebrating Hispanic Heritage Month, "The Clever Monkey", "Dia de los Muertos", "Too Many Tamales" and "Cinco de Mayo" at the Winspear Opera House, Latino Cultural Center and the Dallas City Performance Hall. Over 8,000 students will experience educational matinee performances at the Winspear Opera House and Latino Cultural Center. The professional company will also perform and teach satellite programs at elementary, middle and high schools throughout the City of Dallas. A four-week camp in June is free to all DISD students and geared toward elementary school and middle school pupils. The three-week summer camp is taught utilizing ANMBF curriculum. Along with the professional Ballet Folklorico Company, Mini-Professional Company, Children's Ensemble and Junior Companies will participate in; Dance Africa, Arts District Block Party and various community festivals including The State Fair of Texas, Lamar Street Festival, Dance for the Planet, and City Arts Celebration.

October 26, 2016**Section 3. (Continued)****Performance Benchmarks for the COP FY16-17 Payment Periods****1. 10/1/16 – 12/30/16**

- After School Programs at Elementary Schools
- Educational Field Trip Celebrating “Hispanic Heritage Month” Production at the Latino Cultural Center.
- Production Celebrating “Hispanic Heritage Month” Production at the Latino Cultural Center
- “Festival Latino Americano” in Dallas Art’s District
- State Fair of Texas “Mundo Latino” event
- Fall for the Arts at Klyde Warren Park
- “Dia de los Muertos” Community Presentation at Perot Museum
- Holiday Celebration at North Park Mall Center
- ANMBF Youth Auditions/Open House
- “Too Many Tamales” Original Show
- Holiday Event at ATTPAC

2. 1/1/17 – 3/15/17

- Spring Dance Academy Open House
- Dance Academy Spring session
- Festival De Los Mavs
- Dance Academy Spring Fiesta
- Dance for the Planet
- Earth Day Dallas
- Spring Dance Recital

3. 4/16/17 – 9/30/17

- The Clever Monkey, How the Tiger Got His Stripes, Latino Cultural Center
- “Cinco de Mayo” Production at the Winspear Opera House
- Cinco de Mayo Community Performance at the Perot Museum
- Boys and Girls Club Summer Enrichment
- Free DISD Summer Cultural Camp
- Asociación Nacional de Grupos Folkloricos Annual Conference
- Dance Academy (summer session)
- Summer Enrichment Cultural Camp -Preschool
- Folklorico outdoors community event at Artist Square
- Summer Dance Recital
- Dance Academy Fall session

October 26, 2016

Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Services
Camp	4
Class/Workshop	38
Fair/Festival/Carnival	80
Performance/Presentation	160
Totals	282

Event Type	Attendance
Camp	800
Class/Workshop	3,000
Fair/Festival/Carnival	45,000
Performance/Presentation	61,200
Totals	110,000

Artreach-Dallas, Inc.

The cultural agency will serve approximately 30,000 children, parents and teachers from DISD, private schools, parochial schools and home schools in the City of Dallas through 3 program initiatives: *Community Events*, *Infacility* programming and the *Booking Service*. Through the *Community Events* ticket distribution program, empty seats are filled by making tickets available to citizens whose access to the cultural community is otherwise often unavailable. The *Infacility* program provides custom designed instruction and residencies to schools, community centers, retirement homes, and service organizations through direct artistic instruction and services from professional artists. The *Booking Service* supports outreach efforts of arts and cultural institutions and provides coordination of field trips for school groups, institutions, and community based groups to attend performances and exhibitions. Artreach *Community Events* program provides donated tickets to approximately 16,000 economically disadvantaged children, adults, disabled and elderly citizens of Dallas.

Performance Benchmarks for the COP FY16-17 Payment Periods

The Artreach *Booking Service* represents Dallas Children's Theater, Dallas Black Dance Theater, and the African American Museum. Each of the above organization's calendars of events is used for booking purposes.

October 26, 2016**Section 3. (Continued)****1. 10/1/16 – 12/30/16**

- Community Events (23)
- Infacility Program (6)
- Booking Service (100)

2. 1/1/17 – 4/15/17

- Community Events (24)
- Infacility Program (7)
- Booking Service (98)

3. 4/16/17 – 9/30/17

- Community Events (22)
- Infacility Program (5)
- Booking Service (97)

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Class/Workshop	3
Exhibit, Temporary	2
Exhibit/Permanent	3
Performance/Presentation	291
Residency	2
Tour	81
Totals	382

Event Type	Attendance
Class/Workshop	210
Exhibit, Temporary	4,173
Exhibit/Permanent	4,700
Performance/Presentation	16,180
Residency	325
Tour	4,935
Totals	30,523

October 26, 2016**Section 3. (Continued)****Big Thought**

The cultural agency will serve an estimated 450,000 attendees, students, teachers and families in Dallas, through creative learning events and programs intended to close the opportunity gap by providing experiences which enhance academic achievement, youth development and family learning. Through Big Thought's programs, children and adults will be served by an estimated 2717 classes/workshops, 1359 performances and presentations, 128 camp services and attendance at fairs, festivals and exhibits during the 2016-2017 program cycle. Direct services include: School day, after-school and summer classes, workshops, and performances delivered by professional artists; Creative Solutions – master teaching artists helping at-risk teens on probation, in detention and in other environments; and Library Live! – free programs in Dallas public libraries. In addition, funding is also included for Big Thought to support multi-week summer camps at Office of Cultural Affairs Cultural Centers; serve as the managing partner of Learning Partners (formerly Dallas ArtsPartners); and also act as the managing partner for Thriving Minds, including the Dallas City of Learning initiative which uses technology to connect students to learning opportunities in their communities, across Dallas and online. With an emphasis on community partnerships, Big Thought will coordinate the resources of the Office of Cultural Affairs, other City departments and agencies, Dallas Independent School District and more than 200 cultural partners to deliver creative learning activities and resources to Dallas students. Management activities include facilitating governance, planning activities and events, and taking direct responsibility for private sector fundraising, program implementation, professional development and fiscal management. Big Thought will support training, transportation, and direct services provided by the cultural community for out-of-school activities to be conducted in neighborhood venues. During the project period, research and evaluation data will also be collected to support systemic implementation across Dallas.

Performance Benchmarks for the COP FY16-17 Payment Periods**1. 10/1/16 – 12/31/16**

- Class/Workshop – 951
- Exhibit-Permanent – 21
- Performance-Presentation – 299

October 26, 2016**Section 3. (Continued)****Performance Benchmarks for the COP FY16-17 Payment Periods****2. 1/1/17 – 4/15/17**

- Class/Workshop – 1141
- Exhibit-Permanent – 391
- Fair/Festival – 9
- Performance-Presentation - 843

3. 4/16/17 – 9/30/17

- Camp – 128
- Class/Workshop – 625
- Exhibit-Permanent – 110
- Fair/Festival – 79
- Performance-Presentation – 217

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Camp	128
Class/Workshop	2,717
Exhibit – Permanent	522
Fair/Festival	88
Performance/Presentation	1,359
Totals	4,814

Big Thought

Event Type	Attendance
Camp	1,600
Class/Workshop	309,192
Exhibit – Permanent	36,100
Fair/Festival	9400
Performance/Presentation	93,963
Totals	450,255

October 26, 2016**Section 3. (Continued)****The Black Academy of Arts and Letters, Inc.**

The cultural agency will serve over 300,000 people and conduct one art exhibit, thirteen theatrical productions, nineteen literary arts and spoken word performances, twelve concerts, one dance performance, and two film features. The cultural organization's outreach to underserved communities includes partnerships with agencies such as Boys and Girls Clubs, Dallas County Restitution Program, AIDS Interfaith Network, Dallas Can Academy, and the Torri Program. The organization's outreach programs benefit inner city multi-ethnic school students, at-risk children, and youth in the juvenile justice system. Educational programs will include the "Summer Youth Arts Institute", the "Summer Arts Intensive Education Training with the Masters," the annual "Christmas/Kwanzaa Concert," "Black Music and the Civil Rights Movement Concert: A Tribute to Rev. Dr. Martin Luther King, Jr" and the "Promising Young Artists Series."

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- Art Exhibition with 2 Tours
- Theatre Productions (5)
- Music Concerts (3)
- Literary Programs (Poetry, Writer's Breakfast, Spoken Word) (7)
- 24 Hour Film Fest (1)
- Comedy Performances (2)

2. 1/1/17 – 4/15/17

- Art Exhibition with 4 Tours
- Music Concerts (6)
- Theatre Productions (4)
- Dance Performance (1)
- Literary Programs (Poetry, Writer's Breakfast, Spoken Word) (8)
- 24 Hour Film Fest (1)
- Comedy Performances (2)
- Camp (2)

3. 4/16/17 – 9/30/17

- Art Exhibition with 4 Tours
- Music Concerts (3)
- Theatre Productions (4)
- Literary Programs (Poetry, Writer's Breakfast, Spoken Word) (4)
- Summer Youth Arts Institute Camp (1)
- Summer Arts Intensive Education Training with the Masters Camp (1)
- Comedy Performances (6)

October 26, 2016

Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Services
Camp	4
Class/Workshop	25
Exhibit/Permanent	40
Fair/Festival/Carnival	2
Performance/Presentation	70
Other	60
Totals	201

Event Type	Attendance
Camp	30,000
Class/Workshop	5,000
Exhibit/Permanent	40,000
Fair/Festival/Carnival	5,000
Performance/Presentation	55,000
Other	195,000
Totals	330,000

Cara Mia Theatre Co.

The cultural agency will serve an estimated 26,000 people by hosting approximately 453 events in the 2016-2017 Season. Cara Mía Theatre Co. is presenting a five-production season, which includes is a Theatre Mitu production entitled, *Juárez: A Documentary Mythology*. The organization will also be presenting a new works playscript series to showcase work in development. They will also provide educational programs throughout the year for schools, cultural centers and community centers. These programs include educational residencies, touring plays, field trip programming, and The School Of YES!, that provides youth with skills to say YES to a future of their choice through multidisciplinary and multicultural arts program.

Performance Benchmarks for Payment Periods**1. 10/1/16– 12/30/16**

- *Crystal City 1969* by David Lozano and Raul Treviño at the Latino Cultural Center
- *JUÁREZ: A Documentary Mythology*
- *Nuestra Pastoreal* by Jeffrey Farrell & David Lozano at the Latino Cultural Center
- *The Legend of the Bluebonnet* by Roxanne Schroeder-Arce – Developmental Reading at the Dallas Children’s Theater
- School Of YES! – Harry Montessori School

October 26, 2016

Section 3. (Continued)**Performance Benchmarks for the COP FY16-17 Payment Periods****2. 1/1/17 – 4/15/17**

- *Anthem to Atzlán* by Tlaloc Rivas – Developmental Reading at Latino Cultural Center
- *Where Earth Meets the Sky* – by Edyka Chilomé, Ariana Cook, and Vanessa Mercado Taylor – Developmental Reading at Latino Cultural Center
- *Yemaya's Belly* by Quiara Alegría Hudes at the Latino Cultural Center
- *De Troya* by Caridad Svich
- School Of YES! – Harry Montessori School

3. 4/16/17 – 9/30/17

- Summer Camps at Latino Cultural Center
- School Of YES! Summer Camp at Oak Cliff Cultural Center

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Camps	2
Class/Workshop	60
Fair/Festival	1
Performance/Presentation	90
Tour/Rehearsal/Other	300
Totals	453

Event Type	Attendance
Camps	6,000
Class/Workshop	1,800
Fair/Festival	100
Performance/Presentation	13,000
Tour/Rehearsal/Other	5,500
Totals	26,400

October 26, 2016**Section 3. (Continued)****Children's Chorus of Greater Dallas**

The cultural agency will serve approximately 30,000 people by: leading classes/workshops for more than 650 students; presenting three seasonal concerts at the Meyerson Symphony Center; making 11 guest appearances with other groups (Arts District Chorale, Greater Dallas Youth Orchestra, and Dallas Symphony Orchestra); and performing 6 free in-school concerts at DISD and other area elementary schools and 3 free concerts at various venues in Dallas. To further build diversity the cultural agency has developed two Neighborhood Choruses at West Dallas Community School, which serves Hispanic and African American students. The organization conducts observations of school choruses, providing feedback to district administrators as well as to individual educators. Professional development credit is also offered to DISD teachers who attend and observe CCGD's rehearsals and Summer Singing Camp. CCGD provides free concert tickets to area music teachers through its teacher affinity program. This season CCGD, in partnership with the Texas Choral Directors Association, will host a free conducting master class for elementary music teachers and middle and high school choral directors with nationally renowned clinician Dr. Sandra Snow. The cultural agency has an established relationship with the Circle of Support, which serves African-American students. Circle of Support students attend the Summer Singing Camp at no charge, as do students enrolled in a DISD school.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- Performance at Dallas City Performance Hall featuring four downtown choruses
- "Fall into Winter" concert at the Meyerson featuring all six downtown choruses
- Guest appearance with the Arts District Chorale at their annual holiday concert
- Guest appearance at Greater Dallas Youth Orchestra's annual "Holiday Magic" concert
- Guest appearance on matinee performances of Dallas Symphony Orchestra's annual "Christmas Pops" concerts
- Neighborhood Chorus in-school performances

October 26, 2016

Section 3. (Continued)

Performance Benchmarks for Payment Periods (Continued)

2. 1/1/17 – 4/15/17

- “A World of Song” concert at the Meyerson featuring all six downtown choruses and two neighborhood choruses
- Outreach Chorus performances
- Performance at Dallas Opera “Madame Butterfly” simulcast
- Free conducting masterclass featuring three downtown choruses
- Guest appearance on Dallas Symphony Orchestra’s “St. Matthew Passion” concerts
- Free performance at Klyde Warren Park featuring six downtown choruses

3. 4/16/17 – 9/30/17

- Performance at First United Methodist Church worship service
- “Season Finale” concert at the Meyerson featuring all six downtown choruses
- Neighborhood Chorus in-school performance
- Summer Singing Camp and concerts

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Camp Workshop	10
Rehearsals	295
Performance/Presentation	31
Totals	336

Event Type	Attendance
Camp Workshop	160
Rehearsals	520 singers attending weekly rehearsals
Performance/Presentation	29,100
Totals	29,780

October 26, 2016**Section 3. (Continued)****Creative Arts Center of Dallas**

The cultural agency will serve nearly 14,000 people by hosting 500 classes, workshops and events in the 2016-2017 year. This will include visual art classes; professional development workshops; outreach programs for underserved groups; an annual membership show, department and community shows, including an annual show with Booker T. Washington High School for the Performing & Visual Arts. At Bayles Elementary they will produce a photography program named, *unseenamerica*. They will also participate in the White Rock Artist Studio Tour. They will continue to produce their outreach programs which include, *Camp MetalHead*, *ArtAbility*, *unseenamerica* and *Art as a Second Language*.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- 75 Art Classes & Workshops
- White Rock Artist Studio Tour & Student Show
- Produce 2 Product Department Exhibits
- *Art as a Second Language* Events at Klyde Warren Park & NorthPark
- Two *ArtAbility* Studio Events
- Launch of Octavio Medellin Driving Tour & Map at the Dallas City Performance Hall
- Octavio Medellin Exhibit at the Dallas City Performance Hall

2. 1/1/17 – 4/15/17

- 150 Art Classes & Workshops
- Process 2 Product Department Exhibits
- *Art as a Second Language* Events at Klyde Warren Park, Dallas Arboretum & NorthPark
- Two *ArtAbility* Studio Events
- Business of Art Professional Development Workshop at Latino Cultural Center

3. 4/16/17 – 9/30/17

- 275 Classes & Workshops
- *Camp MetalHead* Summer Program
- Booker T. Washington Figure Show
- Process 2 Product Department Exhibits
- Two *ArtAbility* Studio Events
- *Art as a Second Language* Events at Klyde Warren Park & NorthPark
- *Unseenamerica* Exhibit at Bayles Elementary
- Business of Art Professional Development Workshop

October 26, 2016

Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Services
Camps	11
Class/Workshop	500
Exhibit	8
Fair/Festival	2
Performance/Presentation	5
Totals	526

Event Type	Attendance
Camps	128
Class/Workshop	1,500
Exhibit	5,200
Fair/Festival	650
Performance/Presentation	6,000
Totals	13,478

Crow Collection of Asian Art

The cultural agency will serve approximately 70,000 people by presenting a year-round exhibition, education programs to the public and schools and several cultural festivals. As one of the only museums dedicated to the arts and cultures of Asia in the United States, the Crow Collection is important for spreading Asian cultural awareness. Education outreach programs including *Lotus Learners* and *Lotus Wellness* put Crow Collection teachers in Dallas schools. These programs use visual art, Artful Thinking, and yoga as a framework to bridge the classroom and the museum. These programs are supplemented with tours of the museum by professional Gallery Educators. *Clay Between Two Seas: From the Abbasid Court to Puebla de los Angeles*, is the world premiere of an exhibition that details the influence of Asian technology and design on Mexican Talavera pottery. This exhibition features works from Mexico City, contemporary ceramics from Talavera de la Reyna in Puebla, and a selection of Chinese ceramics from the Crow's permanent collection. Two annual festivals that will be provided are *Chinese New Year* and *Otsukimi*. *Chinese New Year* celebrates the Lunar New Year with a focus on China's traditions for over 25,000 attendees with stage performances, partner booths, art activities, and fireworks. *Otsukimi* is a Japanese moon viewing festival held at night to view the full autumn moon while experiencing different aspects of Japanese culture. *Mystical Arts of Tibet* is a week-long residency with the Tibetan Buddhist monks from the Drepung Loseling Monastery. In the course of the week the monks lead meditation, offer lectures, and create a mandala in one of the galleries. Free admission to the Museum is offered year round.

October 26, 2016

Section 3. (Continued)**Performance Benchmarks for Payment Periods****1. 10/1/16 – 12/30/16**

- Classes | Lotus Wellness at Booker T. Washington HSPVA (2 classes with visits 3 times a week between the classes)
- Workshops | 3 Workshops with artist Abhidnya Ghuge
- Exhibition | Clay Between Two Seas: From the Abbasid Court to Puebla de los Angeles
- Festival | Otsukimi
- Tours | 90 tours

2. 1/1/17 – 4/15/17

- Classes | Lotus Learners with Blackland Prairie Conservatory & Atelier
- Classes | Lotus Wellness at Booker T. Washington HSPVA (2 classes with visits 3 times a week between the classes)
- Exhibition | Clay Between Two Seas: From the Abbasid Court to Puebla de los Angeles
- Festival | Chinese New Year
- Tours | 90

3. 4/16/17 – 9/30/17

- Workshops | 2 Workshops with curator Midori Oka
- Residency | Mystical Arts of Tibet
- Tours | 68

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Class/Workshop	6
Exhibit	1
Fair/Festival	2
Residency	1
Tour/ Other	238
Totals	248

Event Type	Attendance
Class/Workshop	360
Exhibit	23,000
Fair/Festival	35,000
Residency	470
Tour/ Other	11,918
Totals	70,748

October 26, 2016**Section 3. (Continued)****Dallas Black Dance Theatre, Inc.**

The cultural agency will serve approximately 75,000 people in Dallas by providing educational programs and dance performances. The main season consists of *Director's Choice* with 3 public performances, *Cultural Awareness* (Black History Month) with 3 public performances and 2 student matinees, and *Spring Celebration* with 3 public performances featuring guest artists. In October will be *DanceAfrica Festival*, which celebrates African culture. A free behind the scenes showcase occurs at DBDT's studios in November, and the *Black on Black* series in December. DBDT: Encore! – Rising Excellence Series (2 public performances and 1 student matinee) will take place in April at Dallas City Performance Hall. DBDT academy recital performance will take place at the Majestic Theatre in May, and over 20 community outreach performances by DBDT professional company, second company (DBDT: Encore!), academy performing companies (Allegro, Senior and Junior). Additionally, education programs, special classes and workshops will occur in 10 or more DISD schools. Year-round outreach classes, performances and dance education activities will be held in churches, community/corporate venues, libraries, juvenile detention centers and community centers around the City of Dallas. Year-round dance training classes (fall/spring/summer sessions) will be provided for more than 450 students per week at DBDT's studios. DBDT will also partner and collaborate in performances with other cultural agencies, such as Dallas Museum of Art, Dance Council of North Texas, Klyde Warren Park, Dallas Symphony Orchestra, St. Paul United Methodist Church, South Dallas Dance Festival, and others. FY16-17 funding includes operating support through the Cultural Organizations Program and funds for utilities and facilities operations authorized by long-term usage agreement and appropriated through the FY16-17 budget process.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- *DanceAfrica* Series
- *Director's Choice* Series
- Holiday Behind the Scenes
- *Black on Black* Events

2. 1/1/17 – 4/15/17

- 21st Annual Founder's Luncheon
- *Cultural Awareness* Student Matinees
- *Cultural Awareness* Series
- Rising Excellence Student Matinee
- Rising Excellence Series
- *Dance for the Planet*

October 26, 2016

Section 3. (Continued)**3. 4/16/17 – 9/30/17**

- *Spring Celebration Series*
- Summer Enrichment
- Summer Intensive
- *Dallas Dance Fest*

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Camp	350
Class/Workshop	8,500
Performance/Presentation	200
Fair/Festival/Carnival	3
Residency	15
Totals	9,068

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Attendance
Camp	2,250
Class/Workshop	18,750
Performance/Presentation	43,500
Fair/Festival/Carnival	9,500
Residency	1,000
Totals	75,000

Dallas Chamber Symphony

The cultural agency will provide services for approximately 30,000 people. Dallas Chamber Symphony engages audiences through underrepresented and standard chamber music repertoire, and through an innovative season of four subscription performances that include film, actors, and dancers, as well as 20+ free music outreach concerts every year. This year the organization will also collaborate with the Bruce Wood Dance Project and Video Association of Dallas at Dallas City Performance Hall. The organization commissions new works, and engages audiences through programmatic outreach programs. *Taking It to the Streets* is an hour-long, free public concert featuring an array of music styles and ensembles presented around Downtown Dallas and adjacent neighborhoods. "Seeds" outreach events will bring music into area hospitals, homeless shelters, and other facilities whose population might not be able to partake of these events. *TechNotes* is a part of a new music curriculum that combines the use of new technologies in the classroom, and real-world, hands-on experience. This digital supplement provides a TEKS-aligned curriculum of musical concepts that

October 26, 2016**Section 3. (Continued)****Dallas Chamber Symphony**

provides a way that kids can find and learn about music they like, where it comes from, and why it's important. In addition to TechNotes the organization also provides its partner schools with, video conference sessions with DCS musicians, musician visits to classrooms, chamber music coachings and in-school assembly concerts.

Performance Benchmarks for the COP FY16-17 Payment Periods**1. 10/1/16-12/30/16****Season Subscription Concerts**

- F.W. Murnau's film, *Sunrise* (1927), featuring a new musical score by Joe Kraemer.
- Transfigured Night - music written for string orchestra

Outreach Events

- Taking It to the Streets: Outreach Performances
- DCS Live! Outreach Performances
- TechNotes: Music Education Programs (in-school & after school)
- Dallas Juvenile Center Performances
- Administrative Sight of Sound Film Fest Entries

2. 1/1/17-4/15/17**Subscription Concerts**

- The Kid: Charlie Chaplin -Music and Film-features music by Ingram Marshall and Kevin Puts, screening of *The Kid* starring Charlie Chaplin.
- Concert Variations – Full orchestra featuring music of Brahms, Liszt and Ginastera

Outreach Events

- Taking It to the Streets OCA / NEA / DART Outreach Performances
- DCS Live! Outreach Performances
- TechNotes: Music Education Programs (in-school & after school)
- Dallas Juvenile Center Performances
- Administrative Sight of Sound Film Fest Entries

3. 4/16/17-9/30/2017**Outreach Events**

- Bruce Wood Dance Project Collaboration
- Taking It to the Streets OCA / NEA / DART Outreach Performances
- DCS Live! Outreach Performances
- TechNotes: Music Education Programs (in-school & after school)
- Administrative Sight of Sound Film Fest Entries

October 26, 2016

Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Services
Class/Workshop	24
Performance/Presentation	42
Tour-Other	52
Totals	118

Event Type	Attendance
Class/Workshop	2,300
Performance/Presentation	26,000
Tour-Other	2,000
Totals	30,300

Dallas Children's Theater

The cultural agency will serve approximately 134,000 Dallas students, youth, and families with the following services: 8 major productions and 4 season specials, with 360 performances (190 are student matinee performances); 10 school site residencies and after-school programs for DISD schools; 130 DCT Academy Classes with 1,100 sessions; 10,000 "Angel Seat"- free tickets and Arts Education scholarships for classes & workshops to DISD students and civic organizations; 8 sign-interpreted performances for hearing impaired; and free Teacher Study Guides via the DCT website.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- "Seussical™" – Production
- "Dracula: The Vampire Play" – Production
- "A Charlie Brown Christmas" - Production
- "The Nutcracker" – Production
- "Mufaro's Beautiful Daughters: An African Tale" – Production
- "Lone Star Circus' La Fête" – Production

2. 1/1/17 – 4/16/17

- "Lone Star Circus' La Fête" – Production
- "Junie B. Jones Is Not a Crook" - Production
- "EAT (It's Not About Food)" - Production
- "Jack and the Beanstalk" – Production
- "Tomás and the Library Lady" – Production

October 26, 2016

Section 3. (Continued)**Performance Benchmarks for Payment Periods****3. 4/17/17 – 9/30/17**

- “Blue” – Production
- “James and the Giant Peach” - Production
- “Mufaro’s Beautiful Daughters: An African Tale” – Production

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Class/Workshop	1,100
Performance/Presentation	360
Residency	600
Other	600
Totals	2,660

Event Type	Attendance
Class/Workshop	10,000
Performance/Presentation	90,000
Residency	4,000
Other	30,000
Totals	134,000

Dallas County Heritage Society

The cultural agency will serve approximately 47,000 people by operating and maintaining Dallas Heritage Village at Old City Park and conducting tours and historical experiences 250 days of the year. The cultural agency will provide curriculum-based programming for approximately 23,000 students from 47 districts in the region; facilitate 20-25 workshops for scout groups; collaborate with other non-profit and community groups to host the Dallas Legacies History Conference; and produce 7 public festivals. In addition, the cultural agency will continue working with underserved students by providing reduced admission for school tours. The following programs are booked on demand and are available in 2016-17: *History Hunts, Speaker’s Bureau, Guided Tours, Girl Scout Workshops, Boy Scout Workshops, Home School Workshops, Birthday Parties* , and *Blacksmithing Classes*.

October 26, 2016**Section 3. (Continued)****Performance Benchmarks for Payment Periods****1. 10/1/16 – 12/30/16**

- Barnyard Buddies
- Lone Star History Day
- Farina Lecture
- Holiday History Hunt
- Candlelight

2. 1/1/17 – 4/15/17

- Village Readers Book Club
- Legacies History Conference
- Barnyard Buddies
- Spring Fling
- Jazz Age Sunday Social

3. 4/16/17 – 9/30/17

- Barnyard Buddies
- History Quest
- Front Porch Showdown
- Old Fashioned Fourth
- Junior Historian Camp
- Village Readers Book Club

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Class/Workshop	60
Performance/Presentation	5
Fair/Festival/Carnival	8
Exhibit Permanent	250
Tour/Other	375
Totals	698

Event Type	Attendance
Class/Workshop	400
Performance/Presentation	400
Fair/Festival	6,000
Exhibit Permanent	9,000
Tour/Other	31,200
Totals	47,000

October 26, 2016

Section 3. (Continued)**Dallas Historical Society**

The cultural agency will serve approximately 100,000 people through exhibitions and programs such as: *Texas Treasures* , *The Taylor Swift Experience™* , *Juneteenth* , and *Camino al Norte: The Journey of Don Juan de Oñate* . Other programs include educational field trips and outreach, tours, historic character presentations, history happy hours, scavenger hunts, storytelling performances, traveling hands-on exhibits, collection care, research requests and preservation of family histories. The 2017 Brown Bag series will start in March, and will offer free one hour lectures on a variety of historical topics relating to Dallas and Texas for the general public. Additionally, there will be 2 historic city bus and/or walking tours.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- Texas Treasures cases on exhibit at various locations
- State Fair of Texas exhibition – *The Taylor Swift Experience™*
- Artifacts on loan to Old Red Museum of Dallas County
- A book/author presentation

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Exhibit, Permanent	1
Exhibit, Temporary	1
Performance/Presentation	10
Tour	20
Totals	32

Performance Benchmarks for Payment Periods

Event Type	Attendance
Exhibit/ Permanent	12,000
Exhibit/Temporary	85,000
Performance/Presentation	1,500
Tour	1,500
Totals	100,000

October 26, 2016**Section 3. (Continued)****Dallas Museum of Art**

The cultural agency will serve more than 1,400,000 visitors, present 8 primary exhibitions, including four nationally or internationally touring exhibitions and numerous smaller-scale exhibitions and installations that will complement the Museum's permanent collection, and offer over 5,000 educational programs. General admission to the DMA is free to all, every day of the week, providing the community with wide public access to the Museum's global collection of art. The website provides important educational access to the collections and exhibitions of the Museum that are available to the public. The Center for Creative Connections will continue to provide visitors with the opportunity to interact with works of art and create art of their own. The third Friday of each month, the Museum will stay open until midnight for the popular *Late Nights* program, which offers hundreds of experiences for visitors of all ages with performances, concerts, readings, film screenings, tours, and family programs. The 26th season of *Arts & Letters Live* will feature approximately 28 events with award-winning authors and artists. This fall, the DMA will launch *Off the Wall*, a brand new program on the second Thursday of each month that takes an unexpected look at the Museum's collection with a pop culture twist. *Family Programs* will provide interactive opportunities for families to learn about art together, such as the DMA's *Early Learning Programs*, which serve children up to age 7 and their parents or caregivers. In the area of community outreach, the *Go van Gogh Outreach Program* will continue to offer free art presentations to North Texas students and teachers in their classrooms. Over 46,000 students will visit the Museum for collections tours and rich learning experiences facilitated by docents who participate in a rigorous program of continuing education and evaluation. The Museum also will provide *Access Programs* for audiences with special needs, including families of children with autism spectrum disorders (*Autism Awareness Family Celebrations*, which will take place four times during the year), individuals with vision impairment (*Art Beyond Sight*, which occurs in October), and individuals with early-stage dementia (*Meaningful Moments*, which occurs monthly). The Museum also strives to maintain a diverse audience base that mirrors the demographics of the Dallas MSA.

October 26, 2016**Section 3. (Continued)****Performance Benchmarks for Payment Periods****1. 10/1/16 – 12/30/16**

- *Concentrations 60: Lucie Stahl* (exhibition)
- *Devine Felines: Cats of Ancient Egypt* (exhibition)
- *Shaken, Stirred and Styled: The Art of the Cocktail* (exhibition)
- *Art and Nature in the Middle Ages* (exhibition)
- *Nicolas Party: Pathway* (exhibition)
- *Waxed: Batik from Java* (exhibition)
- Permanent collection rotations/exhibitions
- Go van Gogh Outreach Program
- Late Nights
- Off the Wall
- Arts & Letters Live
- Family Programs
- Access Programs
- Gallery Talks, Tours, Lectures
- Family, Teen, and Adult Workshops
- K-12 Art Education Programs
- Art Spot

2. 1/1/17 – 4/15/17

- *Concentrations 60: Lucie Stahl* (exhibition)
- *Devine Felines: Cats of Ancient Egypt* (exhibition)
- *Shaken, Stirred and Styled: The Art of the Cocktail* (exhibition)
- *Art and Nature in the Middle Ages* (exhibition)
- *Masterpieces from the Keir Collection of Islamic Art [working title]* (exhibition)
- *Nicolas Party: Pathway* (exhibition)
- *Young Masters* (exhibition)
- *Waxed: Batik from Java* (exhibition)
- Permanent collection rotations/exhibitions
- Go van Gogh Outreach Program
- Late Nights
- Off the Wall
- Arts & Letters Live
- Family Programs
- Access Programs
- Gallery Talks, Tours, Lectures
- Family, Teen, and Adult Workshops
- K-12 Art Education Programs
- Art Spot

October 26, 2016**Section 3. (Continued)****Performance Benchmarks for Payment Periods****3. 4/16/17 – 9/30/17**

- *Visions of America: Three Centuries of American Prints from National Gallery of Art* (exhibition)
- *Masterpieces from the Keir Collection of Islamic Art [working title]* (exhibition)
- *Shaken, Stirred and Styled: The Art of the Cocktail* (exhibition)
- *Iris Van Herpen: Transforming Fashion* (exhibition)
- *Waxed: Batik from Java* (exhibition)
- Permanent collection rotations/exhibitions
- Summer Art Camp
- Go van Gogh Outreach Program
- Late Nights
- Off the Wall
- Arts & Letters Live
- Family Programs
- Access Programs
- Gallery Talks, Tours, Lectures
- Family, Teen, and Adult Workshops
- K-12 Art Education Programs
- Art Spot

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Camp	95
Class/Workshop	1,100
Exhibit/Permanent	310
Exhibit/Temporary	1,000
Fair/Festival	50
Performance/Presentation	220
Tour/Rehearsal/Other	4,000
Totals	6,775

October 26, 2016

Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Attendance
Camp	275
Class/Workshop	3,6000
Exhibit/Permanent	800,000
Exhibit/Temporary	450,000
Fair/Festival	70,000
Performance/Presentation	29,500
Tour/Rehearsal/Other	60,000
Totals	1,445,775

The Dallas Opera

The cultural agency will serve approximately 70,000 people through the presentation of five main stage productions at the Winspear Opera House – Tchaikovsky's *Eugene Onegin*, Jake Heggie and Gene Scheer's *Moby-Dick*, Puccini's masterpiece *Madame Butterfly*, Britten's *The Turn of the Screw*, and Bellini's *Norma* for a total of 25 main stage performances. We will open 5 dress rehearsals to select patrons and present a simulcast of *Moby-Dick* to patrons in Klyde Warren Park. Each year DISD students and teachers benefit from the Educational Series. There will be 4 student performances of a 50 minute production entitled, *Bastien and Bastienne* at the Winspear, plus 36 touring opera performances of *Bastien and Bastienne* and *The Three Little Pigs* to elementary schools; 15 are expected to occur within Dallas. One session will be held to train teachers to use curricula based on the opera to teach core academic subjects. Now providing after-school programs to engage area youth in arts activities and introduce them to opera, The Dallas Opera (TDO) will provide 18 residencies of "Opera in a Suitcase" during two-day sessions; 15 will occur in Dallas. Through the budget-friendly Family Season, 6 family performances will be presented. The Dallas Opera will provide 5 panel discussions, one before each mainstage production, 24 free pre-opera lectures, and at least 3 community events such as movie screenings, lectures, and wine tastings. The Dallas Opera will host the annual Opera America Conference in May 2017. Three concerts will be presented by TDO, all of which will be open to the public.

October 26, 2016**Section 3. (Continued)****Performance Benchmarks for Payment Periods****1. 10/1/16 – 12/30/16**

- Opera Production: 10 total performances, 2 productions – *Eugene Onegin* (4), and *Moby-Dick* (6)
- Simulcast: 1 in Klyde Warren Park of *Moby-Dick*
- Family Concert: Family oriented Saturday afternoon programs with activities in the lobby before 1 performance.
- Family Opera: 1 special enhanced performance by the The Dallas Opera Orchestra and Family Performances cast of *Bastien and Bastienne*
- Family performance (1) of *The Three Little Pigs* with activities in the lobby before performance
- Touring Opera: Approximately 5 touring opera performances of *Bastien and Bastienne* and *The Three Little Pigs*
- “Opera in a Suitcase”: Approximately 5 residency sessions for after-school program providers
- Student Matinees: 4 special enhanced performances of *Bastien and Bastienne* by The Dallas Opera Orchestra and Family Performances cast at the Winspear Opera House
- Institute for Women Conductors: 1 special performance of The Dallas Opera Orchestra being conducted by 6 different female conductors participating in the Hart Institute for Women Conductors at The Dallas Opera.

2. 1/1/17 – 4/15/17

- Opera Production: 10 total performances, 2 productions *Madame Butterfly* (6), *The Turn of the Screw* (4)
- Touring Opera: Approximately 5 touring opera performances of *Bastien and Bastienne* and *The Three Little Pigs*
- “Opera in a Suitcase”: Approximately 5 residency sessions for afterschool program providers
- Family Concert: Family oriented Saturday afternoon program by The Dallas Opera Orchestra with activities in the lobby before 1 performance.
- Family performance (1) of *The Three Little Pigs* with activities in the lobby before performance

October 26, 2016

Section 3. (Continued)**Performance Benchmarks for Payment Periods****3. 4/16/17 – 9/30/17**

- Family Opera: 1 special performance by the The Dallas Opera Orchestra and Family Performances cast of *Bastien and Bastienne* for families at the Winspear Opera House
- Opera Production: 5 total performances of 1 production (*Norma*)
- Touring Opera: Approximately 5 touring opera performances of *Bastien and Bastienne* and *The Three Little Pigs*
- “Opera in a Suitcase”: Approximately 5 residency sessions for after-school program providers
- Opera America Conference- 3 concerts open to the public
- Dallas Opera Vocal Competition – two-day national competition in the spring
- 3 summer audience development events open to public
- CampTDO: 6 summer camps including hands-on activities and a live performance of *The Three Little Pigs*

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Class/Workshop	29
Performance/Presentation	44
Tour	15
Residency	15
Camp	6
Totals	109

Event Type	Attendance
Class/Workshop	4,700
Performance/Presentation	59,000
Tour	4,300
Residency	1,300
Camp	700
Totals	70,000

October 26, 2016**Section 3. (Continued)****DSM Management Group, Inc.**Background

DSM Management Group, Inc. (“MGI”) is a nonprofit corporation that operates and manages the Music Hall at Fair Park, in Dallas Texas. MGI rents the facility to various parties, including Dallas Summer Musicals, Inc. (“DSM”), which rents the facility for the presentation of shows in DSM’s multi-week recurring season.

Service

As proposed, MGI will rent the facility to DSM, at least for the presentation of the shows listed below. MGI also leases the facility to others not associated with DSM. For which service, MGI will be reimbursed its actual utility expenditures for the facility, up to seventy-five thousand five hundred dollars (\$75,500).

Dallas Theater Center

The cultural agency will serve nearly 125,000 people through a variety of programs that include eight theater productions, education programs and community enrichment programs for Dallas residence of all ages. Productions will take place at the Dee and Charles Wyly Theatre or the Kalita Humphreys Theater. The agency will provide pre-play lectures and post-show audience conversations after every performance and will continue its educational and outreach programs including *Project Discovery* ; the Student Matinee Series; teacher workshops; partnerships with Booker T. Washington High School, South Oak Cliff High School, and SMU Meadows School of Arts; “Pay What You Can” performances; *Summer Stage* theater day camps; and donor cultivation events to reach new patrons.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- *Constellations* , by Nick Payne
- *Bella: And American Tall Tale*, by Kirsten Childs
- *A Christmas Carol* , adapted by Kevin Moriarty
- *Gloria*, by Brandon *Jacobs-Jenkins*

2. 1/1/17 – 4/15/17

- *The Christians*, by Lucas Hnath
- *The Tempest*, by *William Shakespeare*
- *Electra*, adapted by Kevin Moriarty

October 26, 2016

Section 3. (Continued)**Performance Benchmarks for Payment Periods** (Continued)**3. 4/16/17 – 9/30/17**

- *Inherit the Windy*, by Jerome Lawrence and Robert Edwin Lee
- *Hood: The True Story of Robin Hood*, by Douglas Carter Beane and Lewis Flynn

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Class/Workshop	600
Performance/Presentation	359
Camp	210
Other	833
Totals	2,002

Event Type	Attendance
Class/Workshop	7,879
Performance/Presentation	92,427
Camp	387
Other	23,780
Totals	124,473

Dallas Wind Symphony

The cultural agency will serve approximately 40,000 people through a variety of programs that include the 2016-2017 Meyerson Concert Series, 10 concerts at the Meyerson Symphony Center; coaching sessions and a side-by-side concert with the student musicians of the Wind Symphony of the Greater Dallas Youth Orchestra; 1 free public performances at Fair Park (Fair Park Fourth of July Celebration); the two-day Dallas Winds Invitational Wind Band Festival featuring 32 school bands at the Meyerson Symphony Center; and the 11th annual Dallas Winds Band Camp, a week-long inner city band camp in collaboration with the Dallas Independent School District. Additional programs include the fanfare competition leading to newly composed fanfares being performed prior to each concert and regularly scheduled pre-concert lectures.

October 26, 2016

Section 3. (Continued)

Performance Benchmarks for Payment Periods

1. 10/6/16 – 12/30/16

- *Stained Brass* – concert at Meyerson
- Sectionals with Greater Dallas Youth Orchestra Wind Symphony
- Master classes/clinics for DISD
- *Shadows of Sirius* – concert at Meyerson
- *Christmas at the Meyerson* – concert at Meyerson

2. 1/1/17 – 4/15/17

- *Band Geeks on Fleek* – concert at Meyerson (with GDYOWS)
- *Strike Up the Band* – four concerts at Fair Park Music Hall for DISD 5th graders
- *Hearts & Horns* – concert at Meyerson
- Concerto competition with Greater Dallas Youth Orchestra Wind Symphony
- *Video Games Live: The Reboot* – concert at Meyerson
- *Hook ‘em Horns* – concert at the Meyerson featuring UT wind band
- Sectionals with Greater Dallas Youth Orchestra Wind Symphony
- *Asphalt Cocktail* – concert at Meyerson

3. 4/16/17 – 9/30/17

- Dallas Winds Invitational Wind band Festival – band festival at Meyerson
- Dallas Winds Band Camp – band camp at Booker T. Washington High School
- *Star-Spangled Spectacular* – concert at Meyerson
- Fair Park Fourth – concert at Fair Park
- 4th of July Concert at the Dallas Arboretum
- All-State Jump Start Clinic - program for high school students

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Camp	1
Class/Workshop	3
Fair/Festival	1
Performance/Presentation	16
Totals	21

Event Type	Attendance
Camp	600
Class/Workshop	300
Fair/Festival	3,600
Performance/Presentation	35,500
Totals	40,000

October 26, 2016

Section 3. (Continued)

Fine Arts Chamber Players

The cultural agency will serve approximately 8,500 people through a series of concerts and educational outreach programs. Concert program include: the "Basically Beethoven Festival," consisting of 4 free chamber music concerts in July at the Dallas City Performance Hall that features local professional musicians from the Dallas area and 4 "Rising Star Youth Recitals"; the "Bancroft Family Concerts", that consists of 7 free afternoon chamber music concerts at the Dallas Museum of Art from October through May. In addition, the cultural agency will provide 500 educational outreach programs in Dallas area public schools and pre-school programs from October through September through the following outreach programs; "Music Residencies," which provides 495 total events and Music A-Z/Dream Collectors, which will cumulatively provide 5 events.

Performance Benchmarks for Payment Periods

1. 10/1/16 – 12/30/16

- Bancroft Family Concerts (2)
- Music Residencies (175)

2. 1/1/17 – 4/15/17

- Bancroft Family Concerts (4)
- Music Residencies (250)
- Music A-Z/Dream Collectors (2)

3. 4/16/17 – 9/30/17

- Bancroft Family Concerts –(1)
- Basically Beethoven Festival - (4) free concerts
- Rising Star Youth Recitals - (4) free concert youth recitals
- Music Residencies (70)
- Music A-Z/Dream Collectors (3)

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Residency	495
Class/Workshop	5
Performance/Presentation	5
Totals	515

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Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Attendance
Residency	2,400
Class/Workshop	100
Performance/Presentation	6,000
Totals	8,500

Greater Dallas Youth Orchestra

The cultural agency will serve approximately 22,000 people through activities including rehearsals and concerts. The organization will provide classical music training for over 450 young musicians' ages 8 to 18 in eight orchestras. Students receive 60-100 hours of instruction in weekly rehearsals with professional musicians and coaches. The GDYO (flagship orchestra) presents a formal subscription series of 4 concerts at the Meyerson Symphony Center. Throughout the year, the other orchestras will perform 4-6 concerts at Dallas City Performance Hall and the Meyerson. Quartets or other small ensembles average at least 2-4 extra performances for special events. Through its "Share the Magic" outreach program, the cultural agency will provide complimentary tickets to those who would not ordinarily have the opportunity to attend symphony concerts at the Meyerson.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- 4 major concerts – Meyerson (2), Dallas City Performance Hall (3)
- 1 chamber music performance
- Weekly rehearsals for 450 students in 8 ensembles

2. 1/1/17 – 4/15/17

- 3 major concerts –Meyerson (1), City Performance Hall (2)
- 1 chamber music performance
- Weekly rehearsals for 450 students in 8 ensembles
- Entrance auditions for 2017-2018 for 800+ students

3. 4/16/17 – 9/30/17

- 3 major concerts – Meyerson (2)
- 1 chamber music performance
- Weekly rehearsals for 450 students in 8 ensembles through mid-May and then late Aug through Sept 30

October 26, 2016

Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Services
Performance/Presentation	10
Other	224
Totals	234

Event Type	Attendance
Performance/Presentation	7,000
Other	14,600
Totals	21,600

Junior Players Guild

The cultural agency will serve 14,600 people through free arts education outreach programs including the following: 35 after-school residencies at 10 sites; 55 free summer theater camps; 150 homeless education classes; 2 advanced acting workshops; 3 playwriting workshops and 2 performances; 1 Shakespeare camp and 1 performance; 4 Shakespeare audition workshops and 2 free performances and 4 ticketed performances; 1 dance audition workshop and 2 ticketed performances at the Dallas City Performance Hall, 1 Vocal Performance workshop and 4 performances of *RENT* at the Dallas City Performance Hall.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- After-school or in school workshops-10 to 12 weeks at approximately 10 locations
- “Kwanzaa” Celebration
- Vocal Performance workshop at the Sammons Center
- Auditions for *RENT* , Rehearsals begin
- Homeless Education after-school workshops - 75 classes at approximately 12-15 locations

October 26, 2016

Section 3. (Continued)

Performance Benchmarks for Payment Periods

2. 1/1/17 – 4/15/17

- After-school workshops -10 to 12 weeks at approximately 25 locations
- Homeless Education after-school workshops - 75 classes at approximately 12-15 locations
- 4 performances in January of **RENT** at the Dallas City Performance Hall
- Advanced acting classes for interested junior high and high school students
- Series of 4 professional training sessions
- Auditions for “Discover Shakespeare” production
- PUP (Playwrights Under Progress) workshops

3. 4/16/17 – 9/30/17

- Rehearsals for “Discover Shakespeare”
- “Discover Shakespeare” - 2 free performances and 4 ticketed performances
- PUP Fest plays are performed – 2 free performances
- Shakespeare Camp for students in grades 6-8
- 55 free two-week theater camps with 4 free performances
- Advanced Summer Theater camps (2)
- Auditions for “Junior Players Presents: Metamorphosis” dance production
- “Junior Players Presents: Metamorphosis” Dance production – 2 ticketed performances at the Dallas City Performance Hall

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Camp	550
Class/Workshop	3,125
Performance/presentation	100
Other	2
Totals	3,777

Event Type	Attendance
Camp	1,000
Class/Workshop	4,100
Performance/presentation	9,455
Other	45
Totals	14,600

October 26, 2016

Section 3. (Continued)

Kitchen Dog Theater Company

The cultural agency will serve an estimated 7,450 people by hosting approximately 112 events in the 2016-2017 season including: a main stage season of 5 plays; educational programs with 8 "Talkbacks" between audience, actors and director that follow each Sunday matinee performance; performances attended by student groups of the main stage productions; the "19th Annual New Works Festival", which consists of 6 staged readings, 10 PUP (Playwrights Under Progress) Fest readings, and a production of the PUP (Playwrights Under Progress) Fest. This is an outreach program that conducts playwriting master classes for high school students and culminates in two performances of selected scripts during the "New Works Festival".

Performance Benchmarks for Payment Periods

1. 10/1/16 – 12/30/16

- "A Stain Upon the Silence: Beckett's Bequest" by various playwrights
- "Feathers and Teeth" by Charise Castro Smith

2. 1/1/17 – 4/15/17

- "Paper Flowers" by Egon Wolff

3. 4/16/17 – 9/30/17

- "Trevor" by Nick Jones
- "Br'er Cotton" by Tearrance Chisholm – New Works Festival
- PUP FEST: (2); one-week workshop with professional actors/directors and two performances

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Class/Workshop	18
Performance/Presentation	94
Totals	112

Event Type	Attendance
Class/Workshop	200
Performance/Presentation	7,250
Totals	7,450

October 26, 2016**Section 3. (Continued)****Perot Museum of Nature and Science**

The cultural agency will deliver approximately 1.35 million experiences to the City of Dallas by displaying and providing programming which includes 11 permanent exhibits, a Children's Museum, two temporary exhibitions, a 298-seat digital theater and outdoor park surrounding the Perot Museum of Nature and Science. The cultural agency will continue to operate city-owned buildings at Fair Park, securing and maintaining collections owned by the city. The cultural agency will provide educational outreach activities consisting of on-site field trip programs for schools and community organizations, off-site educational classes, science camps during school breaks, after school programs, teacher workshops, sleepovers, scouting badge workshops, birthday parties, family programs, adult programs, and other community events as requested.

Performance Benchmarks for Payment Periods**10/1/16 – 12/30/16**

- Traveling Exhibition – Birds of Paradise
- Educational Films in Digital Theater
- Fall Camp (11/21/16 - 11/23/16) – education
- Social Science – adult programs (1)
- First Thursday Late Night – adult and family programs (3)
- Discovery Days – family programs (2)
- Night at the Museum

1/1/17 – 4/15/17

- Traveling Exhibition – Birds of Paradise
- Educational Films in Digital Theater
- FIRST Lego League Competition – North Texas Regional Tournament
- Engineers Week – school and public programs
- Discovery Days – family programs (4)
- Spring Break Discovery Camp – education
- Spring Break Discovery Camp, Jr. – education
- Social Science – adult programs (1)
- First Thursday Late Night – adult and family programs (4)

October 26, 2016

Section 3. (Continued)

Performance Benchmarks for Payment Periods

4/16/17 – 9/30/17

- Temporary Exhibition – Maya: Hidden Worlds Revealed
- Educational Films in Digital Theater
- Discovery Days – family programs (5)
- Summer Discovery Camp – education
- Summer Discovery Camp, Jr. – education
- Social Science – adult programs (3)
- First Thursday Late Night – adult and family programs (5)
- Kosmos Energy STEM Teacher Institute June and July 2017, held at Perot Museum of Nature and Science at Fair Park

Year Round Programming/Exhibits/Events

Permanent Exhibitions

Perot Museum of Nature and Science at Victory Park: Moody Family Children's Museum; Lamar Hunt Family Sports Hall; Discovering Life Hall; Being Human Hall; Texas Instruments Engineering and Innovation Hall; The Rees-Jones Foundation Dynamic Earth Hall; Tom Hunt Energy Hall; Lyda Hill Gems and Minerals Hall; Expanding Universe Hall; Rose Hall of Birds;and the T. Boone Pickens Life Then and Now Hall.

Perot Museum of Nature and Science at Fair Park: Historical wildlife dioramas including: Mammal Hall; Bison Hall; Wetlands Hall;and the Birds of Texas Hall; Boehm porcelain bird collection; ScienceCast studio; Education Outreach administration;the Leonhardt Lagoon Nature Walk;access (by appointment) to various collections including The Edmund W. Mudge Library of Ornithology;and Paleontology Lab.

Educational Films

Proposed films for FY16-17 include National Parks Adventure; Flying Monsters; Asteroid: Mission Extreme; Earthflight; Extreme Weather; Electropolis; Wild Africa.

Programs

School programs (held at both the Perot Museum and on school campuses as outreach) ;teacher workshops including at least 8 Kosmos Energy STEM Teacher Institute content workshops;community outreach including the TECH Truck; sleepovers;scouting badge workshops;family programming for birthday parties; adult programs;and lectures.

October 26, 2016

Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Services
Camp	292
Class/Workshop	1,430
Exhibit/Permanent	360
Exhibit/Temporary	192
Performance/Presentation	3,100
Other	1,176
Totals	6,550

Event Type	Attendance
Camp	1,436
Class/Workshop	76,028
Exhibit/Permanent	898,195
Exhibit/Temporary	137,381
Performance/Presentation	188,621
Other	56,800
Totals	1,358,461

Museum of African America Life and Culture

The cultural agency will serve approximately 124,000 people by operating the Museum of African American Life and Culture in Fair Park. The museum will host three exhibitions, five lectures, four workshops and a museum summer camp for youth. The museum will also present the following programs: "Music under the Dome" concerts, Preservation Workshop, and the Carol Harris Simms Competition. The exhibitions include; *Vessels: Carroll Harris Simms Pottery and Besser Collection of African Baskets*, *Containers From Africa*, and *Purgatory Ain't Nothin' But The Blues*. Also provided is a Distinguished Lecture series and two celebrations that provide opportunities to collaborate with the public. The Museum will also work to increase visibility of its archives and literary collections by inviting scholars to take advantage of these resources as a basis for increased research and publication of articles reflecting the African American experience.

October 26, 2016**Section 3. (Continued)****Performance Benchmarks for the COP FY16-17 Payment Periods****1. 10/1/16 – 12/30/16**

- Rising Up: Freedman's Cemetery
- Steeple Music Under the Dome
- Historic Black Dallas
- Fall Distinguished Lecture
- The Souls of Black Folk: Selections from the Billy R. Allen Folk Art - exhibit
- Carroll Harris Simms National Black Art Competition and Exhibit
- Vessels: Carroll Harris Simms Pottery and Besser Collection of African Baskets - exhibit
- Purgatory Ain't Nothin' but the Blues - exhibit
- Community Conversations
- Christmas Music Under the Dome

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services	Attendance
Camps	2	150
Class/Workshop	5	1,200
Exhibit, Permanent	3	85,000
Exhibit, Temporary	5	20,000
Fair/Festival/Carnival	2	9,000
Performance/Presentation	20	3,500
Residency	1	175
Tour	125	5,500
Totals:	163	24,525

October 26, 2016**Section 3. (Continued)****Sammons Center for the Arts**

The cultural center will serve 65,500 people by providing low-cost office, rehearsal, performance and meeting space, as well as administrative resources such as a copy, fax and postage center. The Center is home to twelve arts organizations representing every discipline, and the facility is used by over 50 other arts and community organizations for rehearsals, meetings, auditions, performances, etc. The Sammons will present 8 performances of *Sammons Jazz*, which features a variety of local jazz artists in a relaxed, noncommercial setting at nominal ticket prices, 8 performances of *Sammons Cabaret*; continue the *Youth Jazz Program* with 2 concert/demonstrations; host 500 rehearsals, 350 meetings, 50 auditions, 15 performances, 12 special events and 15 classes/workshops through the facility rental program. The *Youth Jazz Program* was developed for underprivileged youth ages 6-12 years with an interactive, educational program to teach children about Jazz and music. This contract also includes utilities and facilities operations support as approved and appropriated by the FY16-17 budget process.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- 3 Sammons Jazz Concerts
- 3 Sammons Cabaret Concerts
- 167 rehearsals
- 117 meetings
- 17 auditions
- 5 performances
- 4 special events
- 5 workshops/classes

2. 1/1/17 – 4/15/17

- 3 Sammons Jazz Concerts
- 3 Sammons Cabaret Concerts
- 166 rehearsals
- 116 meetings
- 16 auditions
- 5 performances
- 4 special events
- 5 workshops/classes

October 26, 2016

Section 3. (Continued)

Performance Benchmarks for Payment Periods

3. 4/16/17 – 9/30/17

- 2 Sammons Jazz Concerts
- 2 Sammons Cabaret Concerts
- 2 Sammons Jazz Youth Concerts
- 167 rehearsals
- 117 meetings
- 17 auditions
- 5 performances
- 4 special events
- 5 workshops/classes

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Class/Workshop	15
Performance/Presentation	33
Other	912
Totals	960

Event Type	Attendance
Class/Workshop	375
Performance/Presentation	5,000
Other	60,125
Totals	65,500

The Shakespeare Festival of Dallas

The cultural agency will serve nearly 28,000 Dallas citizens through staged productions and educational programming, including 3 outdoor productions, 8 indoor staged readings, and 3 age-specific in-school educational programs. Shakespeare Dallas includes outreach initiatives in every program it creates by providing low-cost or free cultural opportunities for the general public. The cultural agency produces 3 key programs: “Shakespeare in the Park,” the company’s flagship outdoor performances in the summer and the fall; “Shakespeare on the Go!,” which features 2 age-appropriate touring initiatives complete with performances and master classes; “Shakespeare Unplugged,” which includes staged readings, co-productions with other organizations and outreach lectures, including our partnership to produce all 38 plays, 154 sonnets, and 2 narrative poems written by Shakespeare with AT&T Performing Arts Center; and “The Invented Word Performance Workshop” to middle and high school students who receives free tickets to see a live performance.

October 26, 2016**Section 3. (Continued)****Performance Benchmarks for Payment Periods****1. 10/1/16 – 12/30/16**

- “Speak the Speech: Shakespeare and the Invented Word” / middle and high school students (5)
- “As You Like It” – (2) Staged Readings at the Wyly Theater
- “Pericles” – 2 Staged Readings at the Wyly Theater
- “Poets Society”- Adult Learning (2)

2. 1/1/17 – 4/15/17

- “Speak the Speech: Shakespeare and the Invented Word”/Middle School Students (5)
- “What Visions Have I Seen!” / Performance for elementary students(10)
- “Poets Society”- (2) Adult Learning
- Professional training for actors (1)
- “Cymbeline” – (2) Staged Readings at the Wyly Theater
- “King Lear” – (2) Staged Readings at the Wyly Theater
- “All’s Well That Ends Well” – (2) Staged Readings at the Wyly Theater
- “Love’s Labour’s Lost” – (2) Staged Readings at the Wyly Theater

3. 4/16/17 – 9/30/17

- Playmaking workshop- (1) workshop at the Samuell Grand Recreation Center
- Playwriting workshop- (1) workshop at the Latino Cultural Center
- “The Tempest” – (2) Staged Readings at the Wyly Theater
- “Shakespeare’s Sonnets”- (2) Staged Readings at the Wyly Theater
- “The Merry Wives of Windsor” – performance (16)
- “Quixote” – performance (16)
- “Titus Andronicus” – performance (8)
- Bard’s Birthday Bash (1)
- Stage Notes - pre- performance lectures (4)
- “Speak the Speech: Shakespeare and the Invented”/Middle School Students (5)
- Expression in Action- (6) workshops

October 26, 2016

Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Services
Class/Workshop	33
Performance/Presentation	84
Other	100
Totals	217

Event Type	Attendance
Class/Workshop	1,700
Performance/Presentation	19,300
Other	4,000
Totals	25,000

Teatro Hispano De Dallas

The cultural agency will serve 10,350 people through the following events:

Days of the Dead, featuring “El Cerco de Numancia/The Siege of Numantia” a tragedy by Miguel de Cervantes Saavedra adapted and directed by Cora Cardona. The season continues with the show “Ándale Raúl Escíbeme un Monólogo/ C’mon on Raul Write Me a Monologue” by Tomás Urtusástegui.

Domingos Fantásticos, children’s program presenting: “Un Barquito de Papel/A Paper Little Boat” by Sylvia Orthof, a Brazilian author. And finishing the season with the play “Water” by Tomás Urtusástegui, back by popular demand. “Comedy show & Film Noire at Teatro Dallas” presenting Dallas native child comedian Saffron Herndon & vanguard films by Award Winning Latin American & Iberian directors such as Alejandro Jodorowsky, Luis Buñuel, and others. Teatro will also provide after school and summer camp programs where students will participate in dance, improvisation, and arts and crafts. Adult acting classes are also taught during the year.

October 26, 2016

Section 3. (Continued)**Performance Benchmarks for Payment Periods****10/1/16 – 12/30/16**

- *Days of the Dead* - “The Siege of Numancia” by Miguel de Cervantes Saavedra adapted & directed by Cora Cardona
- Acting Classes
- “Andale Raúl Escribeme un Monólogo” / “C’on Raul Write Me a Monologue” by Tomás Urtusástegui

1/13/17 –4/15/17

- *Domingos Fantásticos* - “Un Barquito de Papel” / “A Paper Little Boat” by Silvia Orthof, a Brazilian author.
- *Theatre of the Absurd* – “Water” by Tomás Urtusástegui
-

4/16/17 – 9/30/17

- Summer Camp for children
- Adult/Adolescent Workshops

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Camp	2
Class/Workshop	20
Exhibit/Temporary	1
Performance/Presentation	35
Tour	1
Other	2
Totals	61

Event Type	Attendance
Camp	350
Class/Workshop	1,000
Exhibit/Temporary	1,000
Performance/Presentation	4,000
Tour	2,500
Other	1,500
Totals	10,350

October 26, 2016

Section 3. (Continued)**TeCo Theatrical Productions, Inc.**

The cultural agency will serve approximately 15,000 children and adults through a variety of programs that include: 5 main stage theatre productions, 8 jazz concerts, 2 speaker series events and an array of year round arts education programs at the Bishop Arts Theatre. Student outreach programs are held after school and during the summer in the Emma Rodgers Learning Laboratory including TeCo's, *T-An-T* (Teenagers and Theatre) apprenticeship program. The Bishop Arts Theatre is also home to several cultural organizations who use the performance space.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- *Ruined* by Lynn Nottage
- Jazz Concert – Richard Elliott & Max Groove
- Jazz Concert – Warren Hill & Karen Briggs
- Jazz Concert – Peter White Christmas Show
- *Black Nativity* by Langston Hughes

2. 1/1/17 – 4/15/17

- Down For #The Count, short play festival
- Jazz Concert – Alex Bugnon
- Jazz Concert – Norman Brown, Rick Braun & Richard Elliott
- Speaker Series – TBD

3. 4/16/17 – 9/30/17

- *Upside Down* by Steven Young featuring T-An-T students
- Jazz Concert – TBD
- Speaker Series - TBD
- Summer Theater Camp
- 4th Annual PlayPride LGBT Festival

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Camp	38
Class/Workshop	20
Performance/Presentation	45
Other	4
Totals	107

October 26, 2016

Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Attendance
Camp	100
Class/Workshop	240
Performance/Presentation	10,000
Other	4,660
Totals	15,000

Texas International Theatrical Arts Society

The Cultural agency will serve approximately 24,500 individuals through engagement programs including master classes, lecture/demonstrations, post-performance Question & Answers, special events and specifically curated performances with world-renown artists. The 2016-2017 season will include 10 dance presentations (1 world premiere and 4 Dallas debuts) as well as 3 special presentations, the annual *Command Performance Gala*, *Big Barre*, and, a new addition, *Tango al Fresco* – a massive, outdoor Tango lesson led by members of Argentina's *Estampa Portenas Tango*. TITAS has attracted important local, national, and international attention that has elevated the reputation of Dallas as a city committed to the arts. TITAS participates in numerous internship programs including the Mayor's summer internship program. As Dallas' foremost dance presenter, TITAS Presents fulfills a distinct role for the North Texas community and has developed a solid base of loyal audience and supporters. Ticket prices range from \$12 to \$95, special discounts for K-12 and college students, and over 5,000 donated tickets to seniors, community centers, and special populations. TITAS Presents makes certain performances financially accessible and are located in ADA compliant facilities. Diversity is fundamental to the programming. Cultural collaborations with organizations and governmental agencies include, The Crow Collection of Asian Art, Asian Chamber of Commerce of North Texas, South Dallas Cultural Center, Booker T Washington HSPVA, ATTPAC, NEFA, Moving-Cities.com, consulates of France, China, Czech Republic, Israel, South Africa, and Canada, as well as presenters from Israel, China, and Russia help assure the connection to communities served.

October 26, 2016

Section 3. (Continued)**Performance Benchmarks for Payment Periods****10/01/2016 – 12/30/2016**

- Argentina's *Estampas Portenas Tango* (Dallas debut) / 2 performances / 2 Q & A / 1 Master class (DCPH, BTWHSPVA)
- *Jessica Lange* - 2 performances / 2 Q & A / 1 master class (DCPH, BTWHSPVA)
- *Outreach - Arts Administration Program* – 1 Lecture / begin multi-month internship
- *Outreach Adjudication for BTWHSPVA College Showcase (100 students, 40 college reps)*

1/1/2017 – 4/15/2017

- *Pilobolus* - 2 performances (option for 3rd performance) / 1 master class / 2 Q&A / (DCPH, BTWHSPVA)
- *Bridgman/Packer* (Dallas debut) / 2 performances / 1 master class / 1 lec/dem / 2 Q&A / (DCPH, BTWHSPVA)
- *Doug Varone and Dancers* - 1 performance/ 1 master class / 1 Q&A / (Winspear, BTWHSPVA)
- *Diavolo* - 2 performances /1 Student Matinee (option) / 2 Q & A / 1 master class (DCPH, BTWHSPVA)
- *Alvin Ailey American Dance Theater* - 3 performances / 3 Q & A / 1 master class (Winspear, BTWHSPVA)
- Argentina's *Che Malambo* (Dallas debut) / 2 performances / 1 master class / 2 Q&A / (DCPH, BTWHSPVA)
- *Outreach Adjudication for BTWHSPVA Senior Choreography (100 students)*
- *Outreach Lead Adjudicator for BTWHSPVA dance auditions (200 students)*

4/16/2017 – 9/30/2017

- *Command Performance Gala* –1 performance / 1 master class / 1 open rehearsal (Winspear, BTWHSPVA)
- Canada's *Ballet BC* (Dallas debut) / 1 performance / 1 master class / 1 Q&A (Winspear, BTWHSPVA)
- September 2017: proposals out to Urban Bush Women (NYC), La Compagnie Herve Koubi (France), or Hubbard Street Dance Chicago / 1-2 performances / 1 master classes / 1-2 Q&A (DCPH, BTWHSPVA)

October 26, 2016

Section 3. (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Services
Class/Workshop	12
Performance/Presentation	19
Other	28
Totals	59

Event Type	Attendance
Class/Workshop	1,350
Performance/Presentation	19,990
Other	2,900
Totals	24,240

Texas Winds Musical Outreach, Inc.

The cultural agency will perform approximately 700 concert events for 55,000 Dallas residents. This will include; Concerts for Seniors – nursing homes, assisted living facilities, senior centers, adult day facilities for disabled, low-income senior housing and retirement homes. Priority facilities include Alzheimer units, Medicaid accepted nursing homes, and adult day care facilities. Concerts for Hospitals, which is for Dallas County hospitals, and Dallas VA Medical Center include multiple visits each year to the following hospital areas: oncology, bone marrow transplant, spinal cord injury units, long term care, skilled nursing, rehabilitation and transitional care, day treatment centers, lobbies and waiting rooms. Texas Winds also provides, Concerts for Hospice. These are one-on-one visits in nursing homes, hospitals and pre-arranged in private homes. The Concerts for Head Start take place at Head Start of Greater Dallas, and Mi Escuelita, Child Care Associates.

Performance Benchmarks for Payment Periods**10/01/2016 – 12/30/2016**

- Concerts for Seniors: 95
- Concerts for Hospitals: 43
- Concerts for Hospice: TBD
- Concerts for Head Start: 66

1/1/2017 – 4/15/2017

- Concerts for Seniors: 95
- Concerts for Hospitals: 43
- Concerts for Hospice: TBD
- Concerts for Head Start: 90

October 26, 2016

Section 3. (Continued)**Performance Benchmarks for Payment Periods****4/16/2017 – 9/30/2017**

- Concerts for Seniors: 106
- Concerts for Hospitals: 74
- Concerts for Hospice: TBD
- Concerts for Head Start: 88

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Performance/Presentation	720
Totals	720

Event Type	Attendance
Performance/Presentation	75,000
Totals	75,000

Theatre Three, Inc.

The cultural agency will serve approximately 30,000 people through the following programs: a minimum of 160 performances of 8 Norma Young Arena Stage productions of musicals, dramas, comedies, and classics; approximately 49 performances of 4 "Theatre Too" studio productions; provide study guides and post show panel discussions for Theatre Three student shows on the Norma Young Arena Stage; a minimum of 24 showcase performances of Theatre Three's Musical Theatre Academy academic program which hosts 4 semesters of classes for Dallas youth and takes roughly 30 students per semester; a two session long workshop with the National Michael Chekhov Association that will run 6 weeks at a time and provide unique training to approximately 12 local actors per session; hosting/housing cultural events produced by other Dallas cultural/civic organizations; and an internship program consisting of 5 unpaid summer internships for high school and college students and 2 paid year-round internships for recent college graduates.

October 26, 2016**Section 3. (Continued)****Performance Benchmarks for Payment Periods****1. 10/1/16 – 12/31/16**

- ***The Wedding Singer*** by Tim Herlihy, Chad Beguelin, and Matthew Sklar
- Hooky Matinee performance
- ***Day Light*** by Bruce R. Coleman
- Hooky Matinee performance --
- Interpreted for the Deaf and HOH performance
- ***42nd Street*** by Michael Stewart, Mark Bramble, Harry Warren, and Al Dubin.
Part of Theatre Three's Musical Theatre Academy educational programming for kids ages 8-19
- ***A Christmas Carol: The Radio Show*** by David Alberts Interpreted performance for the Deaf and HOH
- ***I Love You, You're Perfect, Now Change*** by Joe DiPietro and Jimmy Roberts
- Interpreted performance for the Deaf and HOH
- National Michael Chekhov Association workshops
- APPRENTICE PROGRAM for recent college graduates

2. 1/1/17– 4/15/17

- ***Laugh*** by Beth Henley
- Hooky Matinee performance
- Interpreted performance for the Deaf and HOH
- ***Passing Strange*** by Stew and Heidi Rodewald
- Hooky Matinee performance
- Interpreted performance for the Deaf and HOH
- ***I Love You, You're Perfect , Now Change*** by Joe DiPietro and Jimmy Roberts
- Interpreted performance for the Deaf and HOH
- ***The Empress, the Lady, and the Pearl, pt. II: Miss Billie and Miss Freddie***
by diannetucker
- Interpreted performance for the Deaf and HOH
- APPRENTICE PROGRAM for recent college graduates

October 26, 2016

Section 3. (Continued)

Performance Benchmarks for Payment Periods

3. 4/16/17 – 9/30/17

- ***Susan & God*** by Rachel Crothers
- Hooky Matinee performance
- Interpreted performance for the Deaf and HOH
- ***A Little Night Music*** by Stephen Sondheim and Hugh Wheeler
- Hooky Matinee performance
- Interpreted performance for the Deaf and HOH
- **Title TBA** -first NYAS production of 2017-2018 season
- Hooky Matinee performance
- Interpreted performance for the Deaf and HOH
- 3 Musical Theatre Academy productions. (TBA)
- ***The Birds*** by Conor McPherson, from a story by Daphne du Maurier
- Interpreted performance for the Deaf and HOH
- APPRENTICE PROGRAM for recent college graduates
- SUMMER INTERNSHIP PROGRAM for current high school and college students

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Performance/Presentation	218
Totals	218

Event Type	Attendance
Performance /Presentation	30,000
Totals	30,000

Undermain Theatre

The cultural agency will serve over 5,000 people by presenting 4 productions of new and classic plays in their regular season, with at least 4 preview performances and 18 regular performances for each production. The agency will present a reading series of at least 2 new works for the theatre at the Dallas Museum of Art and continue the Undermain Emerging Artist Program for developing theater artists. The agency will also have four mainstage productions, *so go the ghosts of méxico, part one, 10 Out of 12, Galileo, and Really*. This year, the agency will offer approximately 750 discounted tickets to students, seniors, and KERA audiences, free tickets to educators, and offer over 150 tickets to Artreach, a program that provides free tickets to those in need.

October 26, 2016**Section 3. (Continued)****Performance Benchmarks for Payment Periods****1. 10/1/16 – 12/30/16**

- *so go the ghosts of méxico, part one – a brave woman in méxico*, by Matthew Paul Olmos
- *10 Out of 12*, by Anne Washburn

2. 1/1/17 – 4/15/17

- *Galileo*, by Bertolt Brecht
- *Really*, by Jackie Sibblies Drury
- Reading Series at the DMA TBD (based on DMA schedule)

3. 4/16/17 – 9/30/17

- Reading Series at the DMA TBD (based on DMA schedule)

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Class/Workshop	28
Performance/Presentation	85
Totals	113

Event Type	Attendance
Class/Workshop	15 (Same students for the year)
Performance/Presentation	5,200
Totals	5,215

October 26, 2016

Section 3. (Continued)

USA Film Festival

The cultural agency will serve over 25,000 people by producing two major annual events, the “33rd Annual KidFilm® Festival”, (featuring 40 films, 30 programs and 7 days of educational field trips for DISD students and teachers) and the “47th Annual USA Film Festival”, (featuring over 40 films with 21 screenings). In addition the agency will offer year-round activities such as screenings of new films (or retrospective screenings) with director or other artist in attendance with free tickets distributed to outreach publics (financially disadvantaged constituents and other special groups) and new audiences with special emphasis on educational programs. Monthly preview screenings of new American films and foreign works will also be included as a benefit to the membership and to develop new audience members.

Performance Benchmarks for Payment Periods

1. 10/1/16 – 9/30/17

- Preview Film screenings - Approximately 15
- Visiting Artist Film Screenings - 3-4 screenings during the year
- Retrospectives and classics Series - 1-2 times during the year
- Free outreach programs for kids, teachers & families

2. 1/01/17 – 4/15/17

- “33rd Annual KIDFILM Festival”; 40 films / 30 programs

3. 4/16/17 – 9/30/17

- “47th Annual USA Film Festival”; 40 films / 25 programs

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Performance/Presentation	242
Totals	242

Event Type	Attendance
Performance/Presentation	26,000
Totals	26,000

October 26, 2016**Section 3. (Continued)****The Writer's Garret**

The cultural agency will serve at least 2000 people by providing the following: a Literary Arts Learning and Resource Center, open to the public; an interactive website with built-in learning management systems for reaching a greater number of audience members to pilot at least 4 on-line educational programs; at least 14 peer-run "Stone Soup" workshops / literary discussion groups; our "Community and Mentorship Project" (CAMP) and "Work-Exchange" (WE) program made available live and on-line to professionally develop writers and literary projects; at least two trainings for creative writers to learn how to work with children / youth and other "at risk" populations; at least one publication either on-line or in print; a minimum of 85 creative writing literary classes, workshops, and residencies for children and youth, writers, readers, literary professionals, educators, and "at risk" populations featuring local, regional, and national writers and literary experts; and at least 20 local, regional, and national writers making public presentations of literary work or giving talks about literary arts, both live and on-line; continued adaptation of lesson plans, classroom activities, and assessment tools to reflect the specific needs of partner agencies' populations.

Performance Benchmarks for Payment Periods**1. 10/1/16 – 12/30/16**

- Literary Arts Learning and Resource Center, open to the public,
- Four (4) – "Stone Soup" workshops
- One Meet & Greet with two (2) presentations
- One (1) new live event in Dallas--"Soup's On!"
- Four (4) residencies, classes, and / or workshops for children, youth, families, and adult writers, live and on-line
- Existing on-line literary arts programming routed through new website
- Mentoring / Learning opportunities through creative writing for writers, young people, Veterans', and those impacted by illness via panels, classes, workshops, talks, and / or on-line portals
- Firewheel Editions books available for reading audiences
- Involve at least two writers in the literary community through Work-Exchange (WE) / WordsWork internships, apprenticeships, and residencies

October 26, 2016

Section 3. (Continued)

Performance Benchmarks for Payment Periods

2. 1/1/17 – 4/15/17

- Literary Arts Learning and Resource Center, open to the public in Dallas
- Open House with at least one workshop and five (5) performances
- One strategic planning session
- Performance, presentation, and workshops at one festival /fair
- Four (4) – “Stone Soup” workshops
- Multiple (2-3) short videos created and posted on-line via website(s) / social media
- One Meet & Greet with at least two (2) presentations
- One strategic planning session for improving programs and outcomes, including two (2) presentations
- Two (2) live events in Dallas--“Soup’s On!” featuring 1-3 writers each
- Firewheel Editions books available for reading audiences
- Writers’ CAMP/”Work-Exchange” (WE) program fully available online resulting in at least four (4) residencies with special Dallas portal
- 22 residencies, classes / workshops, and / or other educational opportunities for children, youth, families, and adult writers, live and on-line

3. 4/16/17 – 9/30/17

- Literary Arts Learning and Resource Center, open to the public in Dallas,
- Six (6) – “Stone Soup” workshops / Literary Discussion Groups
- Two (2) live events in Dallas--“Soup’s On!” featuring 1-3 writers each
- Firewheel Editions books available for reading audiences
- One publication either on-line or printed no later than the end of summer
- Four (15) writers actively participating in “Community and Mentorship Project” (CAMP) /” Work-Exchange” (WE) program resulting in residencies
- Fifteen (15) residencies, classes / workshops, and / or other educational opportunities for children, youth, families, and adult writers, live and on-line
- Final 21 Event / Festival event, live and on-line – featuring at least two (2) classes / workshops / residencies and six (6) performances / presentations

Projected Performance Benchmark Services and Attendance for FY16-17

Event Type	Services
Class/Workshop	75
Performance/Presentation	22
Residency	25
Fair / Festival	1
Other	30
Totals	153

October 26, 2016**Section 3.** (Continued)**Projected Performance Benchmark Services and Attendance for FY16-17**

Event Type	Attendance
Class/Workshop	800
Performance/Presentation	400
Residency	80
Fair / Festival	600
Other	120
Totals	2,000

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 # 38

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

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Cultural Affairs

CMO: Joey Zapata, 670-1204

MAPSCO: 45-G

SUBJECT

Authorize the third amendment to the Performing Arts Center Use Agreement with Dallas Center for the Performing Arts Foundation, Inc. to increase annual support from \$2,500,000 to \$4,000,000 to provide promotion and support of nonprofit arts and cultural organizations - Total not to exceed \$4,000,000 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This action provides for the promotion and support of nonprofit arts and cultural organizations in the city of Dallas by Dallas Center for the Performing Arts Foundation, Inc. d/b/a AT&T Performing Arts Center ("Center"). The Center will assist the City's efforts (through the Office of Cultural Affairs) by offering and implementing programs reviewed and approved annually which include, but are not limited to:

Ticketing

- Center will offer free and deeply discounted ticketing services for the OCA Cultural Organizations Program Tier 1 and Tier 2 groups, and Cultural Projects Program groups

Performance Space

- Community stage for the top student performing arts ensembles and small arts organizations in Dallas
- Curating presentations and performance spaces on the Center's campus targeting small, emerging and/or historically marginalized local performing arts groups or artists without their own performance space. Includes ticketing, some marketing, operational and staff support

BACKGROUND (Continued)

Marketing Services

- E-marketing services for 65 OCA supported cultural organizations through emails from Center's database of 155,000+ subscribers
- Creating and maintaining the OCA Culture Calendar on the ATTPAC.org website

Community Services

- Consulting expertise, marketing and ticketing services in support of Dallas Arts Month
- Labor, resources and services for Dallas Police Department's Let's Talk Program
- Last minute, reduced cost tickets to artists and employees of OCA supported cultural organizations for Broadway, TITAS Presents and Center Presents shows (as available)
- Tickets provided to community through the Center's Community Partners, Open Stages (education) and nonprofit ticket programs

City Services - Operational Support

- Ten additional parking spaces to Dallas City Performance Hall to provide parking for OCA supported nonprofit organizations renting the hall
- Complimentary parking for City of Dallas events at the Dallas City Performance Hall, up to six events a year
- Patron services analysis and training for OCA staff at the Dallas City Performance Hall, Meyerson Symphony Center, and Majestic Theatre

In consideration of services to be provided, the City will pay an annual amount equal to \$1,500,000 beginning on November 1, 2016 and continuing through and including November 1, 2025. As a material inducement to the City for entering into this agreement, the Center represents and warrants to the City that it has entered into debt restructuring agreements with its creditors. In addition to the services listed above, as a condition of payment, the Center agrees to provide the City with a Certificate of Redemption on or before December 31 of each year certifying the total amount (in dollars) of bonds redeemed during the preceding twelve-month period.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 28, 2005, the City Council authorized a Development and Use Agreement with Dallas Center for the Performing Arts Foundation by Resolution No. 05-2859.

On October 8, 2008, the City Council authorized the First Amendment to the Development and Use Agreement with Dallas Center for the Performing Arts Foundation by Resolution No. 08-2793.

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

On December 10, 2008, the City Council authorized the Second Amendment to the Development and Use Agreement with Dallas Center for the Performing Arts Foundation by Resolution No. 08-3432.

On September 21, 2016, the City Council adopted the FY 2016-17 Operating Budget Appropriation Ordinance 30178, which included funding for this amendment.

Information about this item will be provided to the Arts, Culture & Libraries Committee on October 17, 2016.

Information about this item will be provided to the Cultural Affairs Commission on October 20, 2016.

FISCAL INFORMATION

\$4,000,000 - Current Funds (subject to annual appropriations)

October 26, 2016

WHEREAS, on September 28, 2005, Resolution No. 05-2859 authorized a Performing Arts Center Development and Use Agreement between the City of Dallas and Dallas Center for the Performing Arts Foundation, Inc. for the construction, development, and for the long-term possession of a first-class, multi-venue performing arts complex consisting of the Winspear Opera House, the Wylie Theater, the Grand Plaza, a 600-space garage, Annette Strauss Artist Square and supporting infrastructure; and,

WHEREAS, on October 8, 2008, Resolution No. 08-2793 authorized the First Amendment to the Performing Arts Center Use Agreement with Dallas Center for the Performing Arts Foundation, Inc. for the long-term possession, operation, maintenance and use of the City Performance Hall underground parking garage; and,

WHEREAS, on December 10, 2008, Resolution No. 08-3432 authorized the Second Amendment to the Performing Arts Center Use Agreement with Dallas Center for the Performing Arts Foundation, Inc. for the operation and use of the Annette Strauss Artist Square; and,

WHEREAS, it is now desirable to authorize the Third Amendment to the Performing Arts Center Use Agreement with Dallas Center for the Performing Arts Foundation, Inc. for the promotion and support of nonprofit arts and cultural organizations, and

WHEREAS, the City recognizes the public purpose of supporting smaller and ethnically and culturally specific arts organizations, and

WHEREAS, the Dallas Center for the Performing Arts Foundation, Inc. has the capacity and desire to promote such organizations and the business systems to provide additional services, and

WHEREAS, as a material inducement to the City for entering into the Third Amendment, Dallas Center for the Performing Arts Foundation, Inc. represents and warrants to the City that it has entered into debt restructuring agreements with its creditors; and

WHEREAS, Dallas Center for the Performing Arts Foundation, Inc. agrees to the terms and conditions related to additional funding and the additional benefits it will provide the City in connection with such additional funding.

October 26, 2016

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute, upon approval as to form by the City Attorney, the Third Amendment to the Performing Arts Center Use Agreement with Dallas Center for the Performing Arts Foundation, Inc. for the promotion and support of nonprofit arts and cultural organizations.

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to the Dallas Center for the Performing Arts Foundation, Inc. (VS0000004959), an amount not to exceed \$4,000,000 (subject to annual appropriations) from Fund 0001, Department OCA, Unit 4903, Object 3099.

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services
Water Utilities
Office of Economic Development
Communication and Information Services

CMO: Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to Gartner, Inc. (IT Executives and Leaders) in the amount of \$116,687, North Central Texas Council of Governments in the amount of \$125,773, Steering Committee of Cities Served by Oncor in the amount of \$168,178, Texas Coalition of Cities For Utility Issues in the amount of \$52,004, Texas Municipal League in the amount of \$51,194, Water Environment and Reuse Foundation in the amount of \$82,800, and Water Research Foundation in the amount of \$288,644 - Total not to exceed \$885,280 - Financing: Current Funds (\$513,836) and Water Utilities Current Funds (\$371,444)

BACKGROUND

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on October 17, 2016.

FISCAL INFORMATION

Current Funds - \$513,836.00
Water Utilities Current Funds - \$371,443.41

ETHNIC COMPOSITION

Gartner, Inc. (IT Executives and Leaders)

Hispanic Female	90	Hispanic Male	71
Black Female	71	Black Male	45
White Female	1149	White Male	1527
Other Female	122	Other Male	151

North Central Texas Council of Governments

Hispanic Female	22	Hispanic Male	10
Black Female	31	Black Male	6
White Female	134	White Male	102
Other Female	19	Other Male	14

Oncor Cities Steering Committee

Ethnic Composition not available - staffed by volunteers

Texas Coalition of Cities For Utility Issues

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

Texas Municipal League

Hispanic Female	1	Hispanic Male	1
Black Female	2	Black Male	0
White Female	23	White Male	7
Other Female	0	Other Male	0

ETHNIC COMPOSITION (Continued)

Water Environment and Reuse Foundation

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

Water Research Foundation

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

October 26, 2016

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

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

Now, Therefore,

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

Section 1. That the City of Dallas continue arrangements with the organizations listed below for fiscal year 2016-17 for the annual fees specified.

Section 2. That the Chief Financial Officer is hereby authorized to encumber and disburse an amount not to exceed \$116,687.00 from Fund 0198, Dept. DSV, Unit 1664, Object 3340, Encumbrance CT DSV17GARTNER, Vendor No. VS0000018090, for payment of annual fees to Gartner, Inc. for the IT Executives and Leaders.

Section 3. That the Chief Financial Officer is hereby authorized to encumber and disburse an amount not to exceed \$125,773.00 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1701 Vendor No. 265554, for payment of annual fees for the North Central Texas Council of Governments.

Section 4. That the Chief Financial Officer is hereby authorized to encumber and disburse an amount not to exceed \$51,194.00 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1702, Vendor 079714, for payment of annual fees for the Texas Municipal League.

Section 5. That the Chief Financial Officer is hereby authorized to encumber and disburse an amount not to exceed \$168,178.00 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1703 Vendor No. 264729, for payment of annual fees for the Steering Committee of Cities Served by Oncor.

Section 6. That the Chief Financial Officer is hereby authorized to encumber and disburse an amount not to exceed \$52,004.00 from Fund 0001, Dept. BMS, Unit 1991, Object 3340, Encumbrance CT BMS1991A1704 Vendor 354776, for payment of annual fees for the TCCUI (Texas Coalition of Cities for Utility Issues).

Section 7. That the Chief Financial Officer is hereby authorized to encumber and disburse an amount not to exceed \$288,643.41 from Fund 0100, Dept. DWU, Unit 7015, Object 3340, Encumbrance CT DWU7015L1679, Vendor No. VC0000008752, for payment of annual fees for the Water Research Foundation.

October 26, 2016

Section 8. That the Chief Financial Officer is hereby authorized to encumber and disburse an amount not to exceed \$82,800.00 from Fund 0100, Dept. DWU, Unit 7015, Object 3340, Encumbrance CT DWU7015L1680, Vendor No. 333952, for payment of annual fees for the Water Environment and Reuse Foundation.

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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): All
DEPARTMENT: Planning and Urban Design
CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611
MAPSCO: N/A

SUBJECT

Authorize a personal service contract with Brent Brown of buildingcommunity Workshop to serve as Consulting Design Director for the Planning and Design Studio for the period November 1, 2016 through September 30, 2017 – Not to exceed \$77,917 – Financing: Current Funds

BACKGROUND

On September 23, 2009, City Council authorized the acceptance of a donation from the Trinity Trust Foundation through the Dallas Foundation in an amount not to exceed \$2,000,000 for the creation and operation of the Dallas CityDesign Studio. The CityDesign Studio was created to place strong emphasis on the importance of design of the urban environment to enhance the quality of life for all citizens. It was initiated through a public-private partnership with the intent that over time it would become fully integrated into the City's budget and functions.

For the past seven years, in FY 2009-10, FY 2010-11, FY 2011-12, FY 2012-13, FY 2013-14, FY 2014-15, and FY 2015-16 City Council has authorized personal service contracts with Brent Brown to guide the Studio and serve as a bridge between the public and private sectors to elevate awareness and attention to design in both public and private projects by working with City staff and the local design and development community. In FY 2014-15, the CityDesign Studio transitioned to becoming 100% City funded.

As part of the FY 2015-16 budget, the department of Planning and Urban Design was created to bring together key city planning functions related to land use, urban design, transportation, and housing and neighborhood development. The new department includes an expanded Planning and Design Studio that fosters an integrated and comprehensive approach to planning and designing strategic projects and programs that will have a significant impact on the City's growth and development.

BACKGROUND (Continued)

Brent Brown has agreed to renew his contract to serve as the Consulting Design Director for the Planning and Design Studio. The amount of the contract for FY 2016-17 is \$77,916.67. The scope of services for this contract will include:

- Collaborate with the Chief Planning Officer to develop the work program and priorities for the Planning and Design Studio in consultation with the City Manager;
- Provide thought leadership, advice, ongoing project management guidance, and periodic review of work products related to urban design policy development, specific area plans, urban design advisory services and direct design services;
- Solicit and secure private sponsorship for projects or programs that complement the work program of the Planning and Design Studio; and
- Represent the interests of the City to the design and development community and other departments and agencies as specifically requested by the City

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of a donation from the Trinity Trust Foundation through the Dallas Foundation on September 23, 2009, by Resolution No. 09-2376.

Authorized a personal service contract with Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas CityDesign Studio from October 1, 2009 through September 30, 2010, on October 28, 2009, by Resolution No. 09-2651.

Authorized a personal service contract with Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas CityDesign Studio from October 1, 2010 through September 30, 2011, on October 26, 2010, by Resolution No. 10-2764.

Authorized a personal service contract with Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas CityDesign Studio from October 1, 2011 through September 30, 2012, on October 26, 2011, by Resolution No. 11-2850.

Authorized a personal service contract with Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas CityDesign Studio from October 1, 2012 through September 30, 2013, on October 24, 2012, by Resolution No. 12-2670.

Authorized a personal service contract with Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas CityDesign Studio from October 1, 2013 through September 30, 2014, on October 23, 2013, by Resolution No. 13-1853.

Authorized a personal service contract with Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas CityDesign Studio from October 1, 2014 through September 30, 2015, on October 22, 2014, by Resolution No. 14-1805.

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

Authorized a personal service contract with Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas CityDesign Studio from November 1, 2015 through September 30, 2016, on October 28, 2015, by Resolution No. 15-1954.

Information about this item will be provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

\$77,916.67 - Current Funds

October 26, 2016

WHEREAS, the Trinity Trust Foundation works closely with the City of Dallas (“City”) to achieve excellence in the Trinity River Corridor Project; and raises private funds to implement the Balanced Vision Plan for the Trinity River Corridor Project; and

WHEREAS, the Trinity Trust Foundation received a private donation to establish the Dallas CityDesign Studio (“Studio”) in partnership with the City with an initial focus on areas adjacent to the Trinity River Corridor Project; and

WHEREAS, on September 23, 2009, Resolution No. 09-2376 authorized the acceptance of the donation in an amount up to \$2,000,000; and

WHEREAS, on October 28, 2009, Resolution No. 09-2651 authorized Brent Brown to serve as the Studio Director for the Dallas CityDesign Studio from October 1, 2009 through September 30, 2010; and

WHEREAS, on October 26, 2010, Resolution No. 10-2764 authorized Brent Brown to serve as the Studio Director for the Dallas CityDesign Studio from October 1, 2010 through September 30, 2011; and

WHEREAS, on October 26, 2011, Resolution No. 11-2850 authorized Brent Brown to serve as the Studio Director for the Dallas CityDesign Studio from October 1, 2011 through September 30, 2012; and

WHEREAS, on October 24, 2012, Resolution No. 12-2670 authorized Brent Brown to serve as the Studio Director for the Dallas CityDesign Studio from October 1, 2012 through September 30, 2013; and

WHEREAS, on October 23, 2013, Resolution No. 13-1853 authorized Brent Brown to serve as the Studio Director for the Dallas CityDesign Studio from October 1, 2013 through September 30, 2014; and

WHEREAS, on October 22, 2014, Resolution No. 14-1805 authorized Brent Brown to serve as the Studio Director for the Dallas CityDesign Studio from October 1, 2014 through September 30, 2015; and

WHEREAS, on September 22, 2015, Resolution No. 15-1784 approved the FY 2015-2016 budget for the City of Dallas which included creation of the Planning and Urban Design Department to include the Planning and Design Studio, and

WHEREAS, on September 30, 2015, Administrative Action No. 15-6760 approved Supplemental Agreement No. 1 with Brent Brown to extend his contract from October 1, 2015 through October 31, 2015; and

October 26, 2016

WHEREAS, on October 28, 2015, Resolution No. 15-1954 authorized Brent Brown to serve as the Consulting Design Director for the Planning and Design Studio from November 1, 2015 through September 30, 2016; and

WHEREAS, on September 14, 2016, Administrative Action No. 16-6636 approved Supplemental Agreement No. 1 with Brent Brown to extend his contract from October 1, 2016 through October 31, 2016; and

WHEREAS, Brent Brown is willing to renew his contract to serve as Consulting Design Director for the Planning and Design Studio.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to enter into a personal service contract with Brent Brown with buildingcommunity Workshop to serve as Consulting Design Director for the Planning and Design Studio from November 1, 2016 through September 30, 2017 in an amount not to exceed \$77,916.67.

Section 2. That the City Manager is hereby authorized to execute the personal service contract after approval 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 \$77,916.67 from service contract number MASCBROWN2017 (subject to annual appropriations).

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): 12

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: 5M

SUBJECT

Authorize acquisition from Kyle Lee Wilkes and Jessica Spring Ollerman, of a wastewater easement of approximately 1,754 square feet of land located near the intersection of Duffield Drive and Stanworth Drive for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$13,100 (\$11,801, plus closing costs and title expenses not to exceed \$1,299) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of a wastewater easement of approximately 1,754 square feet of land located near the intersection of Duffield Drive and Stanworth Drive for the McKamy and Osage Branch Wastewater Interceptor Project. This property will be used for improvements and relocation of the McKamy and Osage Branch wastewater line. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on October 17, 2016.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - \$13,100 (\$11,801, plus closing costs and title expenses not to exceed \$1,299)

OWNERS

Kyle Lee Wilkes

Jessica Spring Ollerman

MAP

Attached

McCallum Blvd.

Davenport Road

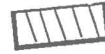
Stanworth Drive



Hillcrest Road

Duffield Drive

BLOCK W/8200



Campbell Road

SUBJECT:



October 26, 2016

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 1,754 square feet of land located in Collin 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": McKamy and Osage Branch Wastewater Interceptor 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": Kyle Lee Wilkes and Jessica Spring Ollerman, 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": \$11,801

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,299

"AUTHORIZED AMOUNT": Not to exceed \$13,100

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.

October 26, 2016

SECTION 2. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

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 conveyance 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 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 Wastewater Utilities Capital Construction Funds, Fund No. 0103, Department DWU, Unit CS40, Activity MPSA, Program No. 706028, Object 4210, Encumbrance No. CT-DWU706028EA7. 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 Boris N. Lytt
Assistant City Attorney

1,754 SQUARE FOOT (0.040 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
KYLE LEE WILKES et al

EXHIBIT A

BEING a 1,754 square foot (0.040 Acre) parcel of land situated in the JOHN W. OVERTON SURVEY, ABSTRACT NO. 1115, in Official City Block Number W/8200, in the City of Dallas, Collin County, Texas, said parcel being part of Lot 2 of Block W/8200 of Fourth Section, Preston Green North, an addition to the City of Renner according to the plat thereof recorded in Cabinet 12, Page 63 of the Map Records Collin County Texas (M.R.C.C.T.) and annexed into the City of Dallas by Ordinance No. 15463 and modified by Certificates of Correction of Error recorded in Volume 1180, Page 377 of the Deed Records Collin County Texas (D.R.C.C.T.), Volume 1585, Page 912 of the D.R.C.C.T. and Volume 79049, Page 964 of the Deed Records Dallas County Texas (D.R.D.C.T.) said Certificates of Correction of Error modifying recording information from Cabinet 12, Page 63 to Cabinet A, Page 397 and also modifying Block D/8200 to Block W/8200, said Fourth Section, Preston Green North also recorded in Volume 76198, Page 1012, D.R.D.C.T., said Lot 2 being described in a deed to Kyle Lee Wilkes and Jessica Spring Ollerman recorded in Instrument Number 2012102001298850, D.R.C.C.T. and being more particularly described as follows:

COMMENCING at a one-half inch steel rod found (controlling monument-Texas State Plane Grid Coordinates – N=7,046,359.81, E=2,493,867.47) at the intersection of the north line of Duffield Drive (50 –foot wide right-of-way) with the west line of a 15-foot wide alley, said point also being the southeast corner of Lot 5, Block W/8200 of said Fourth Section, Preston Green North;

THENCE Southeasterly, along the north and east right-of-way of said Duffield Drive and along a non-tangent curve to the right which has a chord that bears South 37 degrees 30 minutes 48 seconds East for 90.15 feet, a radius of 75.00 feet and a central angle of 73 degrees 52 minutes 45 seconds, for an arc distance of 96.71 feet to the end of said curve and the beginning of a compound curve to the right;

THENCE Southerly, continuing along the east right-of-way of said Duffield Drive and along said compound curve to the right which has a chord that bears South 02 degrees 30 minutes 16 seconds West for 21.59 feet, a radius of 201.06 feet, and a central angle of 06 degrees 09 minutes 22 seconds, for an arc distance of 21.60 feet to the northwest corner of said Lot 2 and the southwest corner of Lot 3, Block W/8200 of said Fourth Section, Preston Green North, from which a one-half inch steel rod found bears South 42 degrees 56 minutes 13 seconds West, a distance of 0.43 feet, and a one-half inch steel rod found (controlling monument-Texas State Plane Grid Coordinates – N=7,046,196.51, E=2,493,901.18) for the southwest corner of said Lot 2 and the northwest corner of Lot 1, Block W/8200 of said Fourth Section, Preston Green North, is located Southerly, along the east right-of-way of said Duffield Drive and along the prolongation of said compound curve to the right which has a chord that bears South 16 degrees 03 minutes 16 seconds West for 73.50 feet and a central angle of 20 degrees 56 minutes 40 seconds, for an arc distance of 73.50 feet;

FIELD NOTES APPROVED:

Abc 4/17/14



1,754 SQUARE FOOT (0.040 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
KYLE LEE WILKES et al

EXHIBIT A

THENCE North 89 degrees 20 minutes 30 seconds East, along the common line between said Lot 2 and said Lot 3, a distance of 130.13 feet to a one-half inch steel rod with a cap marked "AZ&B" set for the **POINT OF BEGINNING**;

THENCE North 89 degrees 20 minutes 30 seconds East, continuing along the common line between said Lot 2 and said Lot 3, a distance of 25.07 feet to a one-half inch steel rod with a cap marked "AZ&B" set for corner

THENCE South 03 degrees 45 minutes 22 seconds West, departing said common line and across said Lot 2, a distance of 55.34 feet to a one-half inch steel rod with a cap marked "AZ&B" set for corner for the beginning of a tangent curve to the right;

THENCE Southerly, continuing across said Lot 2 and along said tangent curve to the right which has a chord that bears South 05 degrees 42 minutes 38 seconds West for 14.92 feet, a radius of 218.75 feet and a central angle of 03 degrees 54 minutes 32 seconds, for a curve length of 14.92 feet to a one-half inch steel rod with a cap marked "AZ&B" set for corner in the common line between said Lot 2 and said Lot 1;

THENCE South 89 degrees 20 minutes 30 seconds West, along the common line between said Lot 2 and said Lot 1, a distance of 25.30 feet to a one-half inch steel rod with a cap marked "AZ&B" set in a non-tangent curve to the left, from which the said one-half inch steel rod found for the southwest corner of said Lot 2 and the northwest corner of said Lot 1 bears South 89 degrees 20 minutes 30 seconds West, a distance of 145.01 feet;

THENCE Northerly, departing said common line and across said Lot 2 and along said non-tangent curve to the left which has a chord that bears North 06 degrees 15 minutes 08 seconds East for 16.88 feet, a radius of 193.75 feet and a central angle of 04 degrees 59 minutes 32 seconds, for a curve length of 16.88 feet to a one-half inch steel rod with a cap marked "AZ&B" set for the end of said curve;

1,754 SQUARE FOOT (0.040 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
KYLE LEE WILKES et al

EXHIBIT A

THENCE North 03 degrees 45 minutes 22 seconds East, continuing across said Lot 2, a distance of 53.41 feet to the **POINT OF BEGINNING** and containing 1,754 square feet (0.040 acre) of land, more or less, of which 705 square feet are within an existing sanitary sewer easement.

Basis of bearings and source of coordinates is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of November, 2013


Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



LEGEND

- (CM) CONTROLLING MONUMENT
- SRF STEEL ROD FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- MONUMENT FOUND (SIZE/TYPE AS NOTED)
- 1/2" STEEL REBAR SET W/ AZB PLATIC CAP (OR AS NOTED)
- LIMITS OF PROPERTY TO BE ACQUIRED

NOTES

A PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

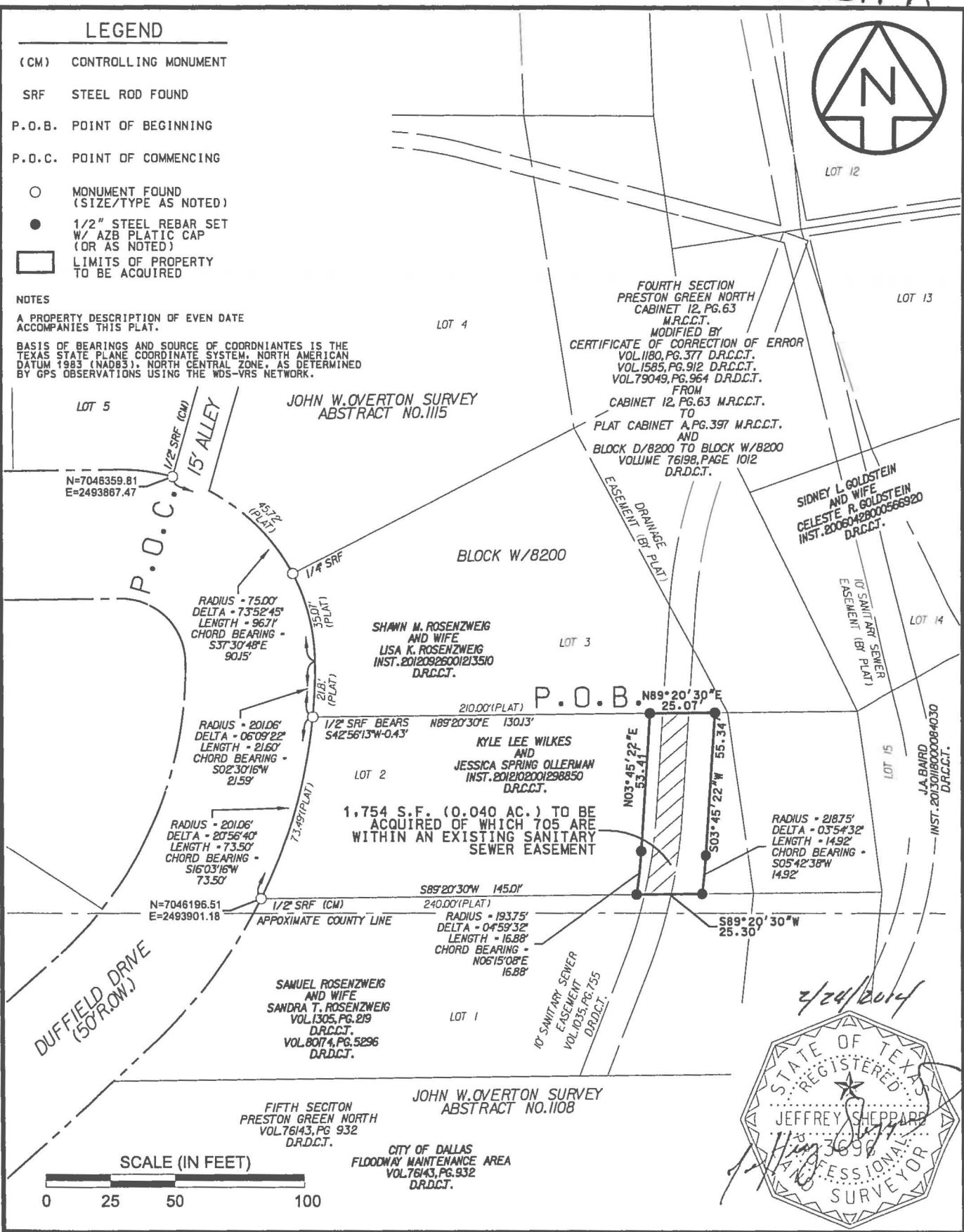
BASIS OF BEARINGS AND SOURCE OF COORDINATES IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83), NORTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS USING THE WDS-VRS NETWORK.



11:24:44 AM

2/24/2014

S:\DWU\207010.001-Haliff-McKarmy\Dgn\Easement\ Preston Green North\ESMT-658\ESMT-658.dgn



COMPUTED	JDS_CKD	JHS
DRAWN	JDS_CKD	JHS
SUPERVISOR	E.D. UTZMAN	
DATE	2-24-14	
SCALE	1" = 50'	

REVISION HISTORY	

AZ&B
 ARREDONDO, ZEPEDA & BRUNZ, INC.
 11355 MCCREE ROAD
 DALLAS, TX 75238
 PH: 214-341-9900
 FAX: 214-341-9925
 email - office@azb-engrs.com

1,754 SQUARE FOOT (0.040 ACRE)
 DALLAS CITY BLOCK W/8200
 WASTEWATER EASEMENT
 KYLE LEE WILKES et al

SHEET 4 OF 4 DWG No. REV

EXHIBIT B

WASTEWATER EASEMENT

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

That Kyle Lee Wilkes and Jessica Spring Ollerman, a married couple (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Collin, State of Texas, for and in consideration of the sum of ELEVEN THOUSAND EIGHT HUNDRED ONE AND NO/100 DOLLARS (\$11,801.00) 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, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit A, attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

EXHIBIT B

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 _____, _____.

GRANTOR:

Kyle Lee Wilkes

Jessica Spring Ollerman

* * * * *
STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Kyle Lee Wilkes.

Notary Public, State of TEXAS

* * * * *

* * * * *
STATE OF TEXAS '
COUNTY OF DALLAS '

EXHIBIT B

This instrument was acknowledged before me on _____
By Jessica Spring Ollerman.

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: Mark A. Proctor

Wastewater Easement Log No. 40655 (revised 8/2/16)

1,754 SQUARE FOOT (0.040 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
KYLE LEE WILKES et al

EXHIBIT A

BEING a 1,754 square foot (0.040 Acre) parcel of land situated in the JOHN W. OVERTON SURVEY, ABSTRACT NO. 1115, in Official City Block Number W/8200, in the City of Dallas, Collin County, Texas, said parcel being part of Lot 2 of Block W/8200 of Fourth Section, Preston Green North, an addition to the City of Renner according to the plat thereof recorded in Cabinet 12, Page 63 of the Map Records Collin County Texas (M.R.C.C.T.) and annexed into the City of Dallas by Ordinance No. 15463 and modified by Certificates of Correction of Error recorded in Volume 1180, Page 377 of the Deed Records Collin County Texas (D.R.C.C.T.), Volume 1585, Page 912 of the D.R.C.C.T. and Volume 79049, Page 964 of the Deed Records Dallas County Texas (D.R.D.C.T.) said Certificates of Correction of Error modifying recording information from Cabinet 12, Page 63 to Cabinet A, Page 397 and also modifying Block D/8200 to Block W/8200, said Fourth Section, Preston Green North also recorded in Volume 76198, Page 1012, D.R.D.C.T., said Lot 2 being described in a deed to Kyle Lee Wilkes and Jessica Spring Ollerman recorded in Instrument Number 2012102001298850, D.R.C.C.T. and being more particularly described as follows:

COMMENCING at a one-half inch steel rod found (controlling monument-Texas State Plane Grid Coordinates – N=7,046,359.81, E=2,493,867.47) at the intersection of the north line of Duffield Drive (50 –foot wide right-of-way) with the west line of a 15-foot wide alley, said point also being the southeast corner of Lot 5, Block W/8200 of said Fourth Section, Preston Green North;

THENCE Southeasterly, along the north and east right-of-way of said Duffield Drive and along a non-tangent curve to the right which has a chord that bears South 37 degrees 30 minutes 48 seconds East for 90.15 feet, a radius of 75.00 feet and a central angle of 73 degrees 52 minutes 45 seconds, for an arc distance of 96.71 feet to the end of said curve and the beginning of a compound curve to the right;

THENCE Southerly, continuing along the east right-of-way of said Duffield Drive and along said compound curve to the right which has a chord that bears South 02 degrees 30 minutes 16 seconds West for 21.59 feet, a radius of 201.06 feet, and a central angle of 06 degrees 09 minutes 22 seconds, for an arc distance of 21.60 feet to the northwest corner of said Lot 2 and the southwest corner of Lot 3, Block W/8200 of said Fourth Section, Preston Green North, from which a one-half inch steel rod found bears South 42 degrees 56 minutes 13 seconds West, a distance of 0.43 feet, and a one-half inch steel rod found (controlling monument-Texas State Plane Grid Coordinates – N=7,046,196.51, E=2,493,901.18) for the southwest corner of said Lot 2 and the northwest corner of Lot 1, Block W/8200 of said Fourth Section, Preston Green North, is located Southerly, along the east right-of-way of said Duffield Drive and along the prolongation of said compound curve to the right which has a chord that bears South 16 degrees 03 minutes 16 seconds West for 73.50 feet and a central angle of 20 degrees 56 minutes 40 seconds, for an arc distance of 73.50 feet;

FIELD NOTES APPROVED:
Abc 4/17/14



1,754 SQUARE FOOT (0.040 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
KYLE LEE WILKES et al

EXHIBIT A

THENCE North 89 degrees 20 minutes 30 seconds East, along the common line between said Lot 2 and said Lot 3, a distance of 130.13 feet to a one-half inch steel rod with a cap marked "AZ&B" set for the **POINT OF BEGINNING**;

THENCE North 89 degrees 20 minutes 30 seconds East, continuing along the common line between said Lot 2 and said Lot 3, a distance of 25.07 feet to a one-half inch steel rod with a cap marked "AZ&B" set for corner

THENCE South 03 degrees 45 minutes 22 seconds West, departing said common line and across said Lot 2, a distance of 55.34 feet to a one-half inch steel rod with a cap marked "AZ&B" set for corner for the beginning of a tangent curve to the right;

THENCE Southerly, continuing across said Lot 2 and along said tangent curve to the right which has a chord that bears South 05 degrees 42 minutes 38 seconds West for 14.92 feet, a radius of 218.75 feet and a central angle of 03 degrees 54 minutes 32 seconds, for a curve length of 14.92 feet to a one-half inch steel rod with a cap marked "AZ&B" set for corner in the common line between said Lot 2 and said Lot 1;

THENCE South 89 degrees 20 minutes 30 seconds West, along the common line between said Lot 2 and said Lot 1, a distance of 25.30 feet to a one-half inch steel rod with a cap marked "AZ&B" set in a non-tangent curve to the left, from which the said one-half inch steel rod found for the southwest corner of said Lot 2 and the northwest corner of said Lot 1 bears South 89 degrees 20 minutes 30 seconds West, a distance of 145.01 feet;

THENCE Northerly, departing said common line and across said Lot 2 and along said non-tangent curve to the left which has a chord that bears North 06 degrees 15 minutes 08 seconds East for 16.88 feet, a radius of 193.75 feet and a central angle of 04 degrees 59 minutes 32 seconds, for a curve length of 16.88 feet to a one-half inch steel rod with a cap marked "AZ&B" set for the end of said curve;

1,754 SQUARE FOOT (0.040 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
KYLE LEE WILKES et al

THENCE North 03 degrees 45 minutes 22 seconds East, continuing across said Lot 2, a distance of 53.41 feet to the **POINT OF BEGINNING** and containing 1,754 square feet (0.040 acre) of land, more or less, of which 705 square feet are within an existing sanitary sewer easement.

Basis of bearings and source of coordinates is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of November, 2013



Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



LEGEND

- (CM) CONTROLLING MONUMENT
- SRF STEEL ROD FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- MONUMENT FOUND (SIZE/TYPE AS NOTED)
- 1/2" STEEL REBAR SET W/ AZB PLATIC CAP (OR AS NOTED)
- LIMITS OF PROPERTY TO BE ACQUIRED

NOTES

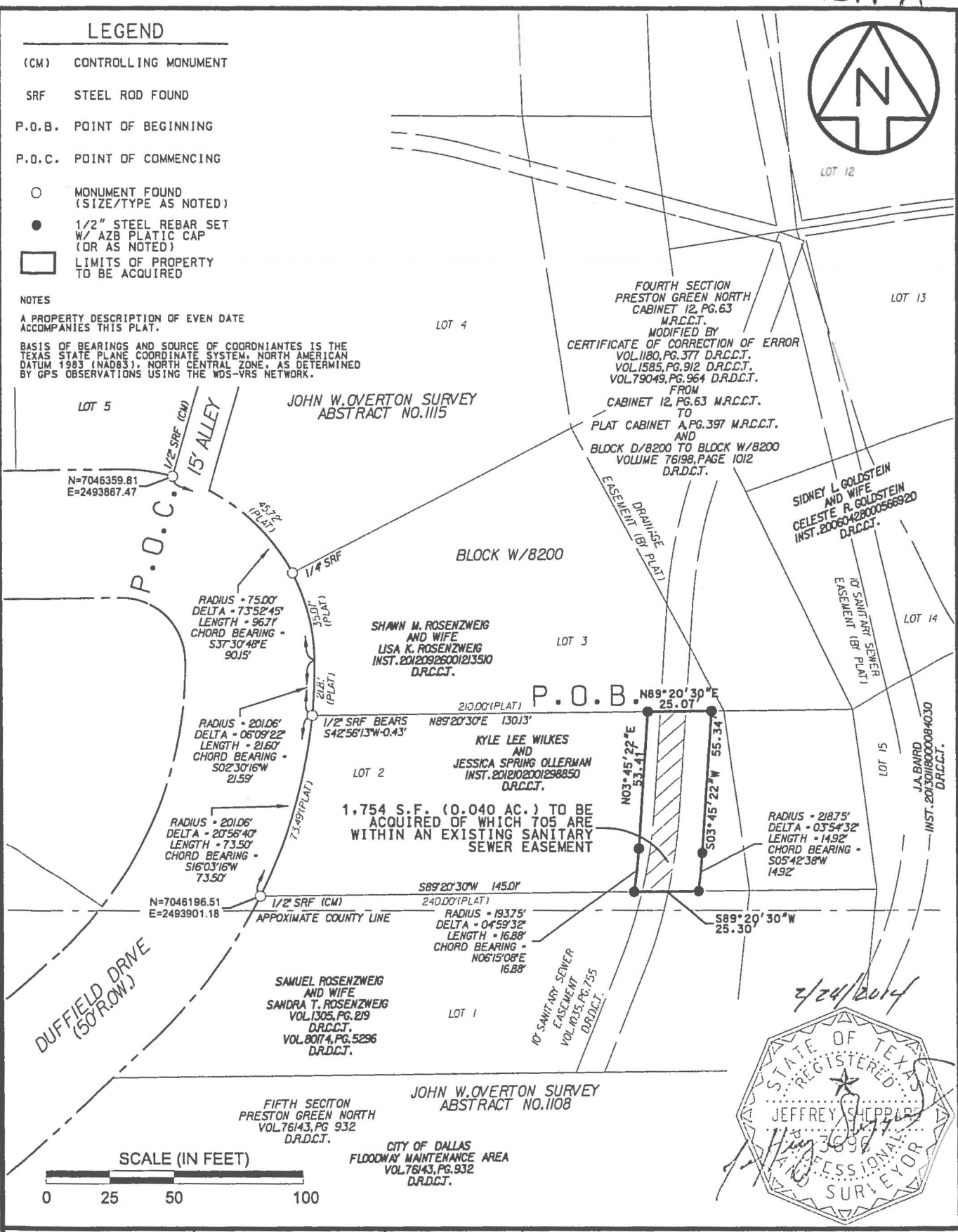
A PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

BASIS OF BEARINGS AND SOURCE OF COORDINATES IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83), NORTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS USING THE WDS-VRS NETWORK.



11:24:44 AM

S:\DWU\207010.001-Halff-McKamy\Dgm\Easement\ Preston Green North\ESMT-658\ESMT-658.dgn 2/24/2014



COMPUTED JDS, CKD, JHS
 DRAWN JDS, CKD, JHS
 SUPERVISOR E.D. UTZMAN
 DATE 2-24-14
 SCALE 1" = 50'

REVISION HISTORY	

AZ&B
 ARREDONDO, ZEPEDA & BRUNZ, INC.
 11356 MCCREE ROAD
 DALLAS, TX 75238
 PH 214-241-9900
 FAX 214-341-9925
 email - office@azb-engr.com

1,754 SQUARE FOOT (0.040 ACRE)
 DALLAS CITY BLOCK W/8200
 WASTEWATER EASEMENT
 KYLE LEE WILKES et al

SHEET 4 OF 4 DWG No. REV

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 8
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 66-Q

SUBJECT

A resolution authorizing advertisement for lease with an option to purchase by sealed bid of approximately 32,273 square feet of City-owned land improved with a former library located near the intersection of Simpson Stuart Road and Highland Hills Drive - Financing: No cost consideration to the City

BACKGROUND

This item authorizes advertisement for lease with an option to purchase by sealed bid of approximately 32,273 square feet of City-owned land improved with a former library located near the intersection of Simpson Stuart Road and Highland Hills Drive. The advertisement will state that the City of Dallas reserves the right to reject any and all bids received and will establish a minimum monthly rental rate of \$1,966.00, a minimum option purchase price of \$295,000 and a minimum estimated amount of required tenant improvements of \$22,000.00 The minimum rental rate and purchase price are based on an independent appraisal.

This property will be advertised for lease with an option to purchase with a reservation of all oil, gas and other minerals in and under the property and a restriction prohibiting the placement of industrialized housing.

The term of the lease shall be for five years and shall be on a triple net basis with the Lessee responsible for providing and paying all taxes, insurance, utilities, maintenance and repairs attributable to the property and any improvements.

The Lessee, at its cost shall be required to complete minimum required tenant improvements to the property during the first year of the lease term.

The current zoning for this property is MF-2(A) and the appraised value is \$295,000.

BACKGROUND (Continued)

This tract of land has been reviewed by the Housing Department for infill housing and is not desired for this program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

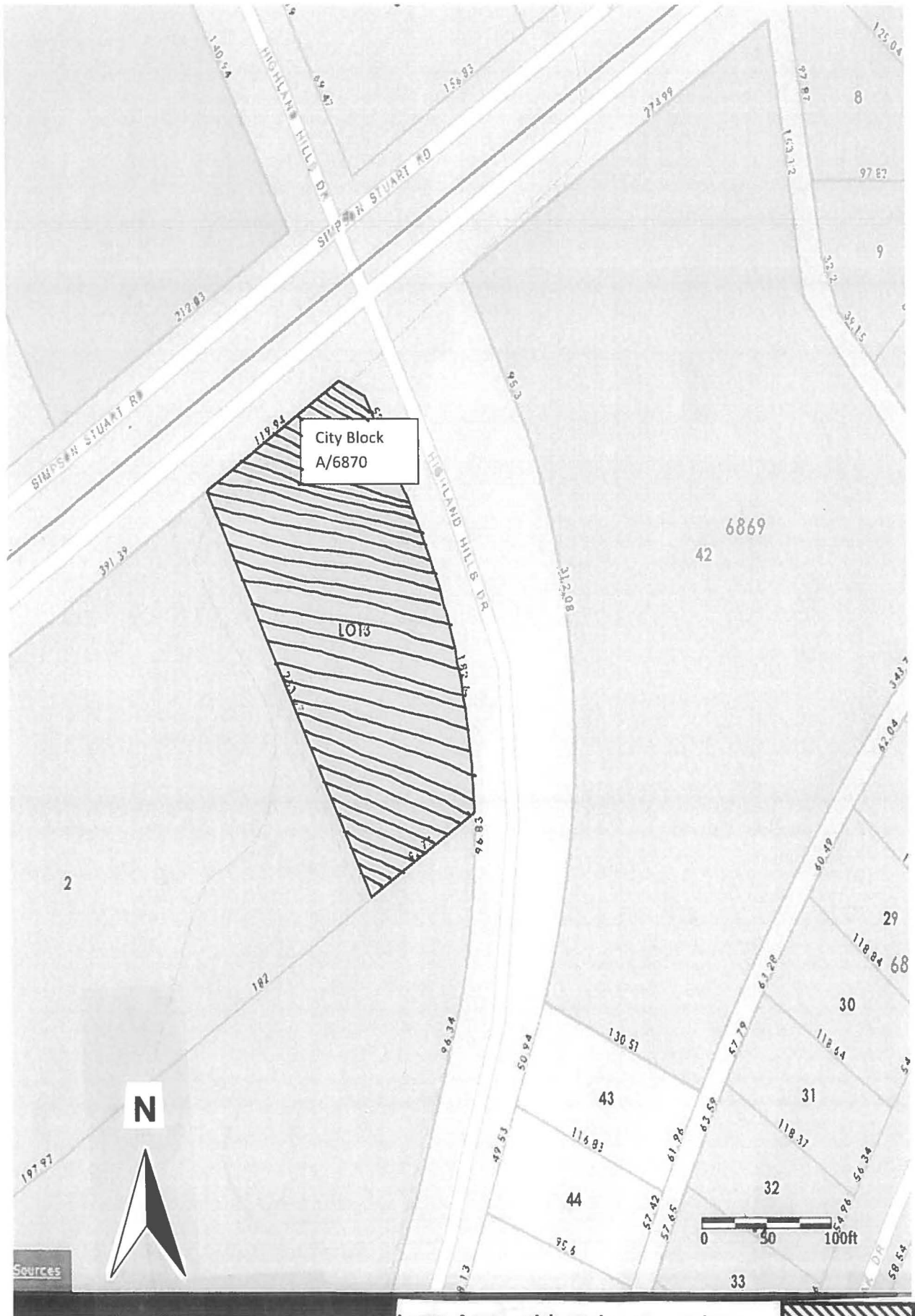
Information about this item will be provided to Economic Development Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached



3624 Simpson Stuart Road

Lease Area- with option to purchase
approximately 32,273 sq. ft.



October 26, 2016

WHEREAS, the City of Dallas (“City”) is the owner of one (1) tract of land containing approximately 32,273 square feet, located in the City of Dallas, Dallas County, Texas as described on Exhibit “A”, attached herein and incorporated by reference, and which is no longer needed for municipal use; and

WHEREAS, an updated appraisal was requested and obtained with a market value of \$295,000.00; and

WHEREAS, the improvements on the property are in need of repair and renovation; and sealed bid in compliance with State law;

NOW, THEREFORE,

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

SECTION 1. That the tract of land containing approximately 32,273 square feet in City Block A/6870 and located near the intersection of Simpson Stuart Road and Highland Hills Drive is declared unwanted and unneeded by the City Council and is to be advertised for lease with an option to purchase in favor of the lessee, with the following minimum bid terms:

Monthly Rental Rate:	\$1,966.00
Estimated Amount of Required Tenant Improvements:	\$22,000.00
Option Purchase Price:	\$295,000.00

SECTION 2. That the Director of Sustainable Development and Construction is authorized to advertise the above described property for lease with an option to purchase.

SECTION 3. That the advertisement of the property shall state:

- (a) That the City of Dallas reserves the right to reject any and all bids received and any lease with option to purchase is subject to approval by the Dallas City Council;

October 26, 2016

SECTION 3. (Continued)

- (b) That the lease with option to purchase shall be in a form approved by the City Attorney and containing the following:
- i) The lease shall be of the land and any improvements currently located thereon.
 - ii) The term of the lease shall be for five (5) years.
 - iii) Rent shall be due and payable in advance monthly.
 - iv) The lease shall be on a triple net basis with the lessee responsible for providing and paying all taxes, insurance, utilities, maintenance and repairs attributable to the property and any improvements.
 - v) The lessee, at the lessee's cost and expense, shall be required to complete during the first year of the lease term improvements, renovations, restoration, finish-out, and repairs to the property (Tenant Improvements) having a value of not less than the amount of required tenant improvements bid, said Tenant Improvements being subject to the review and written approval of the Directors of Equipment and Building Services and Sustainable Development and Construction (Directors) both as to the nature of and plans and specifications for the Tenant Improvements proposed and their satisfactory completion and value.
 - vi) The property use under the lease shall be for residential and/or general office uses.
 - vii) The lessee shall have the right to terminate the lease within the first 120 days of the lease term if the lessee is not able to secure satisfactory zoning for the property.
 - viii) The lease shall contain an option to purchase the property in favor of the lessee upon the following terms and conditions:
 - 1) The lessee may not exercise the option to purchase unless and until the lessee has completed the Tenant Improvements provided for in the lease as evidenced by the Director's approval of same.
 - 2) The option to purchase shall expire upon the termination of the lease for whatever reason.

October 26, 2016

SECTION 3. (Continued)

- 3) The Option Purchase Price shall escalate at a rate of 1% per year from the effective date of the lease until closing and lessee shall pay the Option Purchase Price and any such escalations at closing.
 - 4) The conveyance upon closing shall be by Deed Without Warranty, in a form approved by the City Attorney.
 - 5) Property taxes and assessments, if any, will be prorated through the closing and assumed by the lessee/grantee.
 - 6) All closing cost and title expenses, including without limitation the cost of title insurance, if desired, attributable to the closing of the purchase under the option shall be paid by the lessee/grantee.
 - 7) The Option Purchase price shall be adjusted for any tenant improvements not to exceed \$22,000
- (c) That both the lease and any resulting sale pursuant to the option to purchase, shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation the following:
- i) A restriction prohibiting the placement of industrialized housing on the property.
 - ii) Reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals.
 - iii) Any and all visible and apparent easements and encroachments, whether of record or not.
 - iv) Any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of way, mineral interest, mineral leases, or other instruments of record and applicable to the property or any part thereof.
 - v) Standby fees, taxes, and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by the lessee/grantee.

October 26, 2016

SECTION 3. (Continued)

- (d) That, to the maximum extent allowed by law, both the lease and any resulting sale pursuant to the option to purchase shall be strictly on an “AS IS, WHERE IS, WITH ALL FAULTS” basis.
- (e) Such other terms and requirements and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 4. That as a material part of the consideration for both the lease and any resulting sale pursuant to the option to purchase, the lessee/grantee and the City shall acknowledge and agree and provided in any relevant instrument(s) that, to the maximum extent allowed by law, (a) lessee/grantee is taking the property “AS IS, WHERE IS, WITH ALL FAULTS”, (b) the City disclaims responsibility as to the accuracy or completeness of any information relating to the property, (c) lessee/grantee assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) the City expressly disclaims and lessee/grantee expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the property. Without limiting the foregoing, the City makes no representation of any nature regarding the property and specifically disclaims any warranty, guaranty, or representation, oral or written, express or implied, past, present, or future, concerning; (i) the nature and condition of the property, including without limitation, the water, soil and geology, and the suitability thereof and the property for any and all activities and uses which lessee/grantee may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules, or regulations; (ii) the nature and extent of any right-of-way, lease possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the property can be developed or utilized for any purpose. For purposes hereof, “environmental substances” means the following: (a) any “hazardous substance” under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. 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 lubrication OILS, (D) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C.A Section 651 et. seq., as amended, any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance,

October 26, 2016

SECTION 4. (Continued)

(j) any either substance which by federal, state, or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal reference 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.

SECTION 5. That any procedures required by Code Section 2-24 that are not required by state law are hereby waived with respect to this transaction.

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:

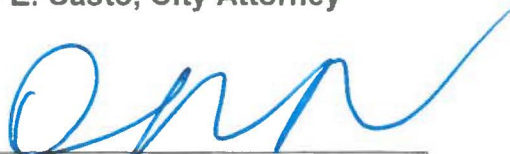
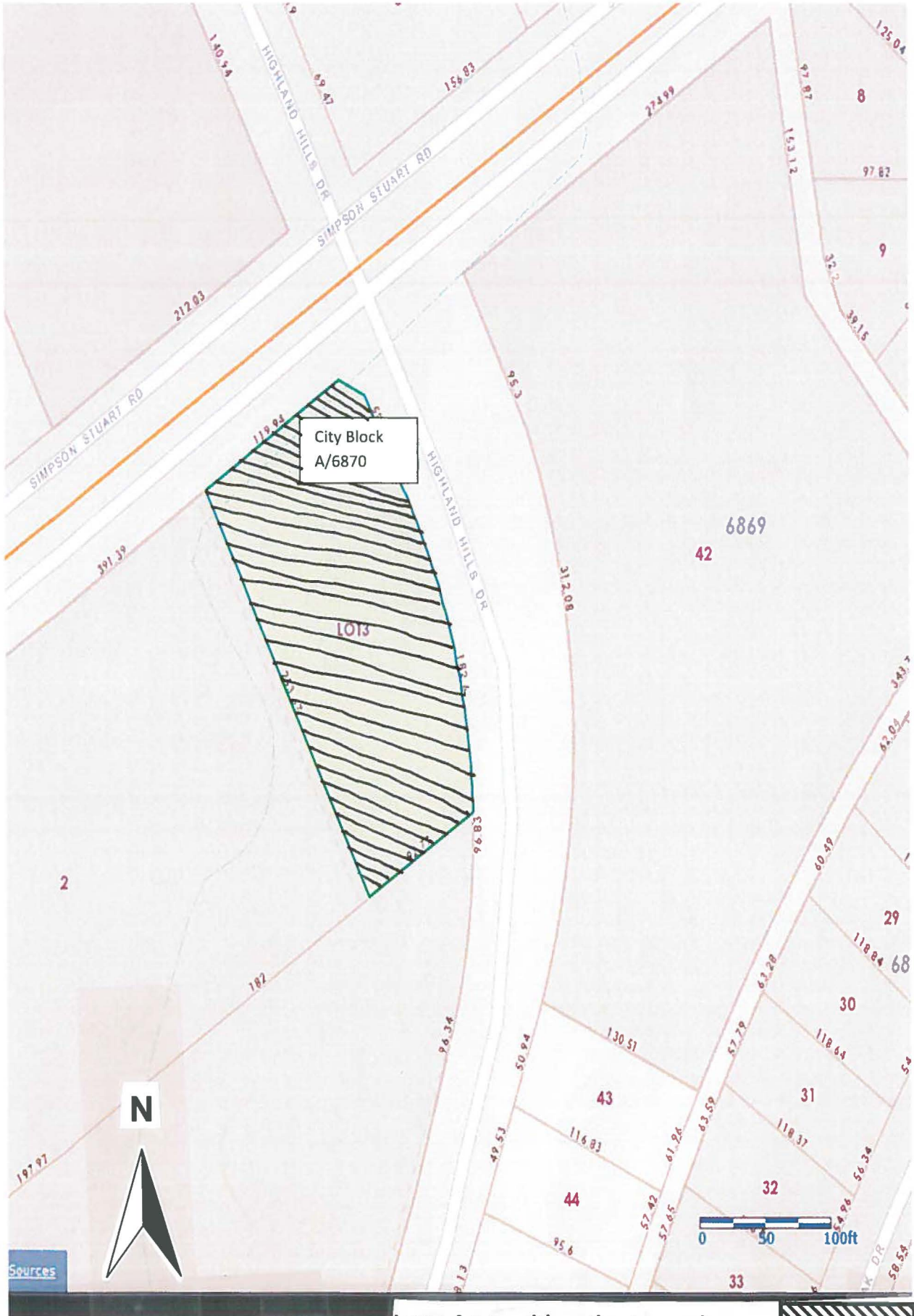

Assistant City Attorney

EXHIBIT A



3624 Simpson Stuart Road

Lease Area- with option to purchase
approximately 32,273 sq. ft.



KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction
Housing/Community Services

CMO: Ryan S. Evans, 671-9837
Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 76E

SUBJECT

Authorize an amendment to an existing ten-year lease agreement with J & J Lancaster Retail Plaza, LLC to revise the monthly rental payments for the remainder of the term for approximately 5,000 square feet of office space located at 8702 South Lancaster Road to be used by the Housing/Community Services' Women, Infants, and Children Program for the period October 1, 2016 through April 30, 2021 - Financing: No cost consideration to the City

BACKGROUND

This item authorizes an amendment to an existing ten-year lease agreement with J & J Lancaster Retail Plaza, LLC to revise the monthly rental payments for the remainder of the term for approximately 5,000 square feet of office space located at 8702 South Lancaster Road. The amendment will provide reduced rental payments for the continued use of a Women, Infants and Children (WIC) Clinic serving the residents in the South Oak Cliff area.

The WIC program is a United States Department of Agriculture program administered in Texas by the Department of State Health Services. The countywide program has been administered by the City of Dallas' Housing/Community Services Department since 1974. The WIC program provides nutritious food, nutrition education, breastfeeding promotion and support, referrals to health services, and immunizations. The program serves infants and children under age 5 and pregnant, postpartum and breastfeeding women.

The amendment will begin on October 1, 2016 through April 30, 2021.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a lease agreement on February 23, 2011, by Resolution No. 11-0539.

Information about this item will be provided to the Economic Development Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City

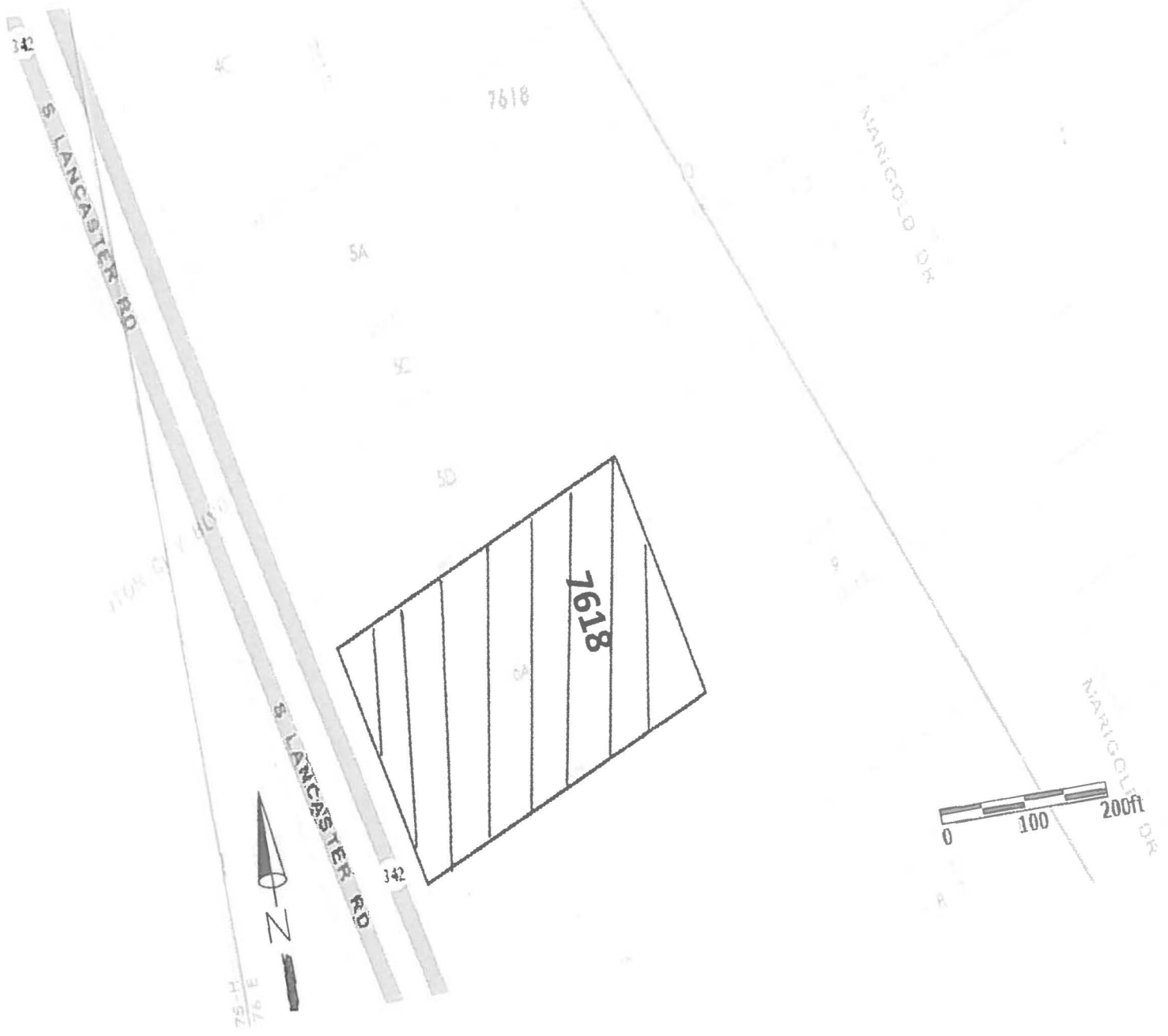
OWNER

J & J Lancaster Retail Plaza, LLC

Ajomon Joseph, Manager

MAP

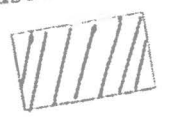
Attached



LANCASTER CROSSING SHOPPING CENTER

8702 S. Lancaster
Dallas, TX

Lease Premises



October 26, 2016

WHEREAS, on February 23, 2011, the City Council of the City of Dallas, approved Resolution No. 11-0539, authorizing the City Manager to execute a lease agreement dated March 15, 2011 (the "Lease") with Lancaster Crossing L.L.C., as Lessor ("Landlord") and the City of Dallas, as Lessee ("City") for approximately 5,000 square feet of office space located at 8702 South Lancaster Road, Dallas, Dallas County, Texas (the "Premises") to be used by the Housing and Community Services' Women, Infants and Children Program (WIC); and

WHEREAS, there has been a change in property ownership as provided by memorandum dated April 26, 2016. The new property owner and Landlord is now J & J Lancaster Retail Plaza, LLC, a Texas limited liability company; and

WHEREAS, the parties desire to supplement, modify and amend the Lease to revise the monthly rental payments ("Revised Monthly Rental Payment");

NOW, THEREFORE,

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute the First Amendment to the Lease Agreement between J & J Lancaster Retail Plaza, LLC, a Texas limited liability company, and the City of Dallas to revise the monthly rental payments for the remainder of the term for approximately 5,000 square feet of office space located at 8702 South Lancaster Road to be used by the Housing/Community Services' Women, Infants, and Children Program for the period October 1, 2016 through April 30, 2021.

SECTION 2. That the special terms and conditions of the First Amendment to Lease Agreement are:

- a) Revised monthly rental payments shall be as follows (subject to annual appropriations):

October 1, 2016 – April 30, 2017	\$4,166.67 per month
May 1, 2017 – April 30, 2019	\$4,583.33 per month
May 1, 2019 – April 30, 2021	\$5,000.00 per month

- b) All other terms of the Lease hereby shall remain unchanged and in full force and effect.

October 26, 2016

SECTION 3. That the Chief Financial Officer is hereby authorized to draw warrants payable to J & J Lancaster Retail Plaza, LLC or its successors and assigns on the first day of each month in advance during the lease term beginning October 1, 2016 in the amount specified below:

October 1, 2016 – April 30, 2017 (subject to annual appropriations)	\$4,166.67 per month
May 1, 2017 – April 30, 2019 (subject to annual appropriations)	\$4,583.33 per month
May 1, 2019 – April 30, 2021 (subject to annual appropriations)	\$5,000.00 per month

SECTION 4. That the payments will be charged as follows:

October 1, 2016 – September 30, 2017: Fund F495, Dept. HOU, Unit 2021, Object Code 3330, Encumbrance No. HOULEASEJ16, Commodity Code 97145, Vendor No. VS91591.

October 1, 2017 – April 30, 2021: Fund TBD, Dept. HOU, Unit TBD, Object Code 3330, Encumbrance No. TBD, Commodity Code 97145, Vendor No. VS91591.

SECTION 5. That the Chief Financial Officer is hereby authorized to draw warrants payable to respective telephone, communication, utility, janitorial and security companies upon receipt of a bill for services or other applicable charges through out the term of the lease.

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 47 X

SUBJECT

Authorize acquisition from David and Robert Podhrasky Investment Company, of two tracts of land containing a total of approximately 23 acres located on Barber Avenue near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$201,933 (\$197,933 plus closing costs and title expenses not to exceed \$4,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of two tracts of land containing a total of approximately 23 acres improved with a single family residence and miscellaneous out-buildings, from David and Robert Podhrasky Investment Company. Future relocation assistance may be required. Both tracts of land are located on Barber Avenue near its intersection with Dixon Avenue and will be used for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project. The consideration is based upon an independent appraisal, reviewed and adjusted by staff.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$201,933 (\$197,933 plus closing costs and title expenses not to exceed \$4,000)

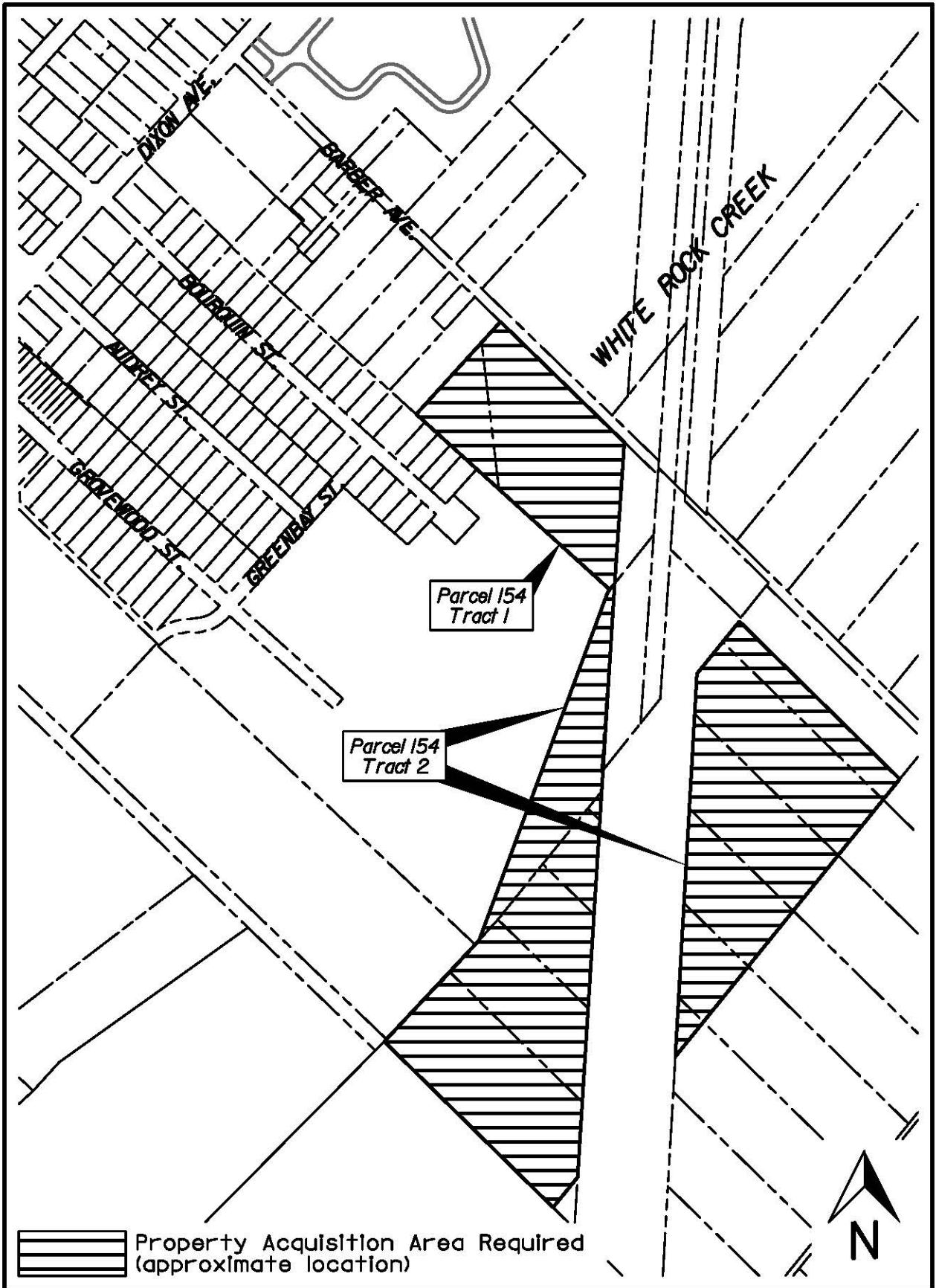
OWNER

David and Robert Podhrasky Investment Company

David Podhrasky, Partner
Robert Podhrasky, Partner

MAP

Attached



October 26, 2016

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 23 acres 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": Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel

"USE": Utility relocation and land area to support tunnel construction and operation, 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 here 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": David and Robert Podhrasky Investment Company, a Texas general partnership, 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": \$197,933.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": Not to exceed \$201,933.00

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.

October 26, 2016

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 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 payable out of Flood Protection & Storm Drainage Facilities Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. TWM06T525H11, CLOSING COSTS AND TITLE EXPENSES payable out of Flood Protection & Storm Drainage Facilities Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. TWM06T525H12. 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

City of Dallas Drawing No. 423R-54 (Parcel 154)
 Description of a 4.8041 Acres (209,268 Sq. Ft.)
 Tract to be Acquired
 Part of Lot 10, Block 7/6122,
 South Dallas Gardens Addition
 City of Dallas Block 7/6122
 Thomas Lagow Survey, Abstract No. 759
 City of Dallas, Dallas County, Texas
 From David & Robert Podhrasky Investment Company

Being situated in the Thomas Lagow Survey, Abstract Number 759, Dallas County Texas, and being part of Lot 10, Block 7 (Block 7/6122, Official City of Dallas Block Numbers) of the South Dallas Gardens addition, an addition to the City of Dallas dated June 14, 1913, and recorded in Volume 1, Page 448, of the Map Records of Dallas County, Texas, and being Part of the property conveyed to David and Robert Podhrasky Investment Company by Warranty Deed dated February 8, 2011, recorded in Instrument No. 201100045304 of the Official Deed Records of Dallas County, Texas and being more particularly described as follows:

NOTE: No corners have been monumented. All Coordinates are State Plane on Grid Values. All Distances are surface distances. Surface adjustment scale factor: 1.0001365060.

BEGINNING at a point, having coordinates of N= 6964870.0739, E= 2511776.1136, being the most westerly corner of said Lot 10, Block 7/6122, being the common south corner with Lot 11, of said Block 7/6122, being in the northeast line of Lot 16, Block B/7999 of the Sunny Acres Addition, an addition to the City of Dallas dated January 24, 1957, and recorded in Volume 32, Page 175, of the Map Records of Dallas County, Texas, and being the west corner of said Podhrasky tract;

THENCE North $42^{\circ}22'50''$ East, departing said northeast line of said Sunny Acres Addition and along the common southeast line of Lot 11, and said Lot 10, Block 7/6122, a distance of 350.54 feet, to a point, having coordinates of N=6965128.9765 E=2512012.3630, being the common corner of said Lot 11, Block 7/6122 and said Lot 10, Block 7/6122, and being in the southwest right-of-way line of Barber Road (30' Right-of-way), dedicated by Volume 1, Page 448;

THENCE South $45^{\circ}49'30''$ East, departing the said common corner and along the southwest right-of-way line of said Barber Street and along the northeast line of said Lot 10, Block 7/6122, a distance of 484.47 feet, to a point having coordinates of N= 6964791.4182, E= 2512359.7850, being in the northeast line of said Lot 10, Block 7/6122, being in the southwest line of said Barber Street, and being the northwest corner of a tract of land conveyed to Dallas Power and Light by Deed recorded by Volume 1671, Page 195 of the Deed Records of Dallas County, Texas;

THENCE South $04^{\circ}00'14''$ West, departing the said southeast Right-of-way line of said Barber Street and departing the northeast line of said Lot 10, Block 7/6122, and over and across said Lot 10, Block 7/6122, and along the west line of said DP&L tract, a distance of 393.57 feet, to a point having coordinates of N= 6964398.8605, E= 2512332.3078, being in the southwest line of said Lot 10, Block 7/6122, being in the west line of said DP&L tract and being in the northeast line of Lot 9, of said Block 7/6122;

THENCE South $38^{\circ}58'41''$ West, departing the west line of said DP&L tract and along the common northeast line of said Lot 9, Block 7/6122, and the southwest line of said Lot 10, Block 7/6122, a distance of 23.93 feet, to a point having coordinates of N= 6964380.2569,



FIELD NOTES APPROVED:

JER 1-2-16

EXHIBIT A

City of Dallas Drawing No. 423R-54 (Parcel 154)

Description of a 4.8041 Acres (209,268 Sq. Ft.)

Tract to be Acquired

Part of Lot 10, Block 7/6122,

South Dallas Gardens Addition

City of Dallas Block 7/6122

Thomas Lagow Survey, Abstract No. 759

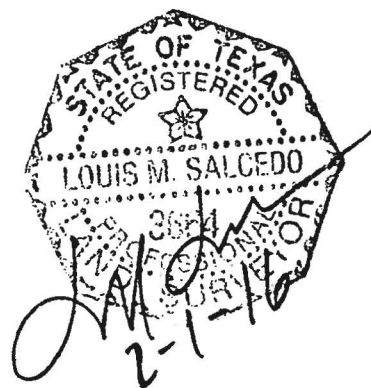
City of Dallas, Dallas County, Texas

From David & Robert Podhrasky Investment Company

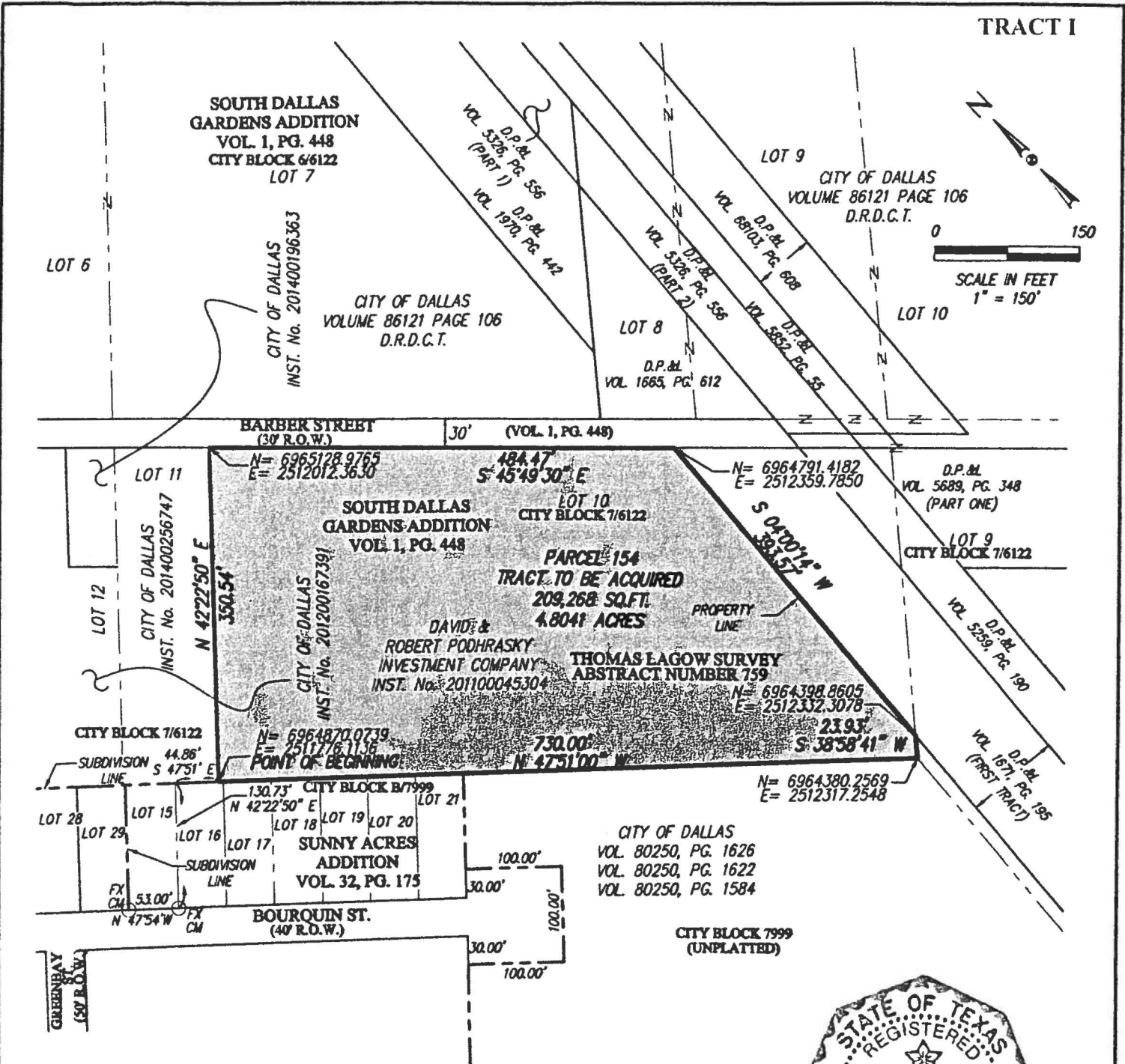
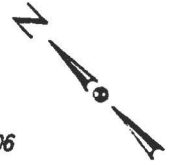
E= 2512317.2548, being the common south corner of said Lot 10, Block 7/6122, and the east corner of said Lot 9, Block 7/6122;

THENCE North 47°51'00" West, departing said common corner and along the southeast line of said Lot 10, Block 7/6122, and along the northeast line of said Sunny Acres Addition, a distance of 730.00 feet, to the **POINT OF BEGINNING**, and containing 209,268 square feet or 4.8041 acres of land, more or less.

BASIS OF BEARING: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All Coordinates are State Plane on Grid Values. All Distances are surface distances. Surface adjustment scale factor: 1.0001365060.



FIELD NOTES APPROVED:
PER 1-2-16



LINE TYPE LEGEND

PROPERTY LINE	—————
PROPERTY ACQUISITION	=====
COMMON OWNER LOT LINE	- - - - -
LOT LINE	-----
SUBDIVISION LINE	-----

LEGEND

CM	CONTROLLING MONUMENT
IRF ○	IRON ROD FOUND (SIZE AS NOTED)
VOL. XX, PG. XX	VOLUME XX, PAGE XX
INTS. No.	INSTRUMENT NUMBER
FX ○	FOUND "X" CUT IN CONCRETE
	DAVID AND ROBERT PODHRASKY INVESTMENT COMPANY INST. No. 201100045304

GENERAL NOTES

1. BASIS OF BEARING
STATE PLANE COORDINATE SYSTEM,
TEXAS NORTH CENTRAL ZONE (4202),
NORTH AMERICAN DATUM OF 1983. ALL
COORDINATES ARE STATE PLANE ON GRID
VALUES. ALL DISTANCES ARE SURFACE
DISTANCES. SURFACE ADJUSTMENT
SCALE FACTOR : 1.0001385060.



DATE OF LAST FIELD INSPECTION: 11-07-2013 Sheet 3 of 3

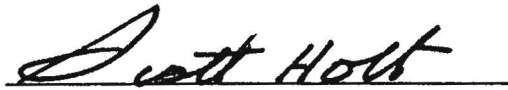
CITY OF DALLAS DRAWING NO. 423R-54 (Parcel 154)
209,268 Sq. Ft. or 4.8041 Acres
CITY OF DALLAS BLOCK 7/6122
PART OF LOT 10, BLOCK 7,
SOUTH DALLAS GARDENS ADDITION
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
From David & Robert Podhrasky Investment Company

SGI Civil Engineers - Surveyors
TBPFS FIRM No. 10070800
TBPE FIRM No. 5482
PHONE: (214) 941-8610

Field Notes Describing A 780,029 Square Foot (17.907 Acre)
Tract of Land To Be Acquired in Block 7/6122
From the David and Robert Podhrasky Investment Company

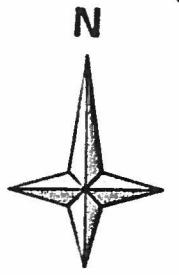
Being situated in the Thomas Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, and being all of Lots 1,2,3,4,5,6,7,8 and 9, Block 7 (Block 7/6122, Official City of Dallas Block Numbers) of the South Dallas Gardens Addition, an addition to the City of Dallas Recorded in Volume 1, Page 448 of the Map Records of Dallas County, Texas, **SAVE AND EXCEPT** that portion of said lots conveyed to Dimitrios N. Tsevoukas, et al and those portions conveyed to ONCOR Electric Delivery Company (successor in title to the Dallas Power and Light Company) by various deeds, as shown on the drawing attached hereto and made a part hereof, and being all of that property conveyed to The David and Robert Podhrasky Investment Company by deed dated January 1, 2011 and recorded in Instrument Number 201100045304 of the Official Public Records of Dallas County, Texas and containing approximately 780,029 Square Feet, or 17.907 Acres of land, according to the plat thereof.

This description is approved as to form.



Scott Holt, RPLS
Survey Program Manager

2/29/2016
Date:



10
 David and Robert Podhrasky
 Investment Company
 Int. #201100045304

EXHIBIT A

South Dallas Gardens Addition
 Volume 1, Page 448
 TRACT II
 BLOCK 66122

City of Dallas
 V.86121, P.106

100 0 100

City of Dallas
 V.80250, P.1584

BLOCK 7999

399,315 Sq. Ft.
 (9.167 Ac.)
 To Be Acquired

City of Dallas
 V.74188, P.148

David and Robert Podhrasky
 Investment Company
 Int. #201100045304

BLOCK 76122

Rusom Tsegu
 V.95242, P. 2928

Thomas Lagow Survey
 Abstract No. 759

DP&L: V. 1671, P. 195
 DP&L: V. 5259, P. 190
 DP&L V.5851,P.377

DP&L: V. 1671, P. 190
 DP&L: V. 5259, P. 190
 DP&L: V. 76204, P. 1283

DP&L V.1656,P.369
 DP&L V. 5483, P. 557
 DP&L V.77018,P.1691

BARBER STREET
 DP&L V. 5689, P. 348
 626.30'

David and Robert Podhrasky
 Investment Company
 Int. #201100045304

Dimitrios N. Tsevoukas, et al.
 Vol. 77091, Pg. 2983

BLOCK 56122

City of Dallas
 Vol. 2004218, Pg. 7978

CLAYPOOL ROAD
 DP&L: V. 5725, P. 543

Sheet 2 of 2

PROPERTY ACQUISITION			
MIR Creek / Peaks Branch Drainage Improvements			
Lower White Rock Creek			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	R:\DWG\BUREAU\HOLT\Water & Sewer\2016\prop.dwg	As Noted	2-29-16
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
S. Holt	S. Holt	Block 7999	041D-79

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 David and Robert Podhrasky Investment Company, a Texas general partnership (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE HUNDRED NINETY-SEVEN THOUSAND NINE HUNDRED THIRTY-THREE AND 00/100 DOLLARS (\$197,933.00) 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 _____, _____.

David and Robert Podhrasky Investment Company,
a Texas general partnership.

David Podhrasky, Partner

Robert Podhrasky, Partner

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ by David Podhrasky, partner, on behalf of David and Robert Podhrasky Investment Company, a Texas general partnership.

Notary Public, State of Texas

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ by Robert Podhrasky, partner, on behalf of David and Robert Podhrasky Investment Company, a Texas general partnership.

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: Todd Wright

Warranty Deed Log No. MC154

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): All
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: N/A

SUBJECT

Authorize **(1)** acceptance of an annual grant from the Federal Emergency Management Agency (FEMA) for the Cooperating Technical Partners (CTP) program; **(2)** execution of a CTP Agreement with FEMA for FY 2016-17 to provide a 75% cost share for updating certain flood studies in the City of Dallas; **(3)** the receipt and deposit of funds in an amount not to exceed \$869,250 from FEMA; **(4)** establishment of appropriations in the amount of \$869,250 in the FEMA Cooperating Technical Partnership Fund; **(5)** a local cash match of \$289,750 for the FY 2016-17; and **(6)** Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., in the amount of \$1,159,000, from \$1,792,667 to \$2,951,667, for updating certain flood studies in accordance with the CTP Agreement with FEMA for FY 2016-17 - Total not to exceed \$1,159,000 - Financing: Stormwater Drainage Management Capital Construction Funds (\$289,750) and FEMA Cooperating Technical Partnership Funds (\$869,250)

BACKGROUND

The Cooperating Technical Partners (CTP) program is FEMA's approach to creating partnerships between FEMA and participating National Flood Insurance Program (NFIP) communities to improve the flood hazard mapping program. In this program, FEMA provides a grant for 75% of the cost of the project while the participating city is responsible for the remaining 25%. In March 2010, the City of Dallas submitted an application for the CTP program, which included a five-year plan to update several outdated flood studies for multiple streams. The application was subsequently approved by FEMA. The original five-year plan was amended since the grant amount from FEMA each year was less than the amount necessary to perform all of the work within the initial five years.

On November 10, 2010, City Council approved year one (FY 2010-2011) which included three streams within the Joe's Creek watershed and eleven streams within the White Rock Creek watershed.

BACKGROUND (Continued)

On September 14, 2011, City Council approved Supplemental Agreement No. 1 for year two (FY 2011-2012) which included nine tributaries of White Rock Creek and Honey springs Branch.

On November 14, 2012, City Council approved Supplemental Agreement No. 2 for year three (FY 2012-2013) which included detailed studies of Ash Creek and South Fork of Ash Creek, Stream 5B1, 5B2, 5B3, 5B5, 5B6, 5B9 and Forney Branch.

On November 12, 2013, City Council approved Supplemental Agreement No. 3 for year four (FY 2013-2014) which included a connectivity model for White Rock Creek, Stream 4B5, and several tributaries of Five Mile Creek.

On November 12, 2014, City Council approved a new contract with Halff, based on selection in 2014, for year five (FY 2014-2015) which included Woody Branch and eight tributaries, Rickett's Branch and five tributaries, and Ledbetter Branch and one tributary.

On October 28, 2015, City Council approved Supplemental Agreement No. 1 for year six (FY 2015-2016) which included Five Mile Creek and several tributaries, Fish Creek and Cottonwood Creek (Mountain Creek Lake tributaries) and Delaware Creek (West Fork Trinity River tributary).

The FY 2016-17 plan includes Mountain Creek main stem and tributaries, and West Levee and East Levee Sumps. The total cost of this project is \$1,159,000, of which FEMA is reimbursing \$869,250 to the City through its grant program, and the City is ultimately responsible for \$289,750. The City is using Halff Associates, Inc., to perform the work. Halff Associates, Inc. was selected to perform the work for a three-year period, of which this is year three.

Participation in the CTP program allows Dallas to update its flood hazard mapping at substantial savings, since FEMA funds the larger share of the cost of the projects.

This action will authorize the execution of the CTP agreement with FEMA and authorize Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., for updating the flood studies in accordance with the CTP agreement for FY 2016-17.

ESTIMATED SCHEDULE OF PROJECT

Begin Study	November 2016
Complete Study	September 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized CTP FY 2010-2011, receipt of grant funds, increase in appropriations, and a contract with Halff Associates, Inc., on November 10, 2010, by Resolution No. 10-2822.

Authorized CTP FY 2011-2012, receipt of grant funds, increase in appropriations, and authorized Supplemental Agreement No. 1 with Halff Associates, Inc., on September 14, 2011, by Resolution No. 11-2457.

Authorized CTP FY 2012-2013, receipt of grant funds, increase in appropriations, and authorized Supplemental Agreement No. 2 with Halff Associates, Inc., on November 14, 2012, by Resolution No. 12-2767.

Authorized CTP FY 2013-2014, receipt of grant funds, increase in appropriations, and authorized Supplemental Agreement No. 3 with Halff Associates, Inc., on November 12, 2013, by Resolution No. 13-1958.

Authorized CTP FY 2014-2015, receipt of grant funds, increase in appropriations, and authorized a contract with Halff Associates, Inc., on November 12, 2014, by Resolution No. 14-1934.

Authorized CTP FY 2015-2016, receipt of grant funds, increase in appropriations, and authorized a contract with Halff Associates, Inc., on October 28, 2015, by Resolution No. 15-1978.

Information about this item will be provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

Stormwater Drainage Management Capital Construction Funds - \$289,750
FEMA Cooperating Technical Partnership Funds - \$869,250

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Halff Associates, Inc.

Hispanic Female	24	Hispanic Male	85
Black Female	8	Black Male	14
Other Female	7	Other Male	15
White Female	105	White Male	332

OWNER

Half Associates, Inc.

Jessica Baker, P.E.,CFM, PMP, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** acceptance of an annual grant from the Federal Emergency Management Agency (FEMA) for the Cooperating Technical Partners (CTP) program; **(2)** execution of a CTP Agreement with FEMA for FY 2016-17 to provide a 75% cost share for updating certain flood studies in the City of Dallas; **(3)** the receipt and deposit of funds in an amount not to exceed \$869,250 from FEMA; **(4)** establishment of appropriations in the amount of \$869,250 in the FEMA Cooperating Technical Partnership Fund; **(5)** a local cash match of \$289,750 for the FY 2016-17; and **(6)** Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., in the amount of \$1,159,000, from \$1,792,667 to \$2,951,667, for updating certain flood studies in accordance with the CTP Agreement with FEMA for FY 2016-17 - Total not to exceed \$1,159,000 - Financing: Stormwater Drainage Management Capital Construction Funds (\$289,750) and FEMA Cooperating Technical Partnership Funds (\$869,250)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$1,159,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$1,159,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Garcia Land Data, Inc.	HMMB64109N0217	\$307,800.00	26.56%
Total Minority - Local		\$307,800.00	26.56%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$307,800.00	26.56%	\$768,800.00	26.05%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$307,800.00</u>	<u>26.56%</u>	<u>\$768,800.00</u>	<u>26.05%</u>

October 26, 2016

WHEREAS, on August 10 2016, the Federal Emergency Management Agency (FEMA) approved Cooperating Technical Partners (CTP) program funding at \$869,250 (75%) for the City of Dallas for FY 2016-17; and

WHEREAS, the City of Dallas will be responsible for the remaining \$289,750 (25%) per the Federal Emergency Management Agency (FEMA) Cooperating Technical Partners (CTP) Agreement; and

WHEREAS, Halff Associates, Inc., developed the multi-year plan required for the CTP application and was selected to perform the work required by the FY 2016-17 plan.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to **(1)** accept an annual grant from the Federal Emergency Management Agency (FEMA) (Grant No. EMT-2016-CA-00028-S01/CFDA No. 97.045) for the Cooperating Technical Partners (CTP) program in an amount not to exceed \$869,250 for 75% federal funds cost share with the City of Dallas for updating certain flood studies for FY 2016-17; **(2)** provide a local cash match in the amount of \$289,750; and **(3)** execute the CTP Agreement with FEMA after it has been approved as to form by the City Attorney.

Section 2. That the City Manager is hereby authorized to establish appropriations in Fund F508, Dept. TWM, Unit 2062, Object code 3070, in an amount not to exceed \$869,250.

Section 3. That the Chief Financial Officer is hereby authorized to deposit funds from FEMA in an amount not to exceed \$869,250 in Fund F508, Dept. TWM, Unit 2062, Revenue Source 6506.

Section 4. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., for updating certain flood studies in accordance with the CTP Agreement with FEMA for Fiscal Year 2016-17, after it has been approved as to form by the City Attorney.

Section 5. That the Chief Financial Officer is hereby authorized to disburse grant funds and local match funds in accordance with the terms and conditions of the contract from:

Stormwater Drainage Management Capital Construction Fund
Fund 0063 Dept. SDM, Unit W139, Act. SD01
Obj. 3070, Program No. PBSWM004, CT SDMW139VS11
Vendor No. 089861, in an amount not to exceed \$289,750

October 26, 2016

Section 5. (Continued)

FY 16 FEMA Region VI CTP Fund
Fund F508, Dept. TWM, Unit 2062, Act. PB40
Obj. 3070, Program No. PBSWM004, CT PBWSWM004A1
Vendor No. 089861, in an amount not to exceed \$869,250

Section 6. That the City Manager is hereby authorized to reimburse FEMA 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 7. That the City Manager shall keep the appropriate City Council Committee informed of all final FEMA monitoring reports not later than 30 days after the receipt of the report.

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
Water Utilities
CMO: Mark McDaniel, 670-3256
MAPSCO: 57 T U

SUBJECT

Authorize an increase in the contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road - Not to exceed \$211,402, from \$2,870,718 to \$3,082,120 - Financing: Capital Construction Funds (\$206,576) and Water Utilities Capital Construction Funds (\$4,826)

BACKGROUND

On April 9, 2014, City Council authorized a professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide engineering design for infrastructure improvements that include Elam Road paving and drainage, water and wastewater improvements, traffic improvements along Great Trinity Forest Boulevard, Audubon Center Irrigation System improvements, and vegetative support layer improvements for Elam and South Loop 12 Landfills.

Elam Road improvements call for the construction of approximately 2,000 feet of two 12-foot lanes west of Pemberton Hill Road and Elam Road intersection, 10-12 feet shared-use path, lighting, drainage upgrades and water and wastewater mains.

On March 23, 2016, City Council authorized a contract with Rebcon, Inc. for the construction of Elam Road and shared-use path west of Pemberton Hill Road. During construction, a conflict with an existing storm sewer pipe was encountered in the field. Change Order No. 1 will provide for the removal and replacement of an existing storm sewer pipe as well as the removal of silt build-up from an adjacent storm sewer pipe to help maintain drainage. In addition, this Change Order calls for modifying the proposed fence pipe from three feet to five feet, and increase the width of the proposed shared use path north of Elam Road from ten feet to twelve feet.

BACKGROUND (Continued)

This action will authorize Change Order No. 1 to the contract with Rebcon, Inc. for the aforementioned additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road.

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2014
Completed Design	December 2015
Began Construction	April 2016
Complete Construction	December 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition of approximately 61 acres from Weir Bros, Partners, L.L.C. out of the above referenced 111 acres tract on April 28, 2004, by Resolution No. 04-1416.

Authorized acquisition of approximately 1,415 acres from Metropolitan Sand & Gravel Co., L.L.C. on February 13, 2008, by Resolution No. 08-0398.

Authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project on May 28, 2008, by Resolution No. 08-1591.

Authorized a professional services contract with Terracon Consultants, Inc., on October 22, 2008, by Resolution No. 08-2874.

Authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course on May 15, 2013, by Resolution No. 13-0776.

Authorized a professional services contract with Pacheco Koch Consulting Engineering, Inc. for engineering design services for improvements associated with Elam Road and Simpkins Remediation on April 9, 2014, by Resolution No. 14-0627.

Authorized construction contract with Rebcon, Inc. for the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road, on March 23, 2016, by Resolution No. 16-0453.

Information about this item will be provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

Capital Construction Funds - \$206,575.46
Water Utilities Capital Construction Funds - \$4,826.00

Engineering Design	\$ 279,020.00
Construction	\$2,870,718.40
Change Order No. 1 (this action)	<u>\$ 211,401.46</u>
Total Project Cost	\$3,361,139.86

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Rebcon, Inc.

Hispanic Female	6	Hispanic Male	21
African-American Female	0	African-American Male	1
Other Female	2	Other Male	3
White Female	11	White Male	61

OWNER

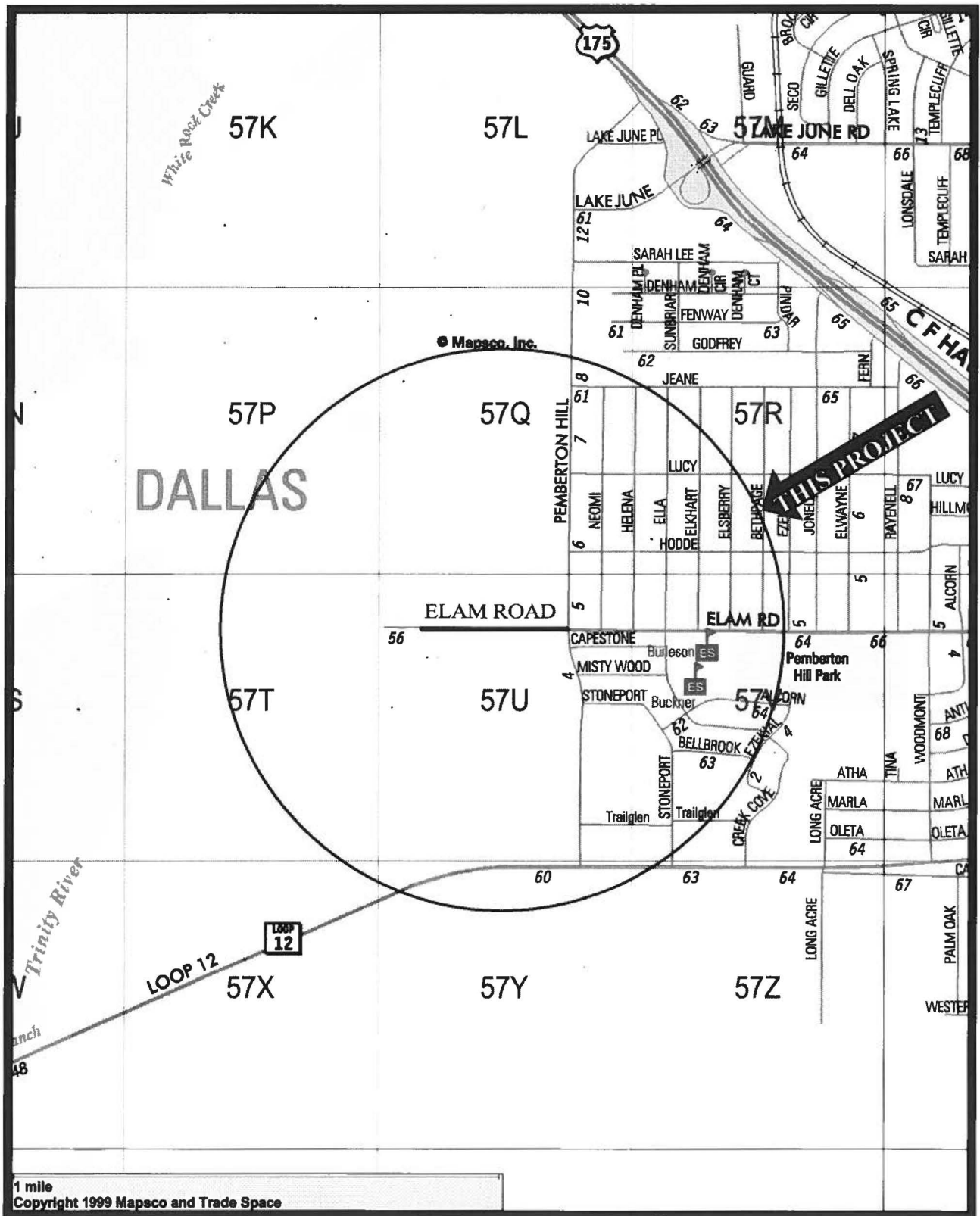
Rebcon, Inc.

Danny Krieg, Vice President

MAP

Attached

ELAM ROAD



1 mile
Copyright 1999 Mapsco and Trade Space

MAPSCO 57-U & 57-T

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road - Not to exceed \$211,402, from \$2,870,718 to \$3,082,120 - Financing: Capital Construction Funds (\$206,576) and Water Utilities Capital Construction Funds (\$4,826)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$189,706.46	89.74%
Non-local contracts	\$21,695.00	10.26%
TOTAL THIS ACTION	\$211,401.46	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
T & R Excavation	HMDB23857Y1216	\$5,374.70	2.83%
Total Minority - Local		\$5,374.70	2.83%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Latham Fence	BMDFW125350917	\$21,695.00	100.00%
Total Minority - Non-local		\$21,695.00	100.00%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$21,695.00	10.26%	\$0.00	0.00%
Hispanic American	\$5,374.70	2.54%	\$419,223.00	14.60%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$79,682.25	2.78%
Total	\$27,069.70	12.80%	\$498,905.25	17.38%

October 26, 2016

WHEREAS, on May 28, 2008, Resolution No. 08-1591 authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project; and,

WHEREAS, on May 28, 2008, Resolution No. 08-1591 authorized the City Attorney to assume, on behalf of the City, the responsibility for the costs to remediate environmental conditions on the Metropolitan Tract and the Linfield Tract known by the City as of the date the settlement closed, and to waive any right to contribution for those costs from Metropolitan Sand and Gravel Co., L.L.C. and Weir Brothers Partners, L.L.C., including their officers, successors, and assigns; and,

WHEREAS, Terracon Consultants Inc., conducted a Phase I Environmental Site Assessment on August 24, 2005. In addition, Terracon also prepared a Limited Solid Waste Evaluation Report on October 12, 2005, a Limited Site Investigation on January 8, 2008, and a Methane and Landfill Cap Evaluation and Proposed Response Actions on January 30, 2008. Based on the preliminary investigation and findings, Terracon Consultants, Inc. recommended further detailed investigation and assessment, before remedial designs were prepared; and,

WHEREAS, on October 22, 2008, Resolution No. 08-2874 authorized a professional services contract with Terracon Consultants Inc., for detailed environmental investigation, assessment, remedial designs, and coordination with TCEQ, in an amount not to exceed \$814,464.00, and,

WHEREAS, on May 15, 2013, Resolution No. 13-0776 authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) for development, management and operation of a championship golf course; and

WHEREAS, on April 9, 2014, Resolution No. 14-0627 authorized a contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design of improvements associated with Elam Road and Simpkins Remediation in an amount not to exceed \$842,290.00; and,

WHEREAS, on March 23, 2016, Resolution No. 16-0453 authorized a construction contract with Rebcon, Inc. for the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road; and,

October 26, 2016

WHEREAS, on May 25, 2016, Administrative Action No. 16-6371 authorized Supplemental Agreement No. 2 to the professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide additional engineering design services for improvements associated with the Elam Road and Simpkins Remediation in an amount not to exceed \$24,000.00, from \$1,131,190.00 to \$1,155,190.00; and

WHEREAS, it is now necessary to authorize Change Order No. 1 to the construction contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road in the amount of \$211,401.46, increasing the contract from \$2,870,718.40 to \$3,082,119.86.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 1 to the construction contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road in the amount of \$211,401.46, increasing the contract from \$2,870,718.40 to \$3,082,119.86.

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

Capital Construction Fund Fund 0671, Department BMS, Unit P837 Obj. 4599, Program # PBSWM007, CT ECO151E272 Vendor #243551, in an amount not to exceed	\$206,575.46
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj. 4550, Program #716039, CT PBW716039CP Vendor #243551, in an amount not to exceed	<u>\$ 4,826.00</u>
Total amount not to exceed	\$211,401.46

October 26, 2016

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

KEY FOCUS AREA: E-Gov
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): All
DEPARTMENT: City Attorney's Office
CMO: Larry Casto, 670-3491
MAPSCO: N/A

SUBJECT

Consideration of two alternative ordinances amending Chapter 20A, "Fair Housing," of the Dallas City Code to either **(1)** prohibit discrimination in housing on the basis of source of income; or **(2)** prohibit discrimination in housing on the basis of source of income, except as prohibited by state law - Financing: No cost consideration to the City

BACKGROUND

In 2014, the City entered into a Voluntary Compliance Agreement ("VCA") with the U.S. Department of Housing and Urban Development. The VCA requires that the city council consider adoption of an ordinance that would prohibit discrimination in housing on the basis of source of income, including housing choice vouchers. An ordinance that complies with our VCA obligations is attached as "**Ordinance 1.**" Consideration of Ordinance 1 is sufficient to satisfy our VCA obligation; the VCA does not require that the city council approve this alternative.

After the City entered into the VCA, the Texas Legislature enacted a law that prohibits municipalities from adopting source of income ordinances related to federal housing assistance (except as to military veterans and voluntary programs). In light of the change to state law, the Housing Committee recommended an ordinance that would prohibit source of income discrimination, except as barred by state law. The Housing Committee's recommendations are reflected in the attached "**Ordinance 2.**" ~~Also, as permitted by state law, the Housing Committee recommended that residential developments receiving city subsidies or increases in zoning density refrain from source of income discrimination, including housing choice vouchers~~ Also, as permitted by state law, the Housing Committee recommended that (i) residential units receiving city subsidies or increases in zoning density refrain from discrimination against holders of federally funded housing vouchers, and (ii) multifamily projects receiving city subsidies lease 10% of units to holders of housing vouchers.

BACKGROUND (Continued)

Finally, Ordinance 2 adds a new “safe harbor” defense, which states that property owners are safe from source of income discrimination claims if 10% of their residential units are leased to housing choice voucher holders.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing Committee was briefed on the source of income discrimination ordinance on January 4, and reviewed the alternative ordinances on May 2, 2016.

This item was deferred at the request of Councilmember Griggs on June 15, 2016.

The Housing Committee reviewed the two alternative ordinances on August 29, 2016.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 20A, “Fair Housing,” of the Dallas City Code by amending Sections 20A-2, 20A-3, 20A-4, 20A-5, 20A-7, and 20A-10; adding and amending definitions; prohibiting discrimination in housing practices on the basis of source of income; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 20A-2, “Declaration of Policy,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-2. DECLARATION OF POLICY.

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain housing without regard to race, color, sex, religion, handicap, familial status, ~~[ø]~~ national origin, or source of income. This policy is grounded upon a recognition of the right of every person to have access to adequate housing of the person's own choice, and the denial of this right because of race, color, sex, religion, handicap, familial status, ~~[ø]~~ national origin, or source of income is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent.”

SECTION 2. That Section 20A-3, “Definitions,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-3. DEFINITIONS.

In this chapter, unless the context requires a different definition:

(1) ACCESSIBLE means that an area of a housing accommodation can be approached, entered, and used by a person with a physical handicap.

(2) ACCESSIBLE ROUTE means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person

with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.

(3) ADMINISTRATOR means the administrator of the fair housing office designated by the city manager to enforce and administer this chapter and includes the administrator's designated representative.

(4) AGGRIEVED PERSON means a person claiming to be injured by a discriminatory housing practice.

(5) BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.

(6) COMPLAINANT means a person, including the administrator, who files a complaint under Section 20A-7.

(7) COVERED MULTI-FAMILY DWELLING means:

(A) a building consisting of four or more dwelling units if the building has one or more elevators; and

(B) a ground floor dwelling unit in any other building consisting of four or more dwelling units.

(8) DEFENSE means a defense to criminal prosecution in municipal court as explained in the Texas Penal Code. Defense also means, where specifically provided, an exemption from a civil action.

(9) DISCRIMINATORY HOUSING PRACTICE means conduct that is an offense under Section 20A-4 of this chapter.

(10) DWELLING UNIT means a single unit of residence for a family.

(11) FAMILIAL STATUS means the status of a person resulting from being:

(A) pregnant;

(B) domiciled with an individual younger than 18 years of age in regard to whom the person:

(i) is the parent or legal custodian; or

(ii) has the written permission of the parent or legal custodian for domicile with the individual; or

(C) in the process of obtaining legal custody of an individual younger than 18 years of age.

(12) FAMILY includes a single individual.

(13) HANDICAP:

(A) means:

(i) a physical or mental impairment that substantially limits one or more major life activities;

(ii) a record of an impairment described in Subparagraph (i) of this paragraph; or

(iii) being regarded as having an impairment described in Subparagraph (i) of this paragraph; and

(B) does not mean a current, illegal use of or addiction to a drug or illegal or federally-controlled substance.

(14) HOUSING ACCOMMODATION means:

(A) any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy, as a residence for one or more families; or ~~and~~

(B) any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by Paragraph (A) of this subsection.

(15) PERSON means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, receiver, or fiduciary or any employee, representative, or agent of the person.

(16) RENT means lease, sublease, or otherwise grant for a consideration the right to occupy premises that are not owned by the occupant.

(17) RESIDENCE does not include a hotel, motel, or similar public accommodation where occupancy is available exclusively on a temporary, day-to-day basis.

(18) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION means:

(A) the making or purchasing of loans or the providing of other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or

(ii) secured by residential real estate; or

(B) the selling, brokering, or appraising of residential real property.

(19) RESPONDENT means a person identified in a complaint or charge as having committed a discriminatory housing practice under this chapter.

(20) SOURCE OF INCOME means lawful, regular, and verifiable income from whatever source derived (including housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance).”

SECTION 3. That Section 20A-4, “Discriminatory Housing Practices,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-4. DISCRIMINATORY HOUSING PRACTICES.

(a) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, [~~or~~] national origin, or source of income:

(1) refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

(2) refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or

(3) discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.

(b) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, [~~or~~] national origin, or source of income:

(1) represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;

(2) discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or

(3) with respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:

(A) denies a person access to or membership in the business; or

(B) discriminates against a person in the terms or conditions of access to or membership in the business.

(c) A person commits an offense if he:

(1) for profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a particular race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;

(2) makes an oral or written statement indicating a policy of the respondent or a person represented by the respondent to discriminate on the basis of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income in the selling or renting of a housing accommodation; or

(3) prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income in the selling or renting of a housing accommodation.

(d) A person who engages in a residential real estate-related transaction commits an offense if he, because of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income, discriminates against a person:

(1) in making a residential real estate-related transaction available; or

(2) in the terms or conditions of a residential real estate-related transaction.

(e) A person commits an offense if he:

(1) discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a handicap of:

(A) that buyer or renter;

(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or

(C) any person associated with that buyer or renter; or

(2) discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a handicap of:

- (A) that person;
 - (B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
 - (C) any person associated with that person.
- (f) A person commits an offense if he:
- (1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;
 - (3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or
 - (4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:
 - (A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;
 - (B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and
 - (C) all premises within a dwelling unit contain the following features of adaptive design:
 - (i) an accessible route into and through the dwelling unit;
 - (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter.”

SECTION 4. That Section 20A-5, “Defenses to Criminal Prosecution and Civil Action,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-5. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:

(1) the housing accommodation is owned, controlled, or managed by:

(A) a religious organization, or a nonprofit organization that exists in conjunction with or is operated, supervised, or controlled by a religious organization, and the organization sells or rents the housing accommodation only to individuals of the same religion as the organization; except that, this defense is not available if:

(i) the offense involves discrimination other than on the basis of religion;

(ii) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(iii) membership in the religion is limited to individuals on the basis of race, color, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(B) a nonprofit religious, educational, civic, or service organization or by a person who rents the housing accommodation to individuals, a predominant number of whom are associated with the same nonprofit religious, educational, civic, or service organization, and the organization or person, for the purposes of privacy and personal modesty, rents the housing accommodation only to individuals of the same sex or provides separate accommodations or facilities on the basis of sex; except that, this defense is not available if the offense involves:

(i) discrimination other than on the basis of sex; or

(ii) a sale of the housing accommodation; or

(C) a private organization and, incidental to the primary purpose of the organization, the organization rents the housing accommodation only to its own members; except that, this defense is not available if:

(i) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(ii) the offense involves a sale of the housing accommodation;

or

(2) compliance with this chapter would violate a federal, state, or local law restricting the maximum number of occupants permitted to occupy a dwelling unit.

(b) It is a defense to criminal prosecution or civil action under all of Section 20A-4 except Section 20A-4(c)(2) and (3) that the housing accommodation is:

(1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent:

(A) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed;

(B) has not resided in the dwelling within the preceding 24 months before the offense is committed; or

(C) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or

(2) occupied or intended for occupancy by four or fewer families living independently of each other, and the respondent is the owner of the accommodation and occupies part of the accommodation as a residence; except that, this defense is not available if the offense involves a sale of all or part of the housing accommodation.

(c) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to handicap that occupancy of a housing accommodation by the aggrieved person would constitute a direct threat to the health or safety of another person or result in physical damage to another person's property.

(d) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to familial status that the housing accommodation is:

(1) provided under a state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) intended for, and solely occupied by, a person at least 62 years of age, except that:

(A) an employee of the housing accommodation who performs substantial duties directly related to the management or maintenance of the housing accommodation may occupy a dwelling unit, with family members in the same unit; and

(B) a person under age 62 years residing in the housing accommodation on September 13, 1988 may occupy a dwelling unit, provided that all new occupants following that date are persons at least 62 years of age; and

(C) all vacant units are reserved for occupancy by persons at least 62 years of age; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per dwelling unit, provided that:

(A) the housing accommodation has significant facilities and services specifically designed to meet the physical and social needs of an older person or, if it is not practicable to provide such facilities and services, the housing accommodation is necessary to provide important housing opportunities for an older person;

(B) at least 80 percent of the dwelling units in the housing accommodation are occupied by at least one person 55 years of age or older per dwelling unit; except that a newly constructed housing accommodation for first occupancy after March 12, 1989 need not comply with this requirement until 25 percent of the dwelling units in the housing accommodation are occupied; and

(C) the owner or manager of the housing accommodation publishes and adheres to policies and procedures that demonstrate an intent by the owner or manager to provide housing to persons at least 55 years of age.

(e) It is a defense to criminal prosecution or civil action under Section 20A-4(d) that the person, in the purchasing of loans, considered factors that were justified by business necessity and related to the transaction's financial security or the protection against default or reduction in the value of the security, but were unrelated to race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(f) It is a defense to criminal prosecution under Section 20A-4 that the aggrieved person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended.

(g) It is a defense to criminal prosecution under Section 20A-4(d) that the person was engaged in the business of furnishing appraisals of real property and considered factors other than race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(h) Nothing in this chapter prohibits:

(1) conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended; or

(2) a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, [ø] national origin, or source of income.”

SECTION 5. That Subsection (c) of Section 20A-7, “Complaint and Answer,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(c) A complaint must be in writing, made under oath or affirmation, and contain the following information:

(1) Name and address of the respondent.

(2) Name, address, and signature of the complainant.

(3) Name and address of the aggrieved person, if different from the complainant.

(4) Date of the occurrence or termination of the discriminatory housing practice and date of the filing of the complaint.

(5) Description and address of the housing accommodation involved in the discriminatory housing practice, if appropriate.

(6) Concise statement of the facts of the discriminatory housing practice, including the basis of the discrimination (race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income.)”

SECTION 6. That Subsection (d) of Section 20A-10, “Conciliation,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(d) A conciliation agreement executed under this section must contain:

(1) an identification of the discriminatory housing practice and corresponding respondent that gives rise to the conciliation agreement under Subsection (a) and the identification of any other discriminatory housing practice and respondent that the parties agree to make subject to the limitation on prosecution in Subsection (b);

(2) an identification of the housing accommodation subject to the conciliation agreement; and

(3) a statement that each party entering into the conciliation agreement agrees:

(A) not to violate this chapter or the conciliation agreement; and

(B) that the respondent shall file with the administrator a periodic activity report, in accordance with the following regulations, if the discriminatory housing practice giving rise to the conciliation agreement under Subsection (a) involves a respondent who engages in a business relating to selling or renting housing accommodations; a housing accommodation occupied or intended for occupancy on a rental or sale basis; or a violation of Section 20A-4(d):

(i) Unless the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state, with respect to each person of the specified class (the race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income alleged as the basis of discrimination in the complaint on the discriminatory housing practice) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing of a housing accommodation or a business relating to selling or renting housing accommodations, the name and address or telephone number of the person, the date of each contact, and the result of each contact.

(ii) If the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state the number and manner of solicitations concerning housing accommodations made by the party and the approximate boundaries of each neighborhood in which the solicitations are made.

(iii) The party who prepares the activity report must sign and verify the report.

(iv) An activity report must be filed each month on the date specified in the conciliation agreement for a period of not less than three months nor more than 36 months, as required by the conciliation agreement.”

SECTION 7. That a person violating any provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 8. That Chapter 20A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. 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 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Dallas City Charter, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

ORDINANCE NO. _____

An ordinance amending Chapter 20A, “Fair Housing,” of the Dallas City Code by amending Sections 20A-2, 20A-3, 20A-4, 20A-5, 20A-7, and 20A-10; adding Section 20-4.1; prohibiting discrimination in housing practices on the basis of source of income; providing that a recipient of a subsidy shall not discriminate against holders of housing vouchers; providing that a multifamily housing accommodation that receives a financial award shall set aside ten percent of the dwelling units for housing voucher holders; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 20A-2, “Declaration of Policy,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-2. DECLARATION OF POLICY.

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain housing without regard to race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income. This policy is grounded upon a recognition of the right of every person to have access to adequate housing of the person's own choice, and the denial of this right because of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent.”

SECTION 2. That Section 20A-3, “Definitions,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-3. DEFINITIONS.

In this chapter, unless the context requires a different definition:

(1) ACCESSIBLE means that an area of a housing accommodation can be approached, entered, and used by a person with a physical handicap.

(2) ACCESSIBLE ROUTE means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.

(3) ADMINISTRATOR means the administrator of the fair housing office designated by the city manager to enforce and administer this chapter and includes the administrator's designated representative.

(4) AGGRIEVED PERSON means a person claiming to be injured by a discriminatory housing practice.

(5) BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.

(6) COMPLAINANT means a person, including the administrator, who files a complaint under Section 20A-7.

(7) COVERED MULTI-FAMILY DWELLING means:

(A) a building consisting of four or more dwelling units if the building has one or more elevators; and

(B) a ground floor dwelling unit in any other building consisting of four or more dwelling units.

(8) DEFENSE means a defense to criminal prosecution in municipal court as explained in the Texas Penal Code. Defense also means, where specifically provided, an exemption from a civil action.

(9) DISCRIMINATORY HOUSING PRACTICE means conduct that is an offense under Section 20A-4 of this chapter.

(10) DWELLING UNIT means a single unit of residence for a family.

(11) FAMILIAL STATUS means the status of a person resulting from being:

(A) pregnant;

(B) domiciled with an individual younger than 18 years of age in regard to whom the person:

(i) is the parent or legal custodian; or

(ii) has the written permission of the parent or legal custodian for domicile with the individual; or

(C) in the process of obtaining legal custody of an individual younger than 18 years of age.

(12) FAMILY includes a single individual.

(13) FINANCIAL AWARD means a designated public subsidy matter, as that term is defined in Section 12A-15.2 of the Dallas City Code, as amended, or any other loan, grant, tax abatement, or monies awarded by the city.

(14~~[3]~~) HANDICAP:

(A) means:

(i) a physical or mental impairment that substantially limits one or more major life activities;

(ii) a record of an impairment described in Subparagraph (i) of this paragraph; or

(iii) being regarded as having an impairment described in Subparagraph (i) of this paragraph; and

(B) does not mean a current, illegal use of or addiction to a drug or illegal or federally-controlled substance.

(15~~[4]~~) HOUSING ACCOMMODATION means:

(A) any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy, as a residence for one or more families; or ~~and~~

(B) any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by Paragraph (A) of this subsection.

(16~~[5]~~) PERSON means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, receiver, or fiduciary or any employee, representative, or agent of the person.

(17~~[6]~~) RENT means lease, sublease, or otherwise grant for a consideration the right to occupy premises that are not owned by the occupant.

(18~~[7]~~) RESIDENCE does not include a hotel, motel, or similar public accommodation where occupancy is available exclusively on a temporary, day-to-day basis.

(19[8]) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION means:

(A) the making or purchasing of loans or the providing of other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or

(ii) secured by residential real estate; or

(B) the selling, brokering, or appraising of residential real property.

(20[19]) RESPONDENT means a person identified in a complaint or charge as having committed a discriminatory housing practice under this chapter.

(21) SOURCE OF INCOME means lawful, regular, and verifiable income from whatever source derived (including housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance), except as prohibited by Texas Local Government Code Section 250.007, as amended. For purposes of housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance, source of income includes housing choice vouchers and other federal, state, and local housing subsidies.

(22) SUBSIDY means a financial award or a request to increase zoning density or floor area ratio, as approved by the city council.”

SECTION 3. That Section 20A-4, “Discriminatory Housing Practices,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-4. DISCRIMINATORY HOUSING PRACTICES.

(a) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income:

(1) refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

(2) refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or

(3) discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.

(b) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income:

(1) represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;

(2) discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or

(3) with respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:

(A) denies a person access to or membership in the business; or

(B) discriminates against a person in the terms or conditions of access to or membership in the business.

(c) A person commits an offense if he:

(1) for profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a particular race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;

(2) makes an oral or written statement indicating a policy of the respondent or a person represented by the respondent to discriminate on the basis of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income in the selling or renting of a housing accommodation; or

(3) prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income in the selling or renting of a housing accommodation.

(d) A person who engages in a residential real estate-related transaction commits an offense if he, because of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income, discriminates against a person:

(1) in making a residential real estate-related transaction available; or

(2) in the terms or conditions of a residential real estate-related transaction.

(e) A person commits an offense if he:

(1) discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a handicap of:

- (A) that buyer or renter;
 - (B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
 - (C) any person associated with that buyer or renter; or
- (2) discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a handicap of:
- (A) that person;
 - (B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
 - (C) any person associated with that person.
- (f) A person commits an offense if he:
- (1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;
 - (3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or
 - (4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:
 - (A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;
 - (B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and

(C) all premises within a dwelling unit contain the following features of adaptive design:

- (i) an accessible route into and through the dwelling unit;
- (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- (iii) reinforcements in the bathroom walls to allow later installation of grab bars; and
- (iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter.”

SECTION 4. That Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended by adding Section 20A-4.1, “Housing Voucher Incentives,” to read as follows:

“SEC. 20A-4.1. HOUSING VOUCHER INCENTIVES.

In accordance with Section 250.007(c) of the Texas Local Government Code, as amended, the city hereby creates and implements the following voluntary program to encourage acceptance of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(a) Subsidy. All housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) Financial award. Multifamily housing accommodations that benefit from a financial award approved by the city council on or after the effective date of this ordinance shall set aside at least 10 percent of the dwelling units and solely lease those dwelling units to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for a minimum of 15 years from the date of the initial issuance of the housing accommodation’s certificate of occupancy. Multifamily has the meaning assigned in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended.”

SECTION 5. That Section 20A-5, “Defenses to Criminal Prosecution and Civil Action,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-5. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:

(1) the housing accommodation is owned, controlled, or managed by:

(A) a religious organization, or a nonprofit organization that exists in conjunction with or is operated, supervised, or controlled by a religious organization, and the organization sells or rents the housing accommodation only to individuals of the same religion as the organization; except that, this defense is not available if:

(i) the offense involves discrimination other than on the basis of religion;

(ii) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(iii) membership in the religion is limited to individuals on the basis of race, color, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(B) a nonprofit religious, educational, civic, or service organization or by a person who rents the housing accommodation to individuals, a predominant number of whom are associated with the same nonprofit religious, educational, civic, or service organization, and the organization or person, for the purposes of privacy and personal modesty, rents the housing accommodation only to individuals of the same sex or provides separate accommodations or facilities on the basis of sex; except that, this defense is not available if the offense involves:

(i) discrimination other than on the basis of sex; or

(ii) a sale of the housing accommodation; or

(C) a private organization and, incidental to the primary purpose of the organization, the organization rents the housing accommodation only to its own members; except that, this defense is not available if:

(i) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(ii) the offense involves a sale of the housing accommodation;
or

(2) compliance with this chapter would violate a federal, state, or local law restricting the maximum number of occupants permitted to occupy a dwelling unit.

(b) It is a defense to criminal prosecution or civil action under all of Section 20A-4 except Section 20A-4(c)(2) and (3) that the housing accommodation is:

(1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent:

(A) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed;

(B) has not resided in the dwelling within the preceding 24 months before the offense is committed; or

(C) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or

(2) occupied or intended for occupancy by four or fewer families living independently of each other, and the respondent is the owner of the accommodation and occupies part of the accommodation as a residence; except that, this defense is not available if the offense involves a sale of all or part of the housing accommodation.

(c) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to handicap that occupancy of a housing accommodation by the aggrieved person would constitute a direct threat to the health or safety of another person or result in physical damage to another person's property.

(d) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to familial status that the housing accommodation is:

(1) provided under a state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) intended for, and solely occupied by, a person at least 62 years of age, except that:

(A) an employee of the housing accommodation who performs substantial duties directly related to the management or maintenance of the housing accommodation may occupy a dwelling unit, with family members in the same unit; and

(B) a person under age 62 years residing in the housing accommodation on September 13, 1988 may occupy a dwelling unit, provided that all new occupants following that date are persons at least 62 years of age; and

(C) all vacant units are reserved for occupancy by persons at least 62 years of age; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per dwelling unit, provided that:

(A) the housing accommodation has significant facilities and services specifically designed to meet the physical and social needs of an older person or, if it is not practicable to provide such facilities and services, the housing accommodation is necessary to provide important housing opportunities for an older person;

(B) at least 80 percent of the dwelling units in the housing accommodation are occupied by at least one person 55 years of age or older per dwelling unit; except that a newly constructed housing accommodation for first occupancy after March 12, 1989 need not comply with this requirement until 25 percent of the dwelling units in the housing accommodation are occupied; and

(C) the owner or manager of the housing accommodation publishes and adheres to policies and procedures that demonstrate an intent by the owner or manager to provide housing to persons at least 55 years of age.

(e) It is a defense to criminal prosecution or civil action under Section 20A-4(d) that the person, in the purchasing of loans, considered factors that were justified by business necessity and related to the transaction's financial security or the protection against default or reduction in the value of the security, but were unrelated to race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(f) It is a defense to criminal prosecution under Section 20A-4 that the aggrieved person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended.

(g) It is a defense to criminal prosecution under Section 20A-4(d) that the person was engaged in the business of furnishing appraisals of real property and considered factors other than race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(h) It is a defense to criminal prosecution or civil action under Section 20A-4 regarding source of income that at least 10 percent of the dwelling units in a multifamily use, as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended, are leased to housing voucher holders.

(i) Nothing in this chapter prohibits:

(1) conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended; or

(2) a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.”

SECTION 6. That Subsection (c) of Section 20A-7, “Complaint and Answer,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(c) A complaint must be in writing, made under oath or affirmation, and contain the following information:

- (1) Name and address of the respondent.
- (2) Name, address, and signature of the complainant.
- (3) Name and address of the aggrieved person, if different from the complainant.
- (4) Date of the occurrence or termination of the discriminatory housing practice and date of the filing of the complaint.
- (5) Description and address of the housing accommodation involved in the discriminatory housing practice, if appropriate.
- (6) Concise statement of the facts of the discriminatory housing practice, including the basis of the discrimination (race, color, sex, religion, handicap, familial status, ~~or~~ national origin, or source of income).

SECTION 7. That Subsection (d) of Section 20A-10, “Conciliation,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(d) A conciliation agreement executed under this section must contain:

- (1) an identification of the discriminatory housing practice and corresponding respondent that gives rise to the conciliation agreement under Subsection (a) and the identification of any other discriminatory housing practice and respondent that the parties agree to make subject to the limitation on prosecution in Subsection (b);

(2) an identification of the housing accommodation subject to the conciliation agreement; and

(3) a statement that each party entering into the conciliation agreement agrees:

(A) not to violate this chapter or the conciliation agreement; and

(B) that the respondent shall file with the administrator a periodic activity report, in accordance with the following regulations, if the discriminatory housing practice giving rise to the conciliation agreement under Subsection (a) involves a respondent who engages in a business relating to selling or renting housing accommodations; a housing accommodation occupied or intended for occupancy on a rental or sale basis; or a violation of Section 20A-4(d):

(i) Unless the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state, with respect to each person of the specified class (the race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income alleged as the basis of discrimination in the complaint on the discriminatory housing practice) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing of a housing accommodation or a business relating to selling or renting housing accommodations, the name and address or telephone number of the person, the date of each contact, and the result of each contact.

(ii) If the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state the number and manner of solicitations concerning housing accommodations made by the party and the approximate boundaries of each neighborhood in which the solicitations are made.

(iii) The party who prepares the activity report must sign and verify the report.

(iv) An activity report must be filed each month on the date specified in the conciliation agreement for a period of not less than three months nor more than 36 months, as required by the conciliation agreement.”

SECTION 8. That a person violating any provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 9. That Chapter 20A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

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 Dallas City Charter, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

AGENDA ITEM # 49

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 5
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 48 X; Y

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and renewal of, Specific Use Permit No. 1805 for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the southwest corner of Scyene Road and Prichard Lane
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, a traffic management plan and conditions
Z145-156(OTH)

FILE NUMBER: Z145-156(OTH)

DATE FILED: January 8, 2015

LOCATION: Southwest corner of Scyene Road and Prichard Lane

COUNCIL DISTRICT: 5

MAPSCO: 48 – X, Y

SIZE OF REQUEST: ± 9.72 acres

CENSUS TRACT: 91.01

APPLICANT/OWNER: Donna H. Woods

REPRESENTATIVE: Don E. Miles

REQUEST: An application to amend and renew Specific Use Permit No. 1805 for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant [Nova Academy] originally applied for an automatic renewal; however, during the site visit, staff found that the property was not developed as shown on the City Council approved site plan. For this reason, the applicant needed to provide a revised site plan to reflect the actual development of the property, the existing parking layout on the site, and an updated Traffic Management Plan. The applicant proposes to continue the use of the property with the existing open-enrollment charter school.

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, a traffic management plan and conditions.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, a traffic management plan and conditions.

Background:

- Specific Use Permit No. 1805 for an open-enrollment charter school was originally approved on June 9, 2010 for a five-year period with eligibility for automatic renewals for additional five-year periods.
- On August 2, 2010, the applicant initiated the construction process for the school. The 9.724 acres of land were undeveloped at the time.
- The applicant submitted an application for automatic renewal on January 8, 2015, within the required time period for automatic renewal as required by Code. However, during staff's site visit, several discrepancies were found with the approved site plan. Parking and driveways did not complying with the layout as shown in the approved site plan.
- The original SUP ordinance, approved on June 9, 2010, requires that the Traffic Management Plan be updated every November 1st in each odd numbered year. At the time the application for the renewal request was submitted, the applicant had not complied with this condition.
- During the process for automatic renewal, staff also discovered that the building plans submitted for the building permit were different from the site plan approved by City Council. Therefore, the applicant needed to update the site plan to reflect the existing development of the property.
- On May 20, 2013, the Board of Adjustment granted a special exception to the landscape plan regulations with specific conditions for the tree mitigation process.

Surrounding Zoning History:

There has been one Board of Adjustment case in the area within the last five years.

1. BDA 112-103 On May 20, 2013, the Board of Adjustment Panel C granted a special exception to the landscape regulations subject to conditions on the subject site.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Scyene Road	Principal Arterial	100 feet
Prichard Lane	Local	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested renewal and determined that it will not impact the surrounding roadway system. All school traffic is handled within the property. No queuing is allowed on the public right-of-way.

One of the changes from the approved site plan was the driveway locations. The original plan indicates two points of access on Scyene Road, only one was built and in a location different from the location on the site approved plan.

The applicant submitted a revised Traffic Management Plan reflecting the site's existing conditions and updating the traffic routing for drop off and pick up hours. The Engineering Division has approved the TMP.

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request; however, the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The property is located within the Campus Building Block.

The Campus Building Block focuses on areas around large master-planned educational, institutional or business facilities outside the Downtown. The University of North Texas campus was the motivating factor for creating this Building Block, although other examples exist, such as the areas around the Southwestern Medical District, the Baylor University Medical Center, the Veterans Administration Hospital and Pinnacle Park.

Land Use Element

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

1.1.2.2 Focus on developing strong middle-class neighborhoods anchored by successful schools and supported with sufficient retail.

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.

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.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

Surrounding Land Uses:

	Zoning	Land Use
Site	R-7.5(A), SUP No. 1805	Open-enrollment charter school
North	R-7.5(A), PD No. 75	Single family, Church
East	CR-D	Undeveloped, Multifamily
South	R-7.5(A)	Single family, church, undeveloped
West	R-7.5(A)	Undeveloped

Land Use Compatibility:

The request site is 9.72 acres and is currently developed with a two-story, 82,492 square foot structure that provides education for grades K through 8th. Surrounding land uses are single family, church, and a cemetery to the north; undeveloped land and multifamily to the east; single family, church and undeveloped to the south; and undeveloped 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 proposed use is compatible with the surrounding multifamily and single family developments and other non-residential uses. The open-enrollment charter school will provide an option for students in seeking educational opportunities. The property is

located near major roadways and can be easily accessed. The TMP will further mitigate any potential traffic issues the use may produce and should not be detrimental to the surrounding traffic patterns.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
R-7.5(A) Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%		Single family

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200. The request does not include any additions to the existing building; therefore, no additional parking is required. The applicant must provide a minimum of 39 parking spaces. Parking must be provided as shown in the site plan.

	Number of Classrooms	Required parking	Provided parking
Kindergarten/elementary 1.5 per room	14	21	21
Junior high/middle 3.5 per room	5	18	18
Total Parking required			39
Additional parking			31
Total provided			70

The school should be able to provide the required parking in the event the school obtains the full allowed capacity of 50 classrooms.

Landscaping:

The existing SUP includes a Landscape Plan. However, the applicant is requesting that it be removed from the SUP conditions in order to simplify the renewal process and to be able to utilize the site plan submitted for building permits as the property was built. The applicant complies with Article X landscaping requirements. Staff reviewed the existing landscape conditions and does not object to the removal of the landscape plan. Furthermore, any additions in the future will comply with Article X landscape requirements.

**CPC ACTION:
September 15, 2016**

Motion: It was moved to recommend **approval** of the renewal of and an amendment to Specific Use Permit No. 1805 for an open-enrollment school for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, traffic management plan, and conditions on property zoned an R-7.5(A) Single Family District on the southwest corner of Scyene Road and Prichard Lane.

Maker: Shidid
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy

Against: 0
Absent: 2 - Ridley, Tarpley
Vacancy: 1 - District 7

Notices: Area: 400 Mailed: 50
Replies: For: 0 Against: 0

Speakers: For (Did not speak): Don Miles, 2800 Prichard Ln., Dallas, TX, 75227
Against: None

**CPC CONDITIONS
Z145-156(OTH)**

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.
3. TIME LIMIT: This specific use permit expires on five years ~~June 9, 2015~~, but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
- ~~4. LANDSCAPING: Landscaping must be provided as shown on the attached landscape plan. Plan materials must be maintained in a healthy, growing condition.~~
5. CLASSROOMS: The maximum number of classrooms is 50.
6. HOURS OF OPERATION: The open-enrollment charter school may only operate between 8:00 a.m. and 4:00 p.m., Monday and Friday.
7. INGRESS/ EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.
8. OFF-STREET PARKING: Parking must be provided and located as shown on the attached site plan.
9. TRAFFIC MANAGEMENT PLAN:
 - (a) In general. The operation of the uses must comply with the attached traffic management plan (Exhibit B).
 - (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 management plan.
 - (1) The Property owner or operator shall prepare an update to the traffic management plan evaluating the sufficiency of the plan. The initial update of the

traffic management plan must be submitted to the Director by November 1 ~~August 1, 2018-2013~~. After the initial traffic study, the property owner or operator shall submit updates of the traffic study to the director by November 1st every even-numbered ~~odd-numbered~~ year.

(2) The traffic management plan 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 the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code as amended.

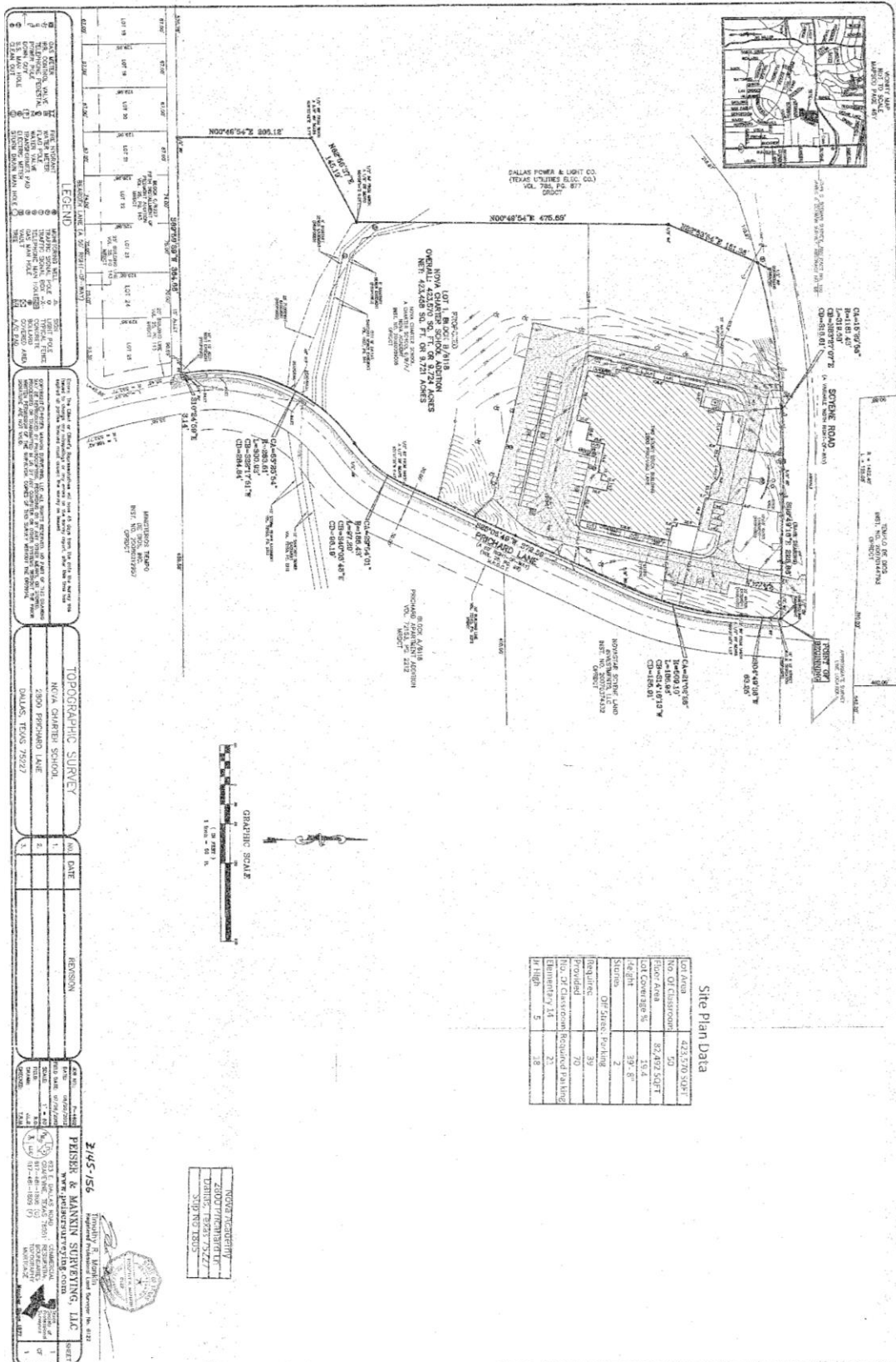
(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

10. MAINTENANCE: The premises must be properly maintained in a state of good repair and neat appearance.

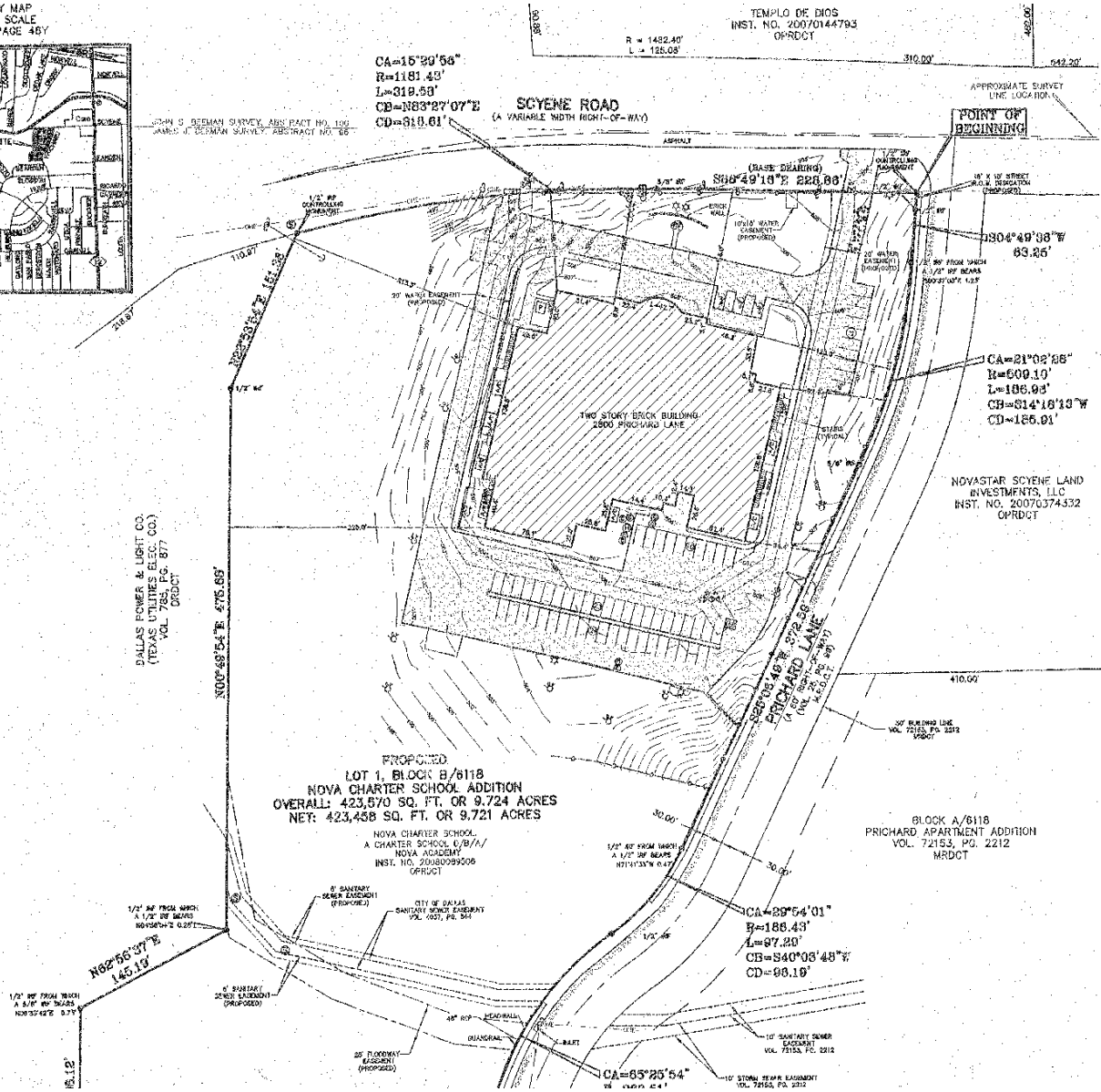
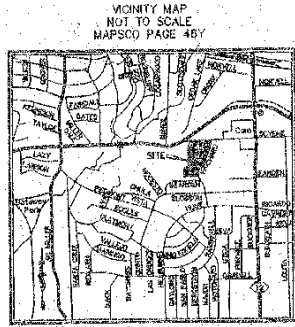
Z145-156(OTH)

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.

PROPOSED SITE PLAN



PROPOSED SITE PLAN (Enlarged)



UPDATED TRAFFIC MANAGEMENT PLAN

Kelly & Associates

785 Sleepy Creek Drive, Frisco, Texas, 75034; Phone: (214) 697-1328 (972) Fax: 668-7867

TECHNICAL MEMORANDUM

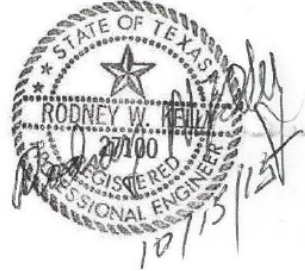
To: Olga Torres-Holyoak, City of Dallas

Copy to: Don Miles

From: Rod Kelly, P.E.

Date: October 15, 2015

RE: Traffic Management Plan Review – Nova Academy, in Dallas, Texas (Zoning Case # Z145-156 SUP)



PURPOSE

The purpose of this memorandum is to document the results of an evaluation of the sufficiency of the existing Traffic Management Plan (TMP) for the Nova Academy Charter School, located on Scyene Road in Dallas, Texas. Preparation of this review is in response to a request from the City of Dallas staff related to Condition 8 (c) (1) of the SUP conditions, which requires periodic review and certification of the Plan. The vicinity map showing the location of the academy is provided in **Figure 1**

Student Arrival and Departure Process

The academy has two drop-off and pick-up locations. One is for grades K-3 on the east side of the building and one is for grades 4-8 on the west side of the building.. Sibling students in both grade groups in the same family are dropped off and picked up in the K-3 location. The current access, on-site traffic circulation, and the drop-off and pick-up areas are shown in **Figure 2**. It should be noted that the drop-off location for the AM arrivals and the pick-up location for the PM departures are not the same as in the original plan.

The school starting time for all students is 8:00 AM. At the present time, arrivals begin occurring at 7:00AM at the two drop-off location referenced above and continue until 8:00 AM. At that time, all drop-off activities for all grades move to the main entrance on the north side of the academy building, for late arrivals.

Classes let out for grades K through 3 at 3:45 PM and 4:00 PM for grades 4-8. The driveway access gate to both pick-up areas, on Prichard Lane, is opened at 3:45 PM so that vehicles picking up students may begin lining up in the two pick-up locations. This process continues until 4:15 PM, when all pick-up activities for all grades move to the main entrance on the north side of the academy building, for late departures.

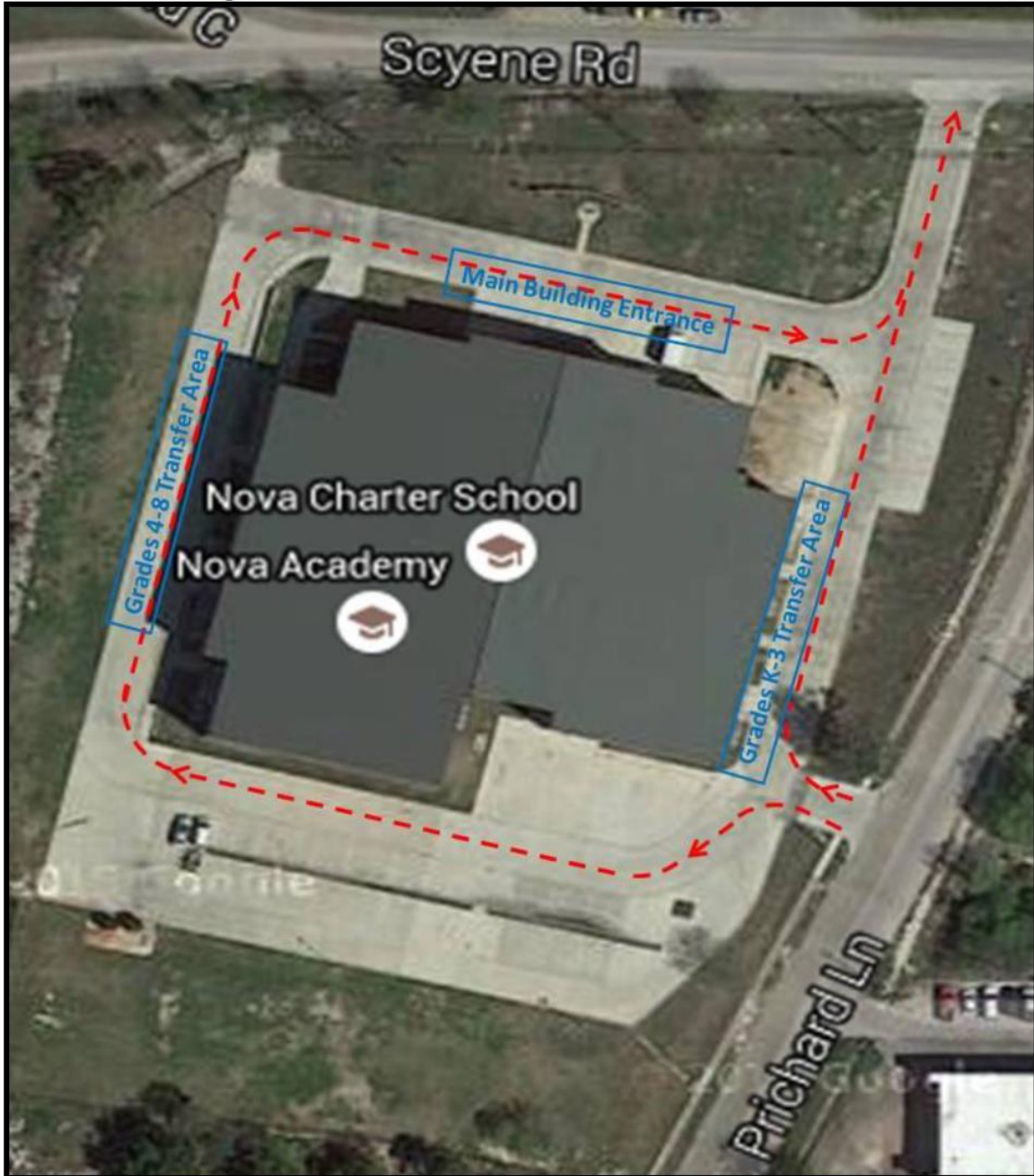
During the drop-off and pick-up periods, two parallel lines of vehicles are allowed to form in the transfer areas to drop off and pick up students. In the K-3 transfer area, there are also 10 head-in parking spaces that are available to be used for parking and escorting the younger children into the building.

There are two off-duty policemen present during the transfer period to direct traffic in and out of the facility. One is stationed at the entrance drive on Prichard Lane and one is stationed at the Scyene Road access driveway. There are also academy staff members present in both the east and west departure areas to direct and assist children in transferring between the academy building and the drop-off and pick-up vehicles in the east and west departure areas.

Figure 1 – Location of Nova Academy



Figure 2 – Current Access and On-Site Traffic Circulation



One of the critical requirements of a traffic management plan for a private school is to assure that an adequate amount of space is provided for the queuing or stacking of vehicles totally and completely on school property. In order to determine the extent of this requirement, observations were made at the existing charter school, during peak drop-off and pick-up periods on four different days in two different weeks, to determine on-site queuing. These observations are displayed in **Tables 1 and 2** and show, in the boxes with **bold black borders**, the maximum number of vehicles queued during 5-minute periods at each of the two main drop-off and pick-up areas on the days that queuing counts were made.

VEHICLE QUEUING EVALUATION

The evaluation was preformed for the peak A M and P M arrival and departure periods. In the AM drop-off period, this occurs from 7::30 to 8:05 AM. In the PM pick-up period, it occurs from 3:40 to 4:25 PM. As indicated in **Tables 1 and 2**, the maximum, combined number of vehicles observed to be queued up on-site at the two academy transfer areas in any single five-minute period was observed to be **45** during the morning drop-off period and **40** during the afternoon pick-up period. These queuing numbers are shown in the boxes with the **bold red borders**. This condition occurs with an enrollment of 496 students.

Table 1 - Maximum Vehicle Queuing (5 Minute Intervals) for Grades K-3

Date	Day of Week	Time (AM)							
9/16/2015	Wednesday	7:30	7:35	7:40	7:45	7:50	7:55	8:00	8:05
		1	3	5	7	16	14	19	6
Date	Day of Week	Time (AM)							
9/17/2015	Thursday	7:30	7:35	7:40	7:45	7:50	7:55	8:00	8:05
		2	2	4	8	15	13	20	6
Date	Day of Week	Time (PM)							
9/18/2015	Friday	3:40	3:45	3:50	3:55	4:00	4:05	4:10	4:15
		9	7	12	7	4	3	3	11
Date	Day of Week	Time (PM)							
9/21/2015	Monday	3:40	3:45	3:50	3:55	4:00	4:05	4:10	4:15
		0	4	11	12	16	3	13	10

Table 2 - Maximum Vehicle Queuing (5 Minute Intervals) for Grades 4-8

Date	Day of Week	Time (PM)							
9/17/2015	Thursday	3:40	3:45	3:50	3:55	4:00	4:05	4:10	4:15
		0	0	16	9	1	6	26	16
Date	Day of Week	Time (AM)							
9/18/2015	Friday	7:30	7:35	7:40	7:45	7:50	7:55	8:00	8:05
		22	11	16	12	24	20	25	28
Date	Day of Week	Time (AM)							
9/21/2015	Friday	7:30	7:35	7:40	7:45	7:50	7:55	8:00	8:05
		13	6	14	21	24	25	23	27
Date	Day of Week	Time (PM)							
9/22/2015	Tuesday	3:40	3:45	3:50	3:55	4:00	4:05	4:10	4:15
		0	0	12	8	0	12	27	16

It should also be noted that the academy has permission to use the church parking lot across the street, on the north side of Scyene Road, for temporary parking, if needed for academy special events and programs.

CONCLUSIONS AND RECOMMENDATIONS

As demonstrated by the analysis results shown in the above tables and described in the preceding paragraphs, it is concluded that the Traffic Management Plan in **Figure 3** provides the required traffic operating efficiency and capacity to assure that all drop-off/pick-up vehicle queuing can be accommodated completely on-site and the necessary safety and security of Nova Academy students is provided.

There is one change that is recommended to the existing Traffic Management Plan. At the present time, the Prichard Lane access gate remains closed until a few minutes before K-3 students are released. Vehicles arriving early begin to queue on the street and by the time the gate is opened, as many as 42 vehicles were observed to be lined up on the street in both directions. It is therefore recommended that the access gate on Prichard Lane be opened at least 15 minutes prior to 3:45 PM to allow arriving vehicles to enter and begin queuing up in the two transfer areas rather than on the street.

Figure 3 – Traffic Management Plan (Zoning Case # Z145-156 SUP)



Zoning Case
 Z145-156 SUP

Maximum Vehicle Queuing		
Period	Time	Number
AM	8:00-8:05	45
PM	4:10-4:15	40

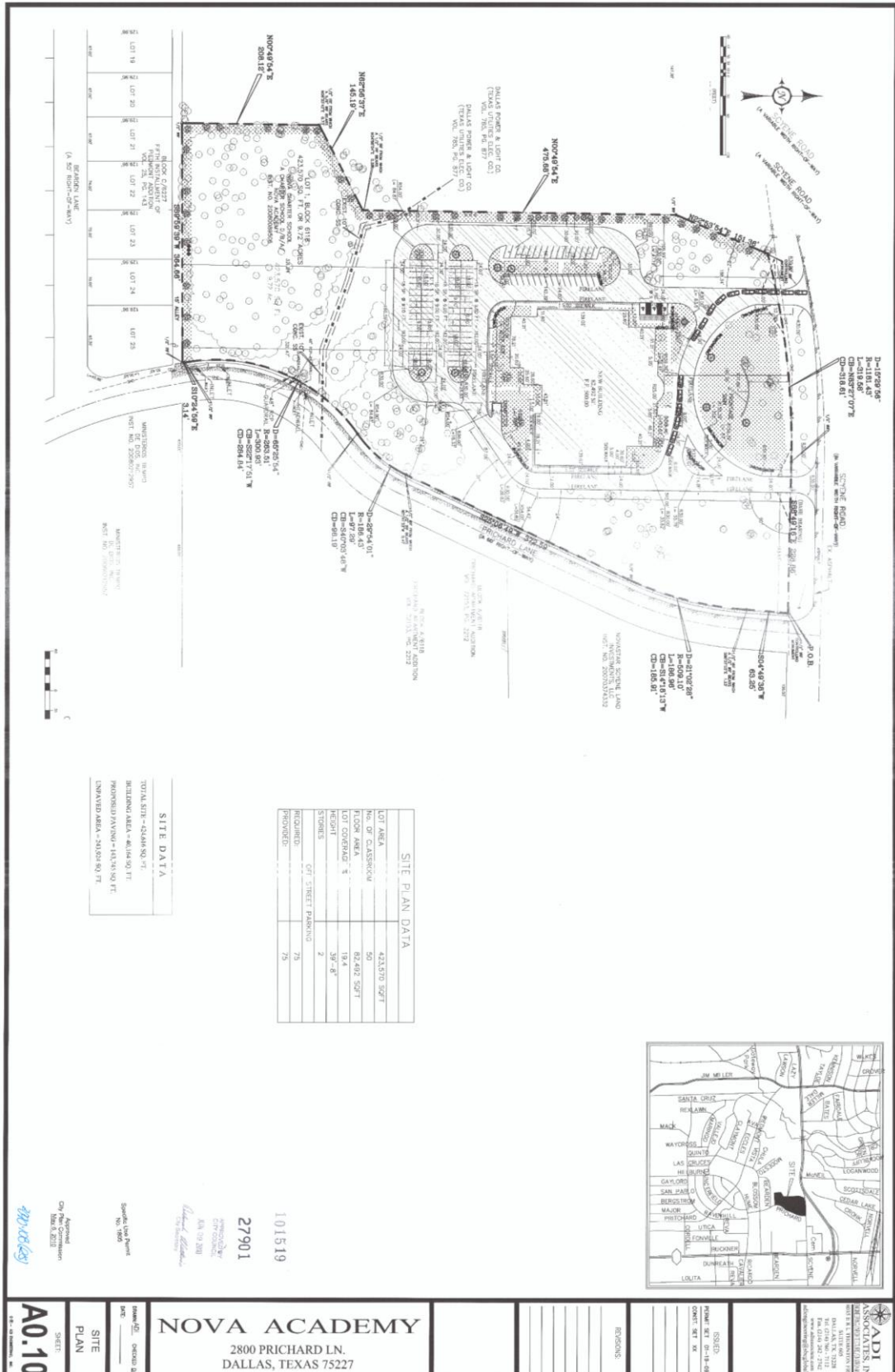
TOTAL ON-SITE VEHICLE QUEUING/PARKING
 MAXIMUM OBSERVED = 45 SPACES (900 LINEAR FEET)
 PROVIDED = 73 SPACES (1,460 LINEAR FEET)



Based on the vehicle queuing analysis conducted, and the existing Traffic Management Plan; I, Rodney W. Kelly, P.E. #27100, certify that no queuing of vehicles dropping off or picking up students at Children's First Academy extends onto City of Dallas street rights-of-way as a result of internal queuing constraints. In order to ensure that all queuing of vehicles is completely accommodated on school property, Children's First Academy administrative officials should maintain the existing Traffic Management Plan, monitor the operation on a continuing basis, and if any vehicle queuing should begin to occur on public right-of-way, take the necessary action to mitigate it. Only uniformed police officers should be allowed to direct and control traffic operating within the public right-of-way.

NOVA Charter School 2800 Pritchard Ln. Dallas, TX				9-22-15
Wednesday 9-16-15		Monday 9-21-15		
	AM K-3		AM 4-8	PM K-3
7:30	1		7:30	13
35	3	NO	:35	6
40	5	PM	:40	14
45	7	COUNT	:45	21
50	16		:50	24
55	14		:55	25
8:00	19		8:00	23
:05	6		:05	27
			3:40	0
			:45	4
			:50	11
			:55	12
			4:00	16
			:05	3
			:10	13
			:15	10
			43 cars along curb	
Thursday 9-17-15		Tuesday 9-22-15		
	AM K-3	PM 4-8	AM 4-8	PM 4-8
7:30	2	3:40	7:30	22
:35	2	:45	:35	11
:40	4	:50	:40	16
:45	8	:55	:45	12
:50	15	4:00	:50	24
:55	13	:05	:55	20
8:00	20	:10	8:00	25
:05	6	:15	:05	28
			3:40	0
			:45	0
			:50	12
			:55	8
			4:00	0
			:05	12
			:10	27
			:15	16
			32 cars along curb	
Friday 9-18-15				
	AM 4-8	PM K-3		
7:30	22	3:40	9	
:35	11	:45	7	
:40	16	:50	12	
:45	12	:55	7	
:50	24	4:00	4	
:55	20	:05	3	
8:00	25	:10	3	
:05	28	:15	11	
			34 cars along curb	
METROCOUNT Traffic Data Collection				

Existing Site Plan



SITE DATA
 TOTAL SITE = 42,648 SQ. FT.
 BUILDING AREA = 46,164 SQ. FT.
 PROPOSED PAVING = 14,234 SQ. FT.
 UNPAVED AREA = 30,654 SQ. FT.

SITE PLAN DATA	
LOT AREA	42,648 SQ. FT.
NO. OF CLASSIFIED	50
TICAP AREA	62,412 SQ. FT.
VEGETATION	3
STORIES	2
REQUIRED	75
PROVIDED	75



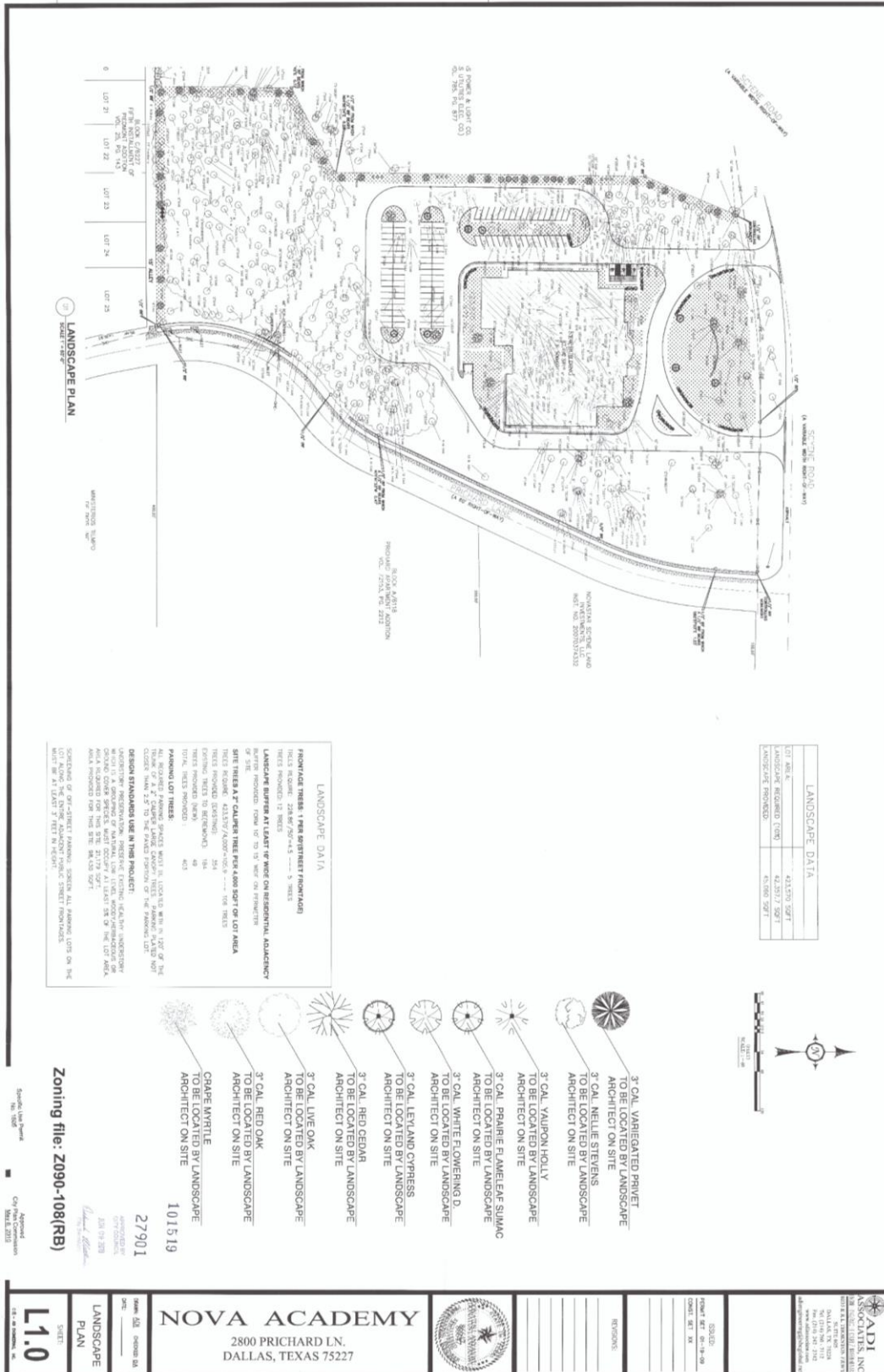
Approved
 City Planning Commission
 Item No. 2023
 27901
 101519

NOVA ACADEMY
 2800 PRICHARD LN.
 DALLAS, TEXAS 75227

ADI
 ASSOCIATES, INC.
 1000 WEST END AVENUE
 SUITE 1000
 DALLAS, TEXAS 75201
 PHONE: 214.742.1111
 FAX: 214.742.1112
 WWW.ADIASSOCIATES.COM

A0.10
 SHEET

EXISTING LANDSCAPE PLAN



LANDSCAPE DATA

LOT AREA	41,520 SQFT
LANDSCAPE RECORD COVER	42,257 SQFT
LANDSCAPE PROVIDED	43,000 SQFT

LANDSCAPE DATA

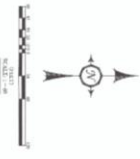
APPROXIMATE TREES & SHRUBS BY PROPERTY
 TREES PROVIDED: 12 TREES
 TREES PROPOSED: 228 TREES (214.5' x 5' TREES)

LANDSCAPE BUFFER AT LEAST 10 FEET ON RESIDENTIAL ADJACENCY
 BUFFER PROVIDED: 10 FEET ON RESIDENTIAL ADJACENCY

SITE TREES AT CALPINE TREE RISK REPORT FOR LOT AREA
 TREES RECORD: 42,257/42,257' x 5' TREES
 TREES PROPOSED (DESIGNED): 228
 TREES PROPOSED (NEW): 48
 TOTAL TREES PROVIDED: 476

PARKING LOT TREES:
 ALL PROPOSED PARKING SPACES WILL BE LOCATED WITHIN 10 FEET OF THE CURB (MIN. 2.5' TO THE PARKING POSITION OF THE PARKING LOT)

DESIGN STANDARDS USE IN THIS PROJECT:
 LANDSCAPE ARCHITECTURE: INTERIOR DESIGN & LANDSCAPE ARCHITECTURE
 GRADE: GRADE SHALL BE MAINTAINED AS MUCH AS POSSIBLE. GRADE CHANGES SHALL BE OCCUPIED BY PLANTING AT LEAST 50% OF THE LOT AREA.
 PLANTING: PLANTING SHALL BE OCCUPIED BY PLANTING AT LEAST 50% OF THE LOT AREA.
 BUFFER: BUFFER SHALL BE OCCUPIED BY PLANTING AT LEAST 10 FEET ON RESIDENTIAL ADJACENCY.



- 3" CAL. VARIEGATED PRIVET
TO BE LOCATED BY LANDSCAPE ARCHITECT ON SITE
- 3" CAL. NELLIE STEVENS
TO BE LOCATED BY LANDSCAPE ARCHITECT ON SITE
- 3" CAL. VAURON HOLLY
TO BE LOCATED BY LANDSCAPE ARCHITECT ON SITE
- 3" CAL. PRAIRIE FLAMELEAF SUMAC
TO BE LOCATED BY LANDSCAPE ARCHITECT ON SITE
- 3" CAL. WHITE FLOWERING D.
TO BE LOCATED BY LANDSCAPE ARCHITECT ON SITE
- 3" CAL. LEYLAND CYPRESS
TO BE LOCATED BY LANDSCAPE ARCHITECT ON SITE
- 3" CAL. RED CEDAR
TO BE LOCATED BY LANDSCAPE ARCHITECT ON SITE
- 3" CAL. LIVE OAK
TO BE LOCATED BY LANDSCAPE ARCHITECT ON SITE
- 3" CAL. RED OAK
TO BE LOCATED BY LANDSCAPE ARCHITECT ON SITE
- GRAPE MYRTLE
TO BE LOCATED BY LANDSCAPE ARCHITECT ON SITE

Zoning file: Z090-108(RB)

101519
 27901

Special Use Permit No. 508
 Approved
 City of Dallas
 March 2015

 ADI ASSOCIATES, INC. 2800 RICHARD LN., SUITE 200 DALLAS, TEXAS 75227 TEL: 214.968.1111 FAX: 214.968.1112 WWW.ADIASSOCIATES.COM	SHEET NO. 11 OF 11
	NOVA ACADEMY 2800 RICHARD LN. DALLAS, TEXAS 75227
SCALE: LANDSCAPE PLAN: 1" = 40'	DATE: 08/14/15
DRAWN BY: [Name] CHECKED BY: [Name]	PROJECT NO. [Number]

EXISTING TMP

**Traffic Management Plan Impact Analysis
Proposed Nova Academy at 2800 Prichard Lane, in Dallas, Texas
Zoning Case # Z090-108**

TRAFFIC MANAGEMENT PLAN

One of the critical requirements of a traffic management plan for a school, especially one where the majority of students are dropped off and picked up in personal, private vehicles, is to assure that an adequate amount of space is provided for the queuing, or stacking of vehicles totally and completely on school property. In order to determine the extent of this requirement, in accordance with City of Dallas procedures; observations were made at the existing Nova Academy facility during peak drop-off and pick-up periods on four days in two different weeks, such that no single set of observations was made on the same date or day of the week. These observations are displayed in **Table 1** and show the maximum number of vehicles queued, or stacked, to either drop off or pick up students in any single five-minute period before and after school take-up and let-out times.

Table 1 - Maximum Vehicle Queuing (5 Minute Intervals)

Date	Day of Week	Time (AM)											
1/29/2010	Friday	7:15	7:20	7:25	7:30	7:35	7:40	7:45	7:50	7:55	8:00	8:05	
		7	4	4	4	4	4	3	3	8	4	3	
Date	Day of Week	Time (PM)											
2/1/2010	Monday	3:20	3:25	3:30	3:35	3:40	3:45	3:50	3:55	4:00	4:05	4:10	4:15
		4	4	4	9	14	24	25	24	21	14	7	7
Date	Day of Week	Time (PM)											
2/2/2010	Tuesday	3:20	3:25	3:30	3:35	3:40	3:45	3:50	3:55	4:00	4:05	4:10	
		3	2	11	19	23	24	27	28	30	19	10	
Date	Day of Week	Time (AM)											
2/3/2010	Wednesday	7:15	7:20	7:25	7:30	7:35	7:40	7:45	7:50	7:55	8:00	8:05	
		9	4	4	3	5	6	6	11	6	4	4	

As indicated in **Table 1**, the maximum number of vehicles observed to be on-site at the existing academy at any single moment in time was observed to be 30, during the afternoon one hour pick-up period. This condition occurs with an enrollment of 273 students.

For the proposed academy, as shown in **Exhibit A**, one primary drop off/pick up location will be provided at curbside, on the circular driveway in front of the Academy building. There will be a drop-off area which can accommodate 10 vehicles at one time for multiple drop-offs and pick-ups, along with space for queuing up to 8 additional vehicles in a single waiting line. In addition, 32 angle parking spaces, for easy entry and exit, on the west side of the building near the front entrance, will be reserved for the drop-off and pick-up of younger students whose parents wish to personally escort their children to the school building, with space for queuing up to 8 additional vehicles in a single waiting line. **This will bring the total number of drop-off and pick-up parking and queuing spaces to 60.**

A comparison of the results of the queuing observations at the existing academy with 273 students to the proposed academy with 600 students would suggest that a total of approximately 66 queuing and drop-off/pick-up spaces would be required for the new academy. However, because of (1) the substantially long curbside area that will accommodate up to 10 vehicles at one time for multiple, simultaneous drop-offs and pick-ups, (2) the additional 32 parking spaces that can also allow simultaneous drop-off or pick-up of students, and (3) the ability to stagger the departure times for different age groups, **the proposed 60 spaces, or 1200 linear feet, is considered to be more than adequate to accommodate all vehicle queuing on-site.** This on-site stacking space compares favorably with the comparable range of stacking lengths for drop-off/pick-up zone on-site stacking length for Texas schools, as recommended in the January, 2004 publication by the Texas Transportation Institute at Texas A&M University, titled "Traffic Operations and Safety at Schools: Recommended Guidelines". Table 11, which presents the recommendations from this publication, is shown below.

Table 11. Recommended Parent Drop-off/Pick-up Zone On-Site Stacking Length for Texas.

School Type	Student Population	Loop Drive Stacking Length (linear feet) (m)
Elementary	Less than 500	400 – 750 (122 – 229)
	500 or more	750 – 1500 (229 – 458)
Middle	Less than 600	500 – 800 (153 – 244)
	600 or more	800 – 1600 (244 – 488)
High (31)	400 – 800	800 – 1200 (244 – 366)
	800 – 2500	1200 – 1500 (366 – 458)
<i>Note: For high school populations greater than 2500 students, consider two separate student pick-up/drop-off loops.</i>		

During all drop-off and pick-up periods, the school staff will place traffic cones to create and enforce one way traffic movements into and out of the two driveway intersections with Scyene Road. The internal driveways providing access to the staff parking area will be partially closed with traffic cones to all traffic, except staff, during the pickup and drop-off time to channelize ingress and egress.

A total of 8 vehicle attendants will be assigned to assist children exiting the transporting vehicles, thereby decreasing the time a vehicle must wait in a drop-off /pick-up queue. The school will provide campus personnel to assist in traffic management, as needed, with personnel located at the entrance and along the path that vehicles will follow to the drop-off/pick-up areas.

At times of departure from the Academy, children will wait in an organized fashion in the designated area. This will help to expedite the loading process by getting children to their vehicles quickly. It also provides a safer environment by prohibiting the children from running through traffic.

Additional Provisions:

- Parking spaces for drop-off and pick-up will be delineated with white paint to mark each vehicle stopping position

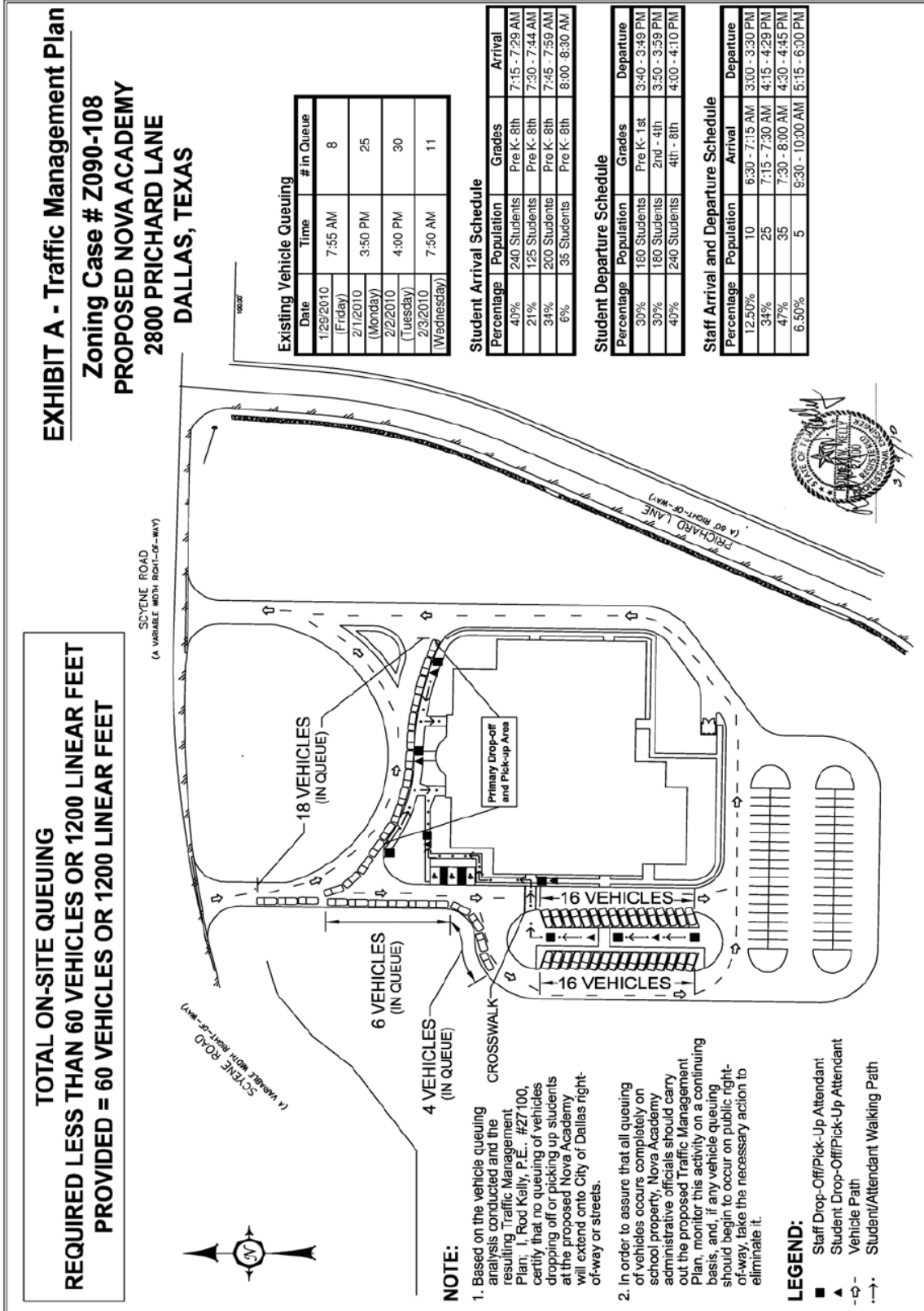
*Traffic Management Plan (Revised) – Proposed Nova Academy, Dallas, Texas Page 3 of 4
March 9, 2010*

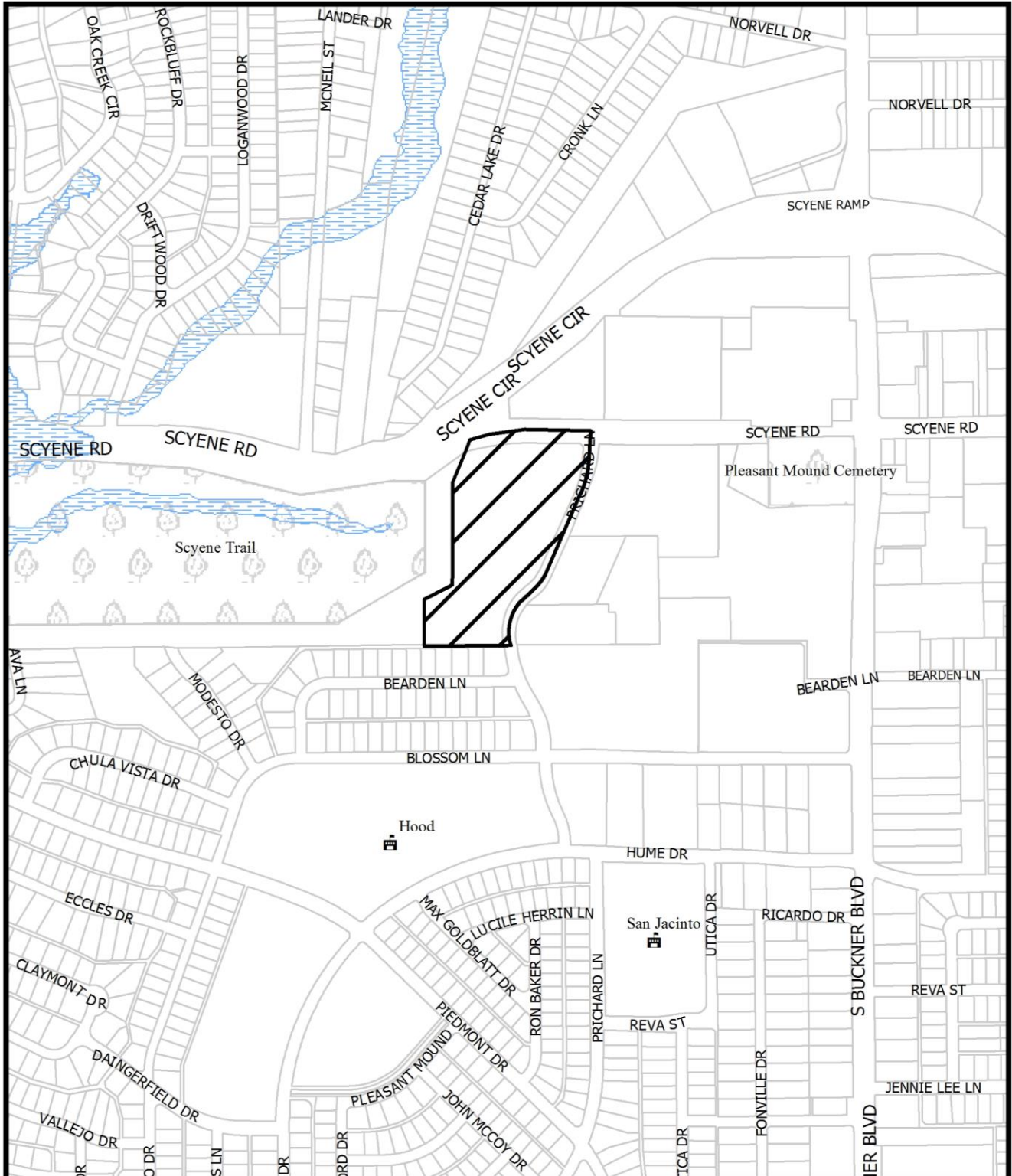
- Safety Assistant (Student allowed if trained by teacher)
 - Six safety assistants will be assigned to assist staff at the drop-off and pick-up bays.
 - Safety assistants will be responsible for assisting children into or out of vehicles
 - Safety assistants will wear high visibility lime green vests & belts to provide visibility and for identification by parents and children.

Families of students will be provided educational information on the traffic management plan of the academy. This educational process will take place throughout the year by means of student orientations, parent/teacher meetings, and printed information from the academy, sent home to the parents of the students.

CONCLUSIONS AND RECOMMENDATIONS

The proposed Traffic Management Plan in **Exhibit A** is considered to provide the required traffic operating efficiency and capacity to assure the necessary safety and security of the Academy students.





1:7,200

VICINITY MAP

Case no: Z145-156

Date: 8/30/2016

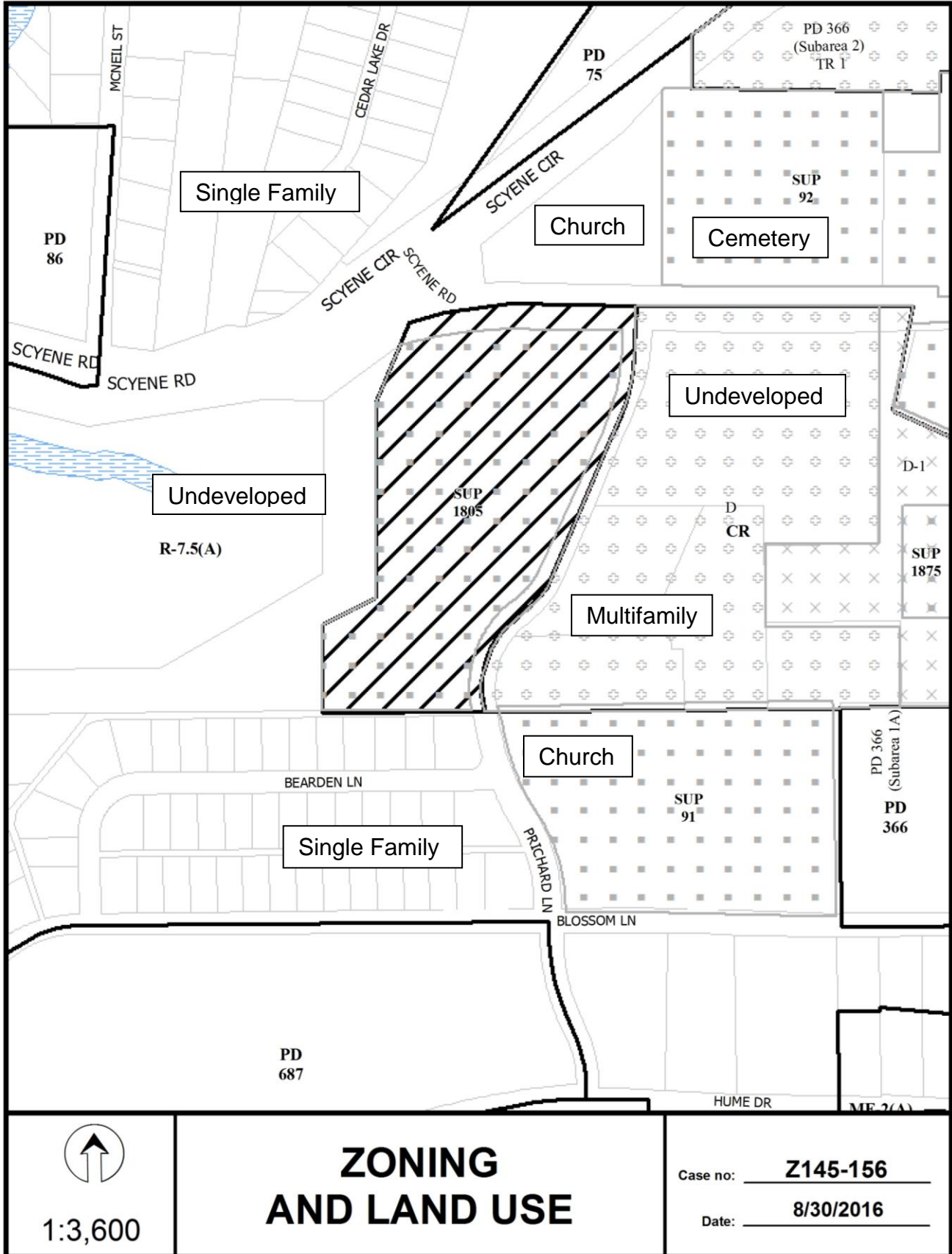


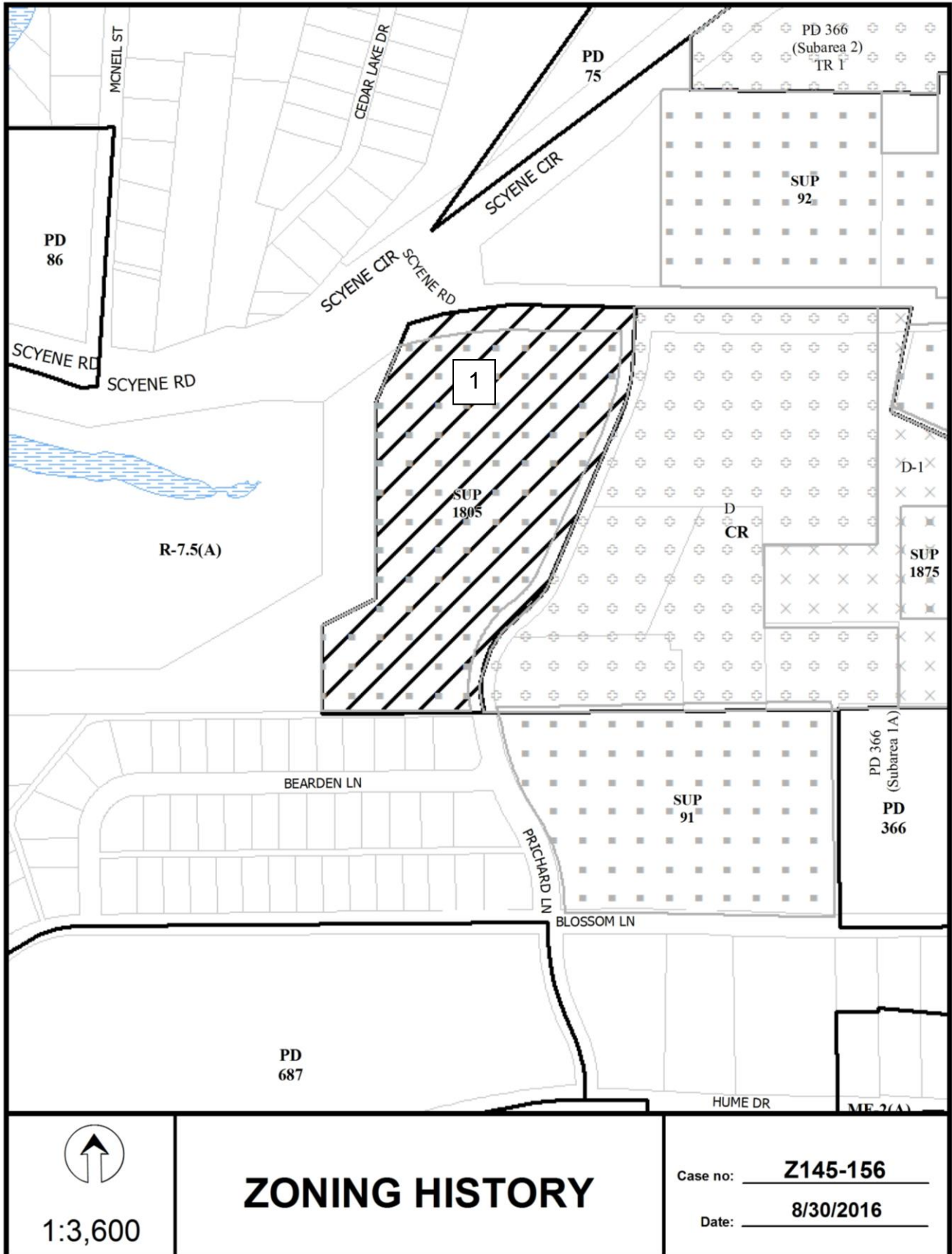
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AERIAL MAP

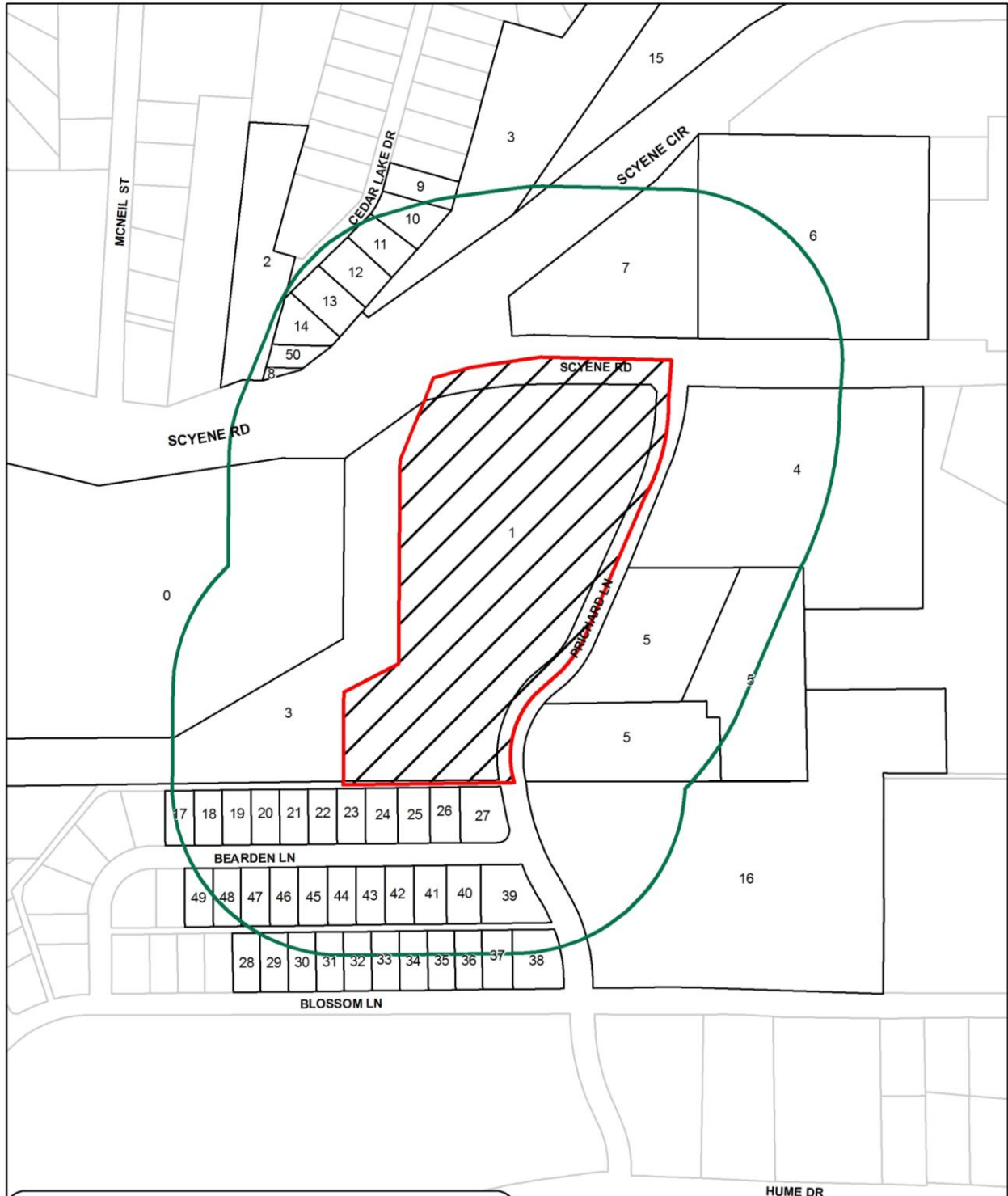
Case no: Z145-156

Date: 8/30/2016





CPC RESPONSES



<u>50</u>	Property Owners Notified (54 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>400'</u>	Area of Notification
<u>9/15/2016</u>	Date

Z145-156
CPC



1:3,600

09/14/2016

Reply List of Property Owners***Z145-156******50 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2800	PRICHARD LN	NOVA CHARTER SCHOOL
2	3329	MCNEIL ST	IGLESIA BIBLICA PENTECOST
3	2900	S BUCKNER BLVD	TEXAS UTILITIES ELEC CO
4	8000	SCYENE RD	NOVASTAR SCYENE LAND INV
5	2838	PRICHARD LN	NOTTINGHILL GATE HILLSIDE
6	7801	SCYENE RD	CONGREGATION TIFERET
7	7851	SCYENE RD	TEMPLO DE DIOS
8	8000	SCYENE RD	MCCOY MILLICENT HUME
9	3122	CEDAR LAKE DR	URBINA SAN JUANA
10	3116	CEDAR LAKE DR	RADNEY LARRY L
11	3110	CEDAR LAKE DR	FLORES JUAN A & IRMA
12	3104	CEDAR LAKE DR	COLUNGA MERARY
13	3016	CEDAR LAKE DR	LAWSHE GEORGE
14	3010	CEDAR LAKE DR	ESQUIVEL PEDRO & GABRIELA
15	3505	S BUCKNER BLVD	TRIANGLE SNF LTD
16	2818	PRICHARD LN	MINISTERIOS TIEMPO DE DIOS INC
17	7639	BEARDEN LN	PENA JORGE & IRMA
18	7645	BEARDEN LN	RODRIGUEZ LAURA
19	7649	BEARDEN LN	RAMIREZ MIGUEL & SILVIA
20	7653	BEARDEN LN	RACKLEY DAVID SCOTT
21	7703	BEARDEN LN	ELMO CHEYENNE
22	7709	BEARDEN LN	RIOS CARLOS J & LETICIA H
23	7715	BEARDEN LN	CHIO JOSE A
24	7721	BEARDEN LN	JENKINS BOBBY R JR
25	7727	BEARDEN LN	PARRA JORGE L & LILIA
26	7733	BEARDEN LN	RODRIGUEZ FIDENCIO &

09/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	7741	BEARDEN LN	HOGG JAMES
28	7625	BLOSSOM LN	ESKRIDGE WILLIAM MELVIN
29	7629	BLOSSOM LN	WILLIAMS ERIC D & TONI M
30	7635	BLOSSOM LN	THOMAS DOROTHY M
31	7703	BLOSSOM LN	DURHAM BELINDA B
32	7709	BLOSSOM LN	PETTUS VENITA W
33	7715	BLOSSOM LN	DURHAM MARGARET
34	7719	BLOSSOM LN	HOLUB RONALD E
35	7723	BLOSSOM LN	HERRERA ERMALINDA
36	7729	BLOSSOM LN	CUEVAS FRANCISCO &
37	7733	BLOSSOM LN	CASTENEDA JOSE &
38	7739	BLOSSOM LN	JOHNSON KAROLON BELL &
39	7746	BEARDEN LN	CONINE JAMES WALTER
40	7738	BEARDEN LN	CARDOSO MARIA OJEDA
41	7732	BEARDEN LN	CARDOSO LEODEGARIO O & ERIKA
42	7726	BEARDEN LN	VALDEZ JOSE & MARIA
43	7720	BEARDEN LN	ANDRADE MIGUEL & ROSA
44	7714	BEARDEN LN	HILL ELSTON & DEBRA L
45	7708	BEARDEN LN	BOYKIN FREDDIE LEE
46	7702	BEARDEN LN	BARRIOS GABINO
47	7652	BEARDEN LN	WOLTER MICHAEL S
48	7648	BEARDEN LN	PHILLIPS MARCUS WAYNE &
49	7644	BEARDEN LN	ALONSO JOSE ROGELIO
50	7800	SCYENE RD	FIRST NATL BK OF SO MIAMI

AGENDA ITEM # 50

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 9
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 39 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for a local utility and single family uses on property zoned an R-7.5(A) Single Family District, on the east corner of Barnes Bridge Road and Ferguson Road
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z156-259(SH)

FILE NUMBER: Z156-259(SH) **DATE FILED:** March 24, 2016
LOCATION: East corner of Barnes Bridge Road and Ferguson Road
COUNCIL DISTRICT: 9 **MAPSCO:** 39 F
SIZE OF REQUEST: Approx. 7.38 acres **CENSUS TRACT:** 0126.04

APPLICANT /OWNER North Texas Municipal Water District

REPRESENTATIVE: Karl Crawley, MASTERPLAN

REQUEST: An application for a Planned Development District for a local utility and single family uses on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of this request is to allow continued use of the site as a water storage facility.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval is based upon:

1. *Performance impacts upon surrounding property* – The continued use of the water storage tanks, which have been in operation since the 1960’s, should not have any negative impacts on the adjacent properties.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request will not have a negative impact on the adjacent street system.
3. *Comprehensive Plan or Area Plan Conformance* – The request site is located within a Residential Neighborhood Building Block. The proposed landscaping and screening improvements will help to enhance the site and make it more visually compatible with the surrounding area.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – The request for a Planned Development District is to allow for the continued encroachment of the water storage tanks and perimeter screening into the required front yard setback. The applicant is also requesting to improve the site with alternative landscaping and screening materials.

BACKGROUND INFORMATION:

- The request site is currently developed with a water storage facility, which was built in the 1960s.
- On March 25, 2009, City Council approved SUP No. 1748 to allow for a water storage facility owned by the City of Mesquite, on the adjacent site to the southeast. All other surrounding areas are developed with single-family homes.

Zoning History:

There have been no zoning requests in the area within the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Barnes Bridge Road	Minor Arterial	60 feet
Ferguson Road	Major Arterial	100 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.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The Plan does not make a specific land use recommendation as related to the request; however, it is comprised of a series of Building Blocks. Void of well-defined boundaries, these Building Blocks depict generalized land use patterns that indicate where certain types and densities of development might logically occur. The *forwardDallas! Comprehensive Plan* identifies the request site as being within the Residential Neighborhood Building Block. While single family dwellings are the dominate land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

In general, the applicant’s proposal to continue the operation of a water storage facility at this location is consistent with the following goal and policy of the Comprehensive Plan.

NEIGHBORHOOD ELEMENT

GOAL 7.1 PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS

Policy 7.1.2 Promote neighborhood-development compatibility

To promote compatibility with the surrounding single family development, the new building will be one story, with a maximum overall height of 24 feet. Additional screening and landscaping will be provided to soften the impact of the development on the surrounding residences.

Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Water Storage Facility
North	R-7.5(A)	Single Family
East	R-7.5(A)	Single Family
South	R-7.5(A): SUP No. 1748	Water Storage Facility
West	R-7.5(A)	Single Family

Land Use Compatibility:

The ±7.38-acre request site is zoned an R-7.5(A) Single Family District and has been developed with a water storage facility since the 1960s. The applicant proposes to continue operation of the facility with the addition of an electrical building with a masonry exterior and overall maximum height of 24 feet. Four metering vaults, a generator pad, and a detention pond, all extending no more than one foot above grade will be added improvements to the site. The two existing ground storage tanks will remain.

In lieu of erecting a solid screening wall along the perimeter of the site, which could potentially cause security concerns by obstructing the view into the site, a buffer will be provided by the installation of four canopy trees located internal to the site, and an eight-foot tall steel tube fence that will be erected along both street frontages as well as the east side of the property adjacent to the alley. The existing six-foot tall chain link fence with barbed wire that is currently located along the rear of the site will remain.

The use will be served by four parking spaces and the only point of access to the site will be provided via a new concrete driveway extending from Barnes Bridge Road.

The request site is adjacent to another water storage facility owned by the City of Mesquite to the southeast. The areas to the north, east, and west, are developed with single-family homes.

The additional screening and landscaping will help buffer the site from the adjacent residential uses, thus reducing the potential negative impact that the existing use may have on the surrounding community. The masonry exterior coverage of the proposed one-story electrical building will be compatible with the design of the single family structures that exists in the adjacent area.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Lot Area	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-7.5(A) Residential	25'	5'/5'	7,500	30'	45% res 25% non-res	Proximity Slope Visual Intrusion	Residential
PDD for R-7.5(A) Local Utility	Barnes Bridge 20' Ferguson 0'	0'/0'	7,500	24'	45% res 40% non-res	Proximity Slope Visual Intrusion	Local utility and Residential

Landscaping:

Landscaping must be provided as shown on the attached development plan.

Parking:

Pursuant to §51A-4.212 of the Dallas Development Code, no off-street parking is required for a local utility use. However, the applicant is proposing to provide four parking spaces as delineated on the attached development plan.

CPC ACTION – September 1, 2016:

Motion: It was moved to recommend **approval** of a Planned Development District for a local utility and single family uses, subject to a development plan and conditions on property zoned an R-7.5(A) Single Family District, on the east corner of Barnes Bridge Road and Ferguson Road.

Maker: Jung
Second: Ridley
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney*, Jung, Housewright*,
Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 1 - Tarpley
Vacancy: 1 - District 7

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 159
Replies: For: 6 Against: 2

Speakers:

For (Did not speak): Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Marshal Wilke, 2918 Villa Sur Trail, Dallas, TX, 75228
Against: Paul Bennett, 11447 Glen Cross Dr., Dallas, TX, 75228
Against (Did not speak): Elisabeth Bennett, 11447 Glen Cross Dr., Dallas, TX, 75228

<p style="text-align: center;">LIST OF OFFICERS North Texas Municipal Water District</p>

Board of Directors

- Joe Joplin – *President*
- Terry Sam Anderson – *Vice President*
- Robert Thurmond - *Secretary*
- Joe Farmer
- James Kerr
- Wayne May
- Don Cates
- Darrell Grooms
- Richard Peasley
- Lynn Shuyler
- Don Gordon
- Jack May
- Charles McKissick
- Bobby Robinson
- Shep Stahel
- Phil Dyer
- Patrick Nicklen
- Richard Sheehan
- John Murphy
- John Sweeden
- Bill Lofland
- Larry Parks
- Jim Mellody
- Darwin Whiteside
- Marvin Fuller

Executive Director

- Thomas Kula

PROPOSED PD CONDITIONS

ARTICLE.

PDD.

SEC. 51P- .101. LEGISLATIVE HISTORY.

PD _____ was established by Ordinance No. _____, passed by the Dallas City Council on _____. Ordinance No._____.

SEC. 51P- .102. PROPERTY LOCATION AND SIZE.

PD _____ is established on property generally located on the South line of W. Northwest Highway, east of Lemmon Avenue. The size of PD _____ is approximately 0.891 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/nonresidential zoning district.

SEC. 51P- 104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit ___A: development plan.

SEC. 51P- .105. DEVELOPMENT PLAN.

(a) For a local utilities use, development and use of the Property must comply with the development plan (Exhibit ___A). 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.

(a) Except as provided in this section, 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 use is permitted by right:

-- Local utilities.

SEC. 51P- .107. 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.

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. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(a) Front yard: For a local utilities use, minimum front yard is 20 feet on Barnes Bridge Road and 0 feet on Ferguson Road.

(b) Side and rear yard: For a local utilities use, no minimum side or rear yard is required.

(c) Floor area: For a local utilities use, maximum floor area is 3,000 square feet. Above ground storage tanks as shown on the development plan do not count as floor area. Partially underground utility vaults do not count as floor area.

(d) Height:

(1) In general. Except as provided in this subsection, maximum structure height is 35 feet.

(2) Local utilities. For a local utilities use, maximum structure height is 25 feet.

(3) Residential proximity slope. If any portion of a structure used for an institutional use or a utility and public service use is over 26 feet in height, that portion may not be located above a residential proximity slope.

(e) Lot coverage: For nonresidential uses, maximum lot coverage is 40 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(f) Lot size: Minimum lot size is 7,500 square feet.

SEC. 51P- .109. OFF-STREET PARKING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P- .110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- .111. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

(c) For a local utilities use, a minimum of four (4) large canopy trees must be planted as shown on the Development Plan.

(d) For a local utilities use, no screening of off-street parking is required.

(e) For a local utility use, no perimeter landscape buffer strip is required.

(f) For a local utilities use, screening required under Section 51A-4.602(b) is not required.

SEC. 51P- .112. SIGNS.

Signs must comply with the provisions for non-business zoning districts contained in Article VII.

SEC. 51P- .113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

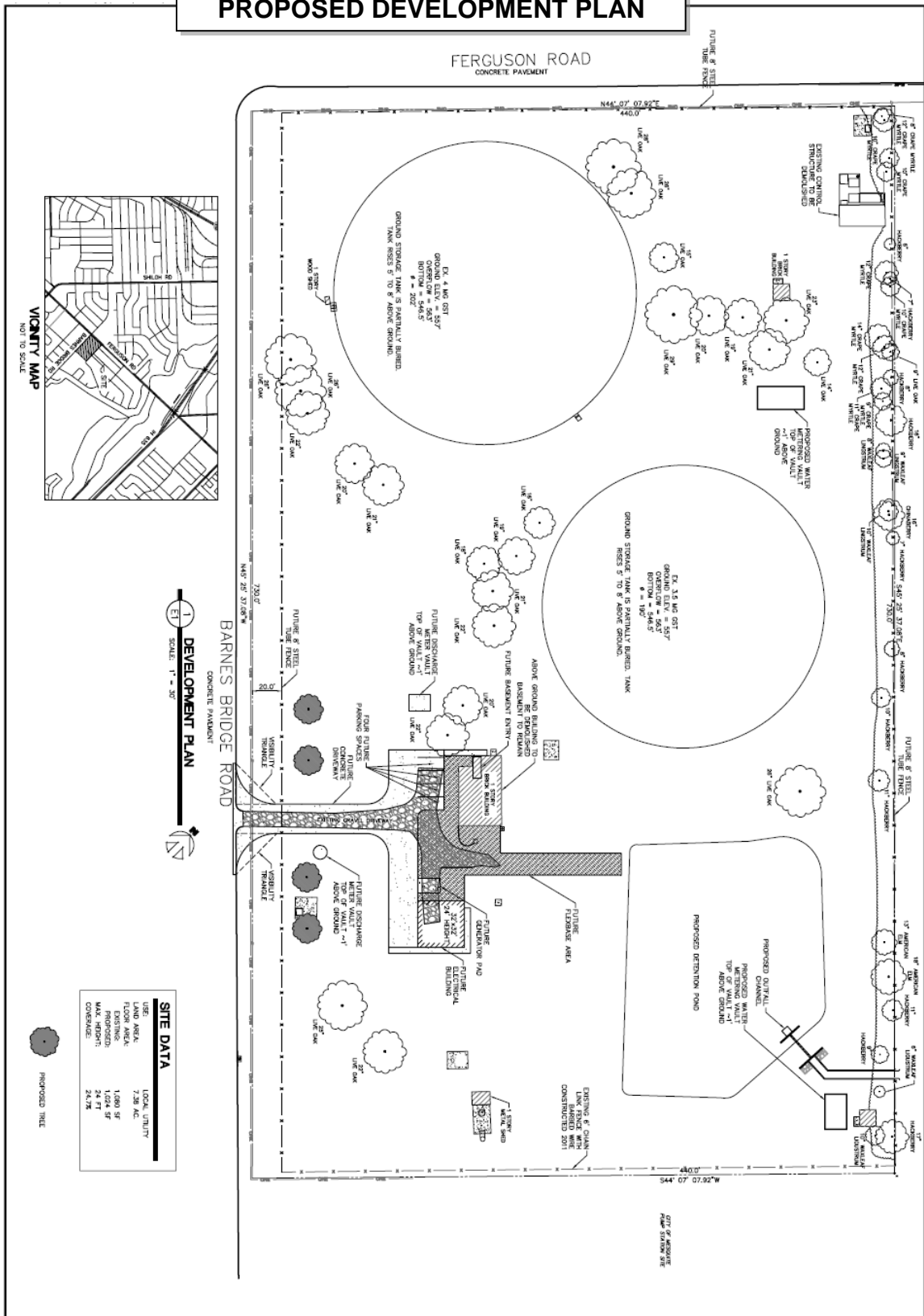
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P- .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 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



SITE DATA

USE:	LOCAL UTILITY
LAND AREA:	7.28 AC.
FLOOR AREA:	1,080 SF
PROPOSED:	1,024 SF
MAX. HEIGHT:	24 FT
CONSERVATION:	24.7%

DEVELOPMENT PLAN

SCALE: 1" = 30'

DATE: APRIL 2016
 DESIGN: AMK
 DRAWN: S.K./AMK
 CHECKED: MAS
 KHA NO.: 054305005

DEVELOPMENT PLAN

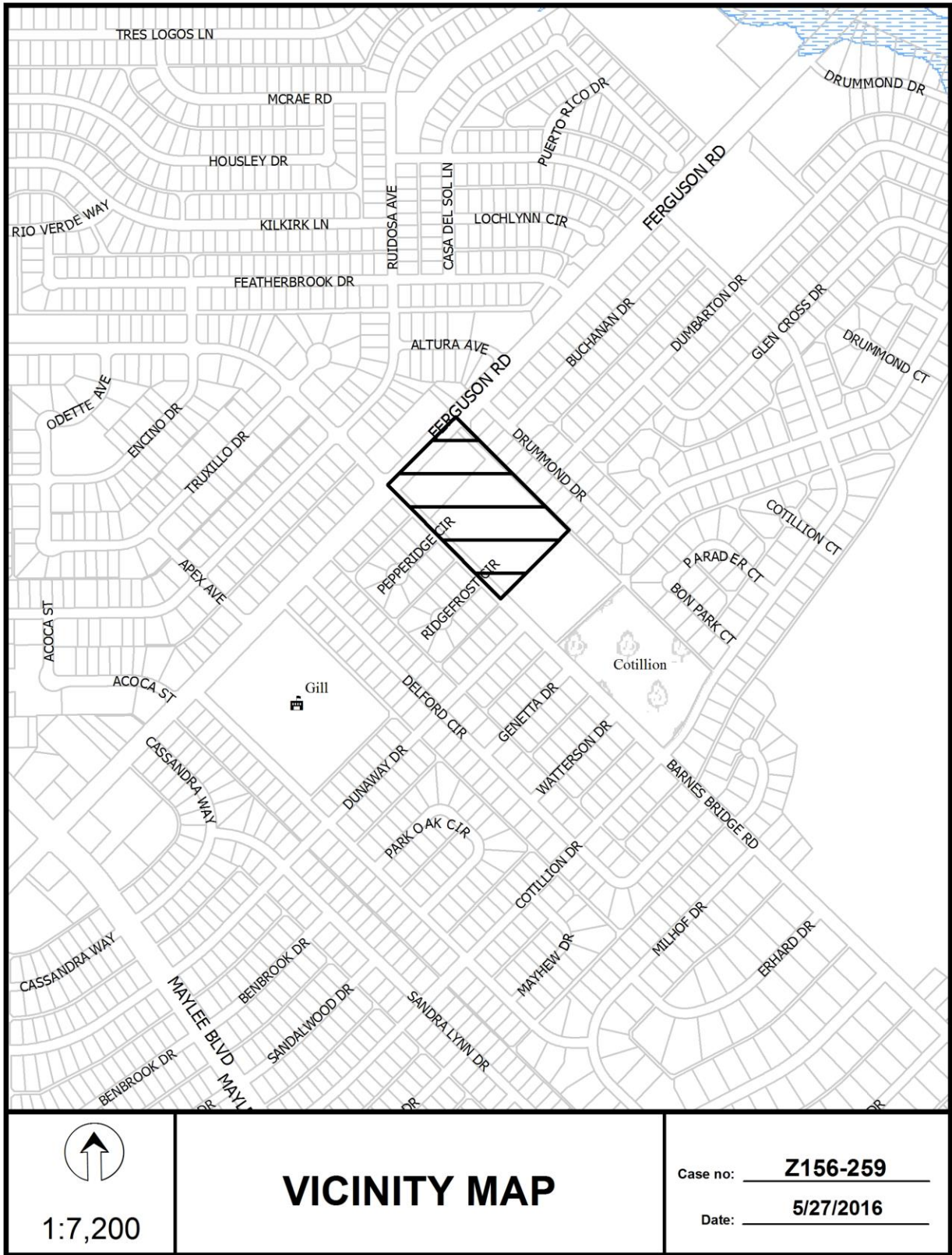
NORTH TEXAS MUNICIPAL
 WATER DISTRICT
 CASA VIEW WATER PUMP
 STATION SITE



KimleyHorn

10000 Park Row, Suite 200, Dallas, TX 75244
 Phone: 972.362.0000
 Fax: 972.362.0001
 Email: info@kimleyhorn.com

No.	Revision	By	Date

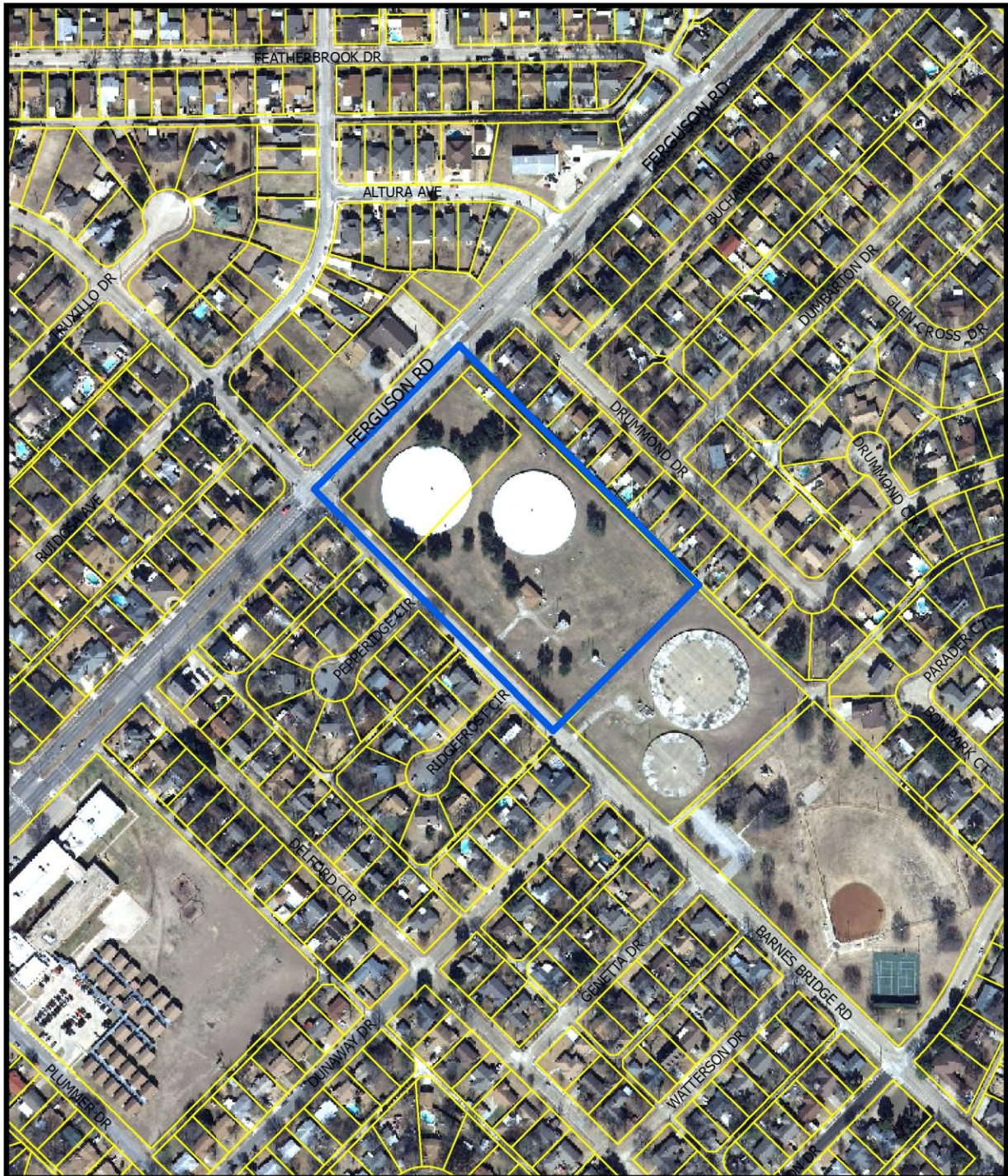



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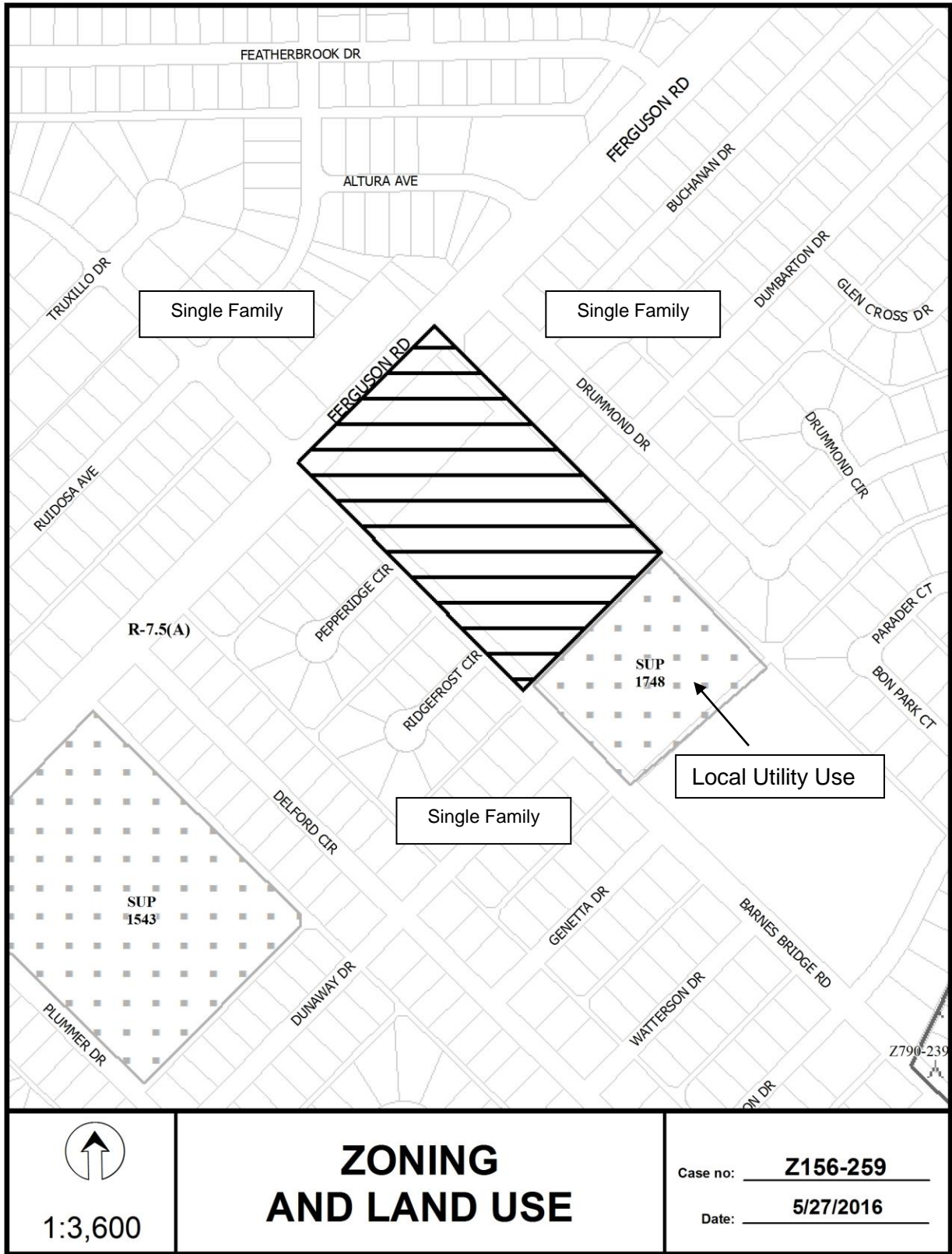
VICINITY MAP

Case no: **Z156-259**

Date: **5/27/2016**



 1:3,600	<h1>AERIAL MAP</h1>	Case no: <u> Z156-259 </u> Date: <u> 5/27/2016 </u>
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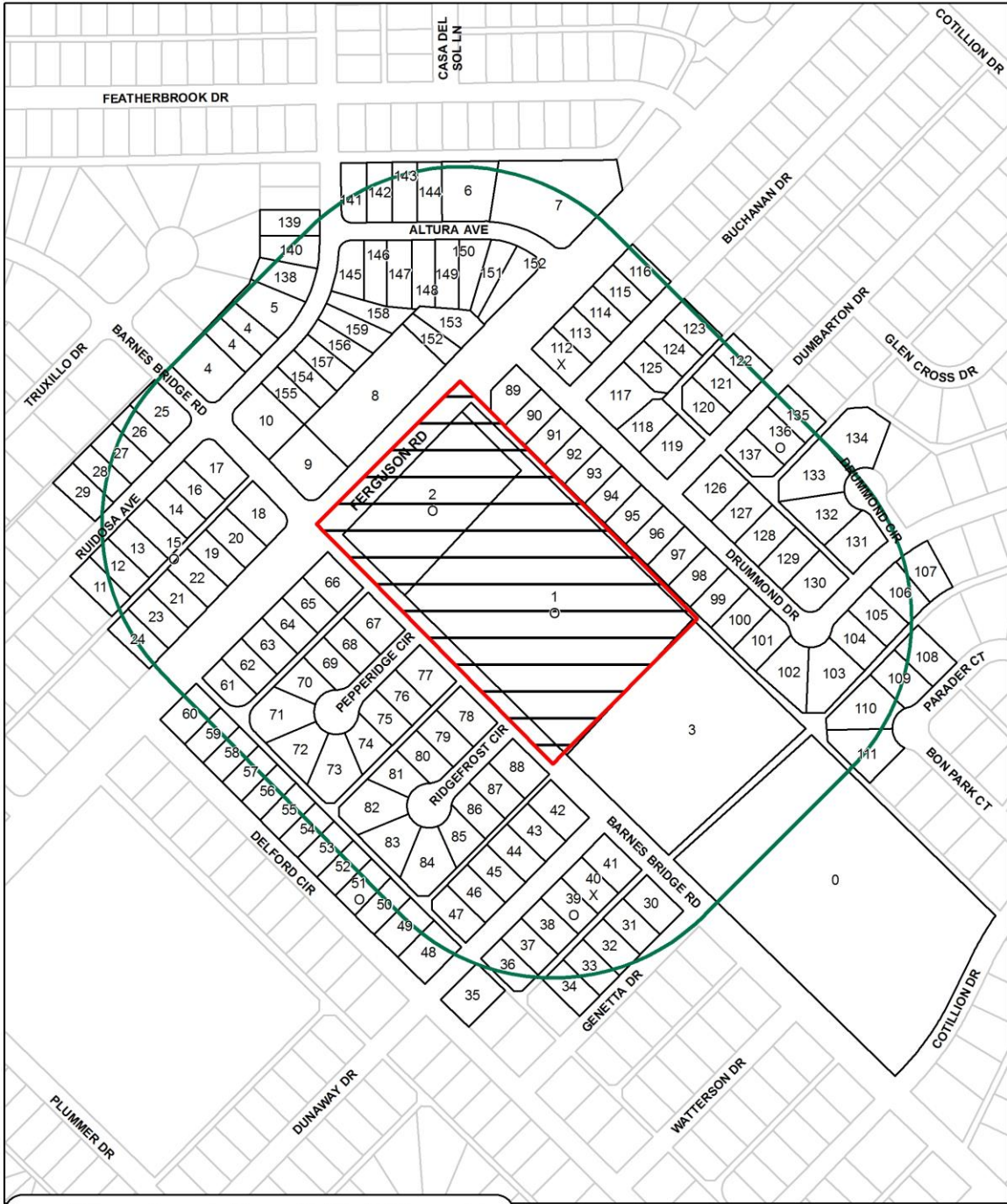


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ZONING AND LAND USE

Case no: Z156-259
Date: 5/27/2016

CPC Responses



<u>159</u>	Property Owners Notified (164 parcels)
<u>6</u>	Replies in Favor (6 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>500'</u>	Area of Notification
<u>9/1/2016</u>	Date

Z156-259
CPC



1:3,600

Reply List of Property Owners

Z156-259

159 Property Owners Notified

6 Property Owners in Favor

2 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	3505 BARNES BRIDGE RD	NORTH TEXAS MUNICIPAL
O	2	3501 BARNES BRIDGE RD	NORTH TEXAS MUNICIPAL
	3	3535 BARNES BRIDGE RD	MESQUITE CITY OF
	4	3407 RUIDOSA AVE	WILLIAMS DAVID S &
	5	3423 RUIDOSA AVE	CAMPOS MANUEL
	6	3527 ALTURA AVE	LOZANO ALFREDO P &
	7	11215 FERGUSON RD	FARO DE LUZ CHURCH OF GOD
	8	11131 FERGUSON RD	FERGUSON ROAD ASSEMBLY OF GOD
	9	11107 FERGUSON RD	ANTUNE GRACIELA
	10	3406 RUIDOSA AVE	WILLIAMS DAVID & SALLY
	11	3304 RUIDOSA AVE	FERGUSON PAUL M
	12	3310 RUIDOSA AVE	ALVARADO JOSEPHINE
	13	3314 RUIDOSA AVE	GUZMAN ELIZABETH
	14	3324 RUIDOSA AVE	GILES LEWIS & BARBARA
O	15	3320 RUIDOSA AVE	MURDOCK WAYNE V
	16	3330 RUIDOSA AVE	COLE JIMMIE T JR
	17	3336 RUIDOSA AVE	PHEAN LAY
	18	11067 FERGUSON RD	COFFMAN TERRIE POOLE
	19	11055 FERGUSON RD	NATIONS MARY ANN
	20	11061 FERGUSON RD	CHAPMAN GENE R
	21	11045 FERGUSON RD	GARCIA FELIPE J
	22	11051 FERGUSON RD	ARADILLAS MANUEL
	23	11039 FERGUSON RD	HAIGLER DAVID & BECKY
	24	11031 FERGUSON RD	MARTINEZ NANCY S
	25	3337 RUIDOSA AVE	KOONCE NORMAN & JUDY
	26	3331 RUIDOSA AVE	RICE ROBERT L

08/31/2016

	<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
		27	3325 RUIDOSA AVE	MATURINO FRANCISCO
		28	3321 RUIDOSA AVE	KNIGHTEN W E
		29	3315 RUIDOSA AVE	NEWTON BETTY
		30	11037 GENETTA DR	PERKINS M THERESA
		31	11031 GENETTA DR	COOK CLAUDIA ANN
		32	11027 GENETTA DR	BOONE BOBBY J
		33	11021 GENETTA DR	MELANCON WANDA S
		34	11017 GENETTA DR	EASTLAND PAMELA J
		35	3607 DELFORD CIR	LOTT BILLY JOE & JUDY W
		36	11012 DUNAWAY DR	BROWN SUNNY M
		37	11018 DUNAWAY DR	KING CARLYSA A
		38	11022 DUNAWAY DR	BOWMAN JOHN RUSSELL II
	O	39	11028 DUNAWAY DR	YOUNG ERRON
	X	40	11032 DUNAWAY DR	CAMPBELL KEITH B
		41	11038 DUNAWAY DR	COREY DOVIE J
		42	11037 DUNAWAY DR	LAWSON LESLIE E
		43	11031 DUNAWAY DR	DEWEES JERRY W
		44	11027 DUNAWAY DR	LAMBERT GREGORY DON
		45	11021 DUNAWAY DR	GALLOWAY JONATHAN & LAURA LYNN
		46	11017 DUNAWAY DR	HATLEY TAMMY MARIE
		47	11011 DUNAWAY DR	CULWELL JOAN H EST OF
		48	3565 DELFORD CIR	CRISTIAN ADRIAN & LORENA J
		49	3559 DELFORD CIR	NOYOLA ADAN
		50	3555 DELFORD CIR	SANFORD DANNI & MICHAEL
	O	51	3549 DELFORD CIR	HERNANDEZ REBECCA M
		52	3545 DELFORD CIR	WAGNER ROBERT CHARLES
		53	3539 DELFORD CIR	FERRELL WILLIE C
		54	3535 DELFORD CIR	FARRELL BRIDGET M
		55	3529 DELFORD CIR	SMITH JACQUELINE &
		56	3525 DELFORD CIR	FERREL CONSUELO A
		57	3519 DELFORD CIR	OFFOBOCHE UGALAHU UGY AGBO

08/31/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	3515	DELFORD CIR	WADE TERRANCE D &
59	3509	DELFORD CIR	ASIABAN MASSOUD
60	3505	DELFORD CIR	MITCHELL BESSIE
61	11040	FERGUSON RD	DURAN PAULINO
62	11046	FERGUSON RD	EDWARDS WALTER H EST OF
63	11052	FERGUSON RD	GONZALEZ MARTIN ET AL
64	11056	FERGUSON RD	COOK BRIAN & JACQUELYN
65	11062	FERGUSON RD	HARRIS FELICIA Q &
66	11068	FERGUSON RD	LUONG THOMAS &
67	11033	PEPPERIDGE CIR	CONTRERAS VERONICA
68	11027	PEPPERIDGE CIR	RADCLIFF RICHARD JOHN &
69	11021	PEPPERIDGE CIR	GONZALEZ RUBEN
70	11015	PEPPERIDGE CIR	CRAWFORD MELVIN W EST OF
71	11007	PEPPERIDGE CIR	DEGEN MICHAEL L &
72	11002	PEPPERIDGE CIR	BROWN ROBIN ADAIRE
73	11008	PEPPERIDGE CIR	ROJAS GUSTAVO
74	11014	PEPPERIDGE CIR	WILSON JAMES V
75	11020	PEPPERIDGE CIR	BELL ROY P
76	11026	PEPPERIDGE CIR	DIXON FREDIA P
77	11032	PEPPERIDGE CIR	CANNATA SAMUEL A
78	11033	RIDGEFROST CIR	SOTO VICTOR MANUEL
79	11027	RIDGEFROST CIR	GRIMES E G JR
80	11021	RIDGEFROST CIR	MORGAN RAY K
81	11015	RIDGEFROST CIR	FW PROPERTIES LLC
82	11007	RIDGEFROST CIR	STICKWIN ESTATES LLC
83	11002	RIDGEFROST CIR	NAVGEN CAPITAL FUND I LLC
84	11008	RIDGEFROST CIR	ERNST LOIS
85	11014	RIDGEFROST CIR	CLEMONS DONALD L &
86	11020	RIDGEFROST CIR	MCCARROLL HUGH J &
87	11026	RIDGEFROST CIR	FLORES MARIA FRANCISCA
88	11032	RIDGEFROST CIR	KIRK FRANKIE J LIVING TR

08/31/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	11206 DRUMMOND DR	HOLT STEVEN IRL
	90	11210 DRUMMOND DR	DAVIS HERMAN &
	91	11216 DRUMMOND DR	DOAN MISTY
	92	11220 DRUMMOND DR	GONZALEZ ARIDAH I &
	93	11226 DRUMMOND DR	COLLINS NOEL
	94	11230 DRUMMOND DR	GAMINO ARMANDO
	95	11236 DRUMMOND DR	SANDOVAL ROGELIO & OLGA
	96	11240 DRUMMOND DR	EGGERS ALAN V
	97	11246 DRUMMOND DR	DARRAH MARK A
	98	11250 DRUMMOND DR	WILLIS JUDY LYNN
	99	11256 DRUMMOND DR	ROBLES REFUGIO
	100	11260 DRUMMOND DR	VAUGHAN JERRY
	101	11266 DRUMMOND DR	GUAJARDO NELSON E JR
	102	11270 DRUMMOND DR	GUALIE ALMAZ
	103	11274 DRUMMOND DR	FANNIE MAE
	104	11306 DRUMMOND DR	SIFUENTEZ ANGELICA
	105	11312 DRUMMOND DR	IDOM AUDREY ANNE
	106	11318 DRUMMOND DR	LAURENCIO RAMON &
	107	11324 DRUMMOND DR	NOBLE JOSEPH E III EST OF
	108	3621 PARADER CT	WALKER JAMES J
	109	3623 PARADER CT	CHERUBINI VICTOR
	110	3625 PARADER CT	CLARK DONOVAN MICHAEL
	111	3620 BON PARK CT	STANFORD MAVIS REDDICK
X	112	11205 BUCHANAN DR	SUBLETTE RUSSELL & IVY
	113	11209 BUCHANAN DR	SATTAR HAJI A & SIAN D
	114	11215 BUCHANAN DR	IRANI GEV B & JEROO
	115	11219 BUCHANAN DR	CLARKSON DAVID
	116	11225 BUCHANAN DR	BAILIES BUILDING & LOAN LLC
	117	11221 DRUMMOND DR	GUZMAN ARTURO
	118	11227 DRUMMOND DR	HOLSTU HOMES LLC
	119	11231 DRUMMOND DR	ARSSOV KROUM P

08/31/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	11211 DUMBARTON DR	WEBB ELIZABETH ANN
	121	11215 DUMBARTON DR	ALFARO BALDEMAR & WENDY
	122	11219 DUMBARTON DR	BROWN MARK A & TREND A
	123	11224 BUCHANAN DR	GONZALEZ IZAH EL
	124	11218 BUCHANAN DR	CONRAD LAURA L
	125	11214 BUCHANAN DR	WALKER JOHN N MRS
	126	11241 DRUMMOND DR	LICHTENWALTER STEVE
	127	11249 DRUMMOND DR	WOELFLE CARLA J
	128	11255 DRUMMOND DR	VALLEJO PEDRO & EMILIA
	129	11259 DRUMMOND DR	ABDUL KARIM SAEED &
	130	11265 DRUMMOND DR	ARMSTRONG DAVID E & KARAN TAYLOR
	131	11315 DRUMMOND CIR	SEIDEL GREGORY S &
	132	11319 DRUMMOND CIR	LONG CHRISTOPHER R
	133	11323 DRUMMOND CIR	CONNER GERALDINE
	134	11327 DRUMMOND CIR	DKC TRUST
	135	11220 DUMBARTON DR	ROUSE ROSEMARY
O	136	11216 DUMBARTON DR	ONEY THOMAS W & MARILYN H
	137	11212 DUMBARTON DR	PALOMINO DANIEL RAYAS &
	138	3435 RUIDOSA DR	REASONABLE CUSTOM HOMES LLC
	139	3507 RUIDOSA DR	REASONABLE CUSTOM HOMES
	140	3439 RUIDOSA DR	RODRIGUEZ DAVID
	141	3509 ALTURA AVE	TORRES EMILIA
	142	3511 ALTURA AVE	VILLARREAL MARIA
	143	3515 ALTURA AVE	MONDRAGON FEDERICO &
	144	3519 ALTURA AVE	URIETA JOSE
	145	3510 ALTURA AVE	GODINEZ SALVADOR A &
	146	3514 ALTURA AVE	SMITH MICHAEL & GWENDOLYN
	147	3522 ALTURA AVE	MATA JOSE
	148	3532 ALTURA AVE	TAPIA RODOLFO
	149	3536 ALTURA AVE	MONDRAGON FEDERICO &
	150	3540 ALTURA AVE	ROBERTSON RONNIE

Z156-259(SH)

08/31/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	3544	ALTURA AVE	FERNANDEZ MARCELA
152	3548	ALTURA AVE	LEE NAMIN PPTIES LLC
153	11139	FERGUSON RD	SILVER HOMES LLC
154	3414	RUIDOSA DR	PATINO AGUSTIN & BLANDINA PATINO
155	3410	RUIDOSA DR	CALIX NORMAN JAVIER &
156	3424	RUIDOSA DR	VARGAS VANIA A
157	3422	RUIDOSA DR	PHILIP OLGA
158	3428	RUIDOSA DR	CORONA RODOLFO & DORA
159	3426	RUIDOSA DR	TURNER AMANDA M

AGENDA ITEM # 51

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 5
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 58 L

SUBJECT

A public hearing to receive comments regarding an application for and (1) an ordinance granting the creation of a new subarea to allow an alternative financial establishment use by Specific Use Permit within Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District; and (2) an ordinance granting a Specific Use Permit for an alternative financial establishment use on the southeast corner of Lake June Road and South Buckner Boulevard
Recommendation of Staff and CPC: Approval of a new subarea, subject to conditions; and approval of a Specific Use Permit for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a site plan and conditions
Z156-261(JM)

FILE NUMBER: Z156-261(JM) **DATE FILED:** May 5, 2016

LOCATION: Southeast corner of Lake June Road and South Buckner Boulevard

COUNCIL DISTRICT: 5 **MAPSCO:** 58-L

SIZE OF REQUEST: Approx. 0.94 acres **CENSUS TRACT:** 92.02

APPLICANT / OWNER: PLS Check Cashers of Texas / Realeins Properties, LTD

REPRESENTATIVE: Karl Crawley, Masterplan

REQUEST: An application to 1) create a new subarea to allow an alternative financial establishment use by Specific Use Permit within Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, and 2) a Specific Use Permit for an alternative financial establishment use.

SUMMARY: The applicant would like to expand an existing alternative financial establishment. The existing PD does not allow an alternative financial establishment in the current subarea. By creating a new subarea, and amending conditions to allow the use within the new area with a Specific Use Permit, they will be able to expand the current alternative financial establishment. The applicant is also requesting the required SUP at this time.

CPC RECOMMENDATION: Approval of a new subarea, subject to conditions; and approval of a Specific Use Permit for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of a new subarea, subject to conditions; and approval of a Specific Use Permit for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a site plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommendation for approval of the new subarea is based upon:

1. *Performance impacts upon surrounding property* – The request site is located at a major intersection, adjacent to a multi-tenant commercial development. The use exists and is proposed to double in size. The square footage already exists for commercial purposes and will have a neutral impact on the area.
2. *Traffic impact* – The proposed changes to the development standards will not have an impact on traffic. The closing on one of the parking lot ingress/egress points along S. Buckner Blvd. will provide relief from congestion in the parking lot and at the intersection of S. Buckner Blvd. and Lake June Road by redirecting traffic flow to the remaining two points of entry.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located on a multi-modal corridor. The request supports several goals within the comprehensive plan.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – The applicant must create a new subarea within the existing PD in order to expand the existing alternative financial establishment. Under current conditions, the existing business is nonconforming. Understanding the sensitivity of adding the use, they added the condition to allow the use with a Specific Use Permit, as requested at this time.

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing use is compatible with the surrounding land uses and currently exists. The multi-tenant retail development offers a variety of personal service and office uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The expansion of the alternative financial establishment does not appear to negatively impact the adjacent properties. The modification of the ingress/egress points will benefit the drivers in the area by limiting the outpouring of traffic closest to the busy intersection of S. Buckner Blvd. and Lake June Road. The proposed SUP, if approved by the CPC and City Council, will have conditions that are associated with the use to mitigate any potential conflicts.
3. *Not a detriment to the public health, safety, or general welfare* – The alternative financial establishment does not pose a risk to the public health, safety, or general welfare at this time. In addition, conditions and time periods for the use provide opportunity for continued evaluation of the site.

4. *Conforms in all other respects to all applicable zoning regulations and standards*– Based on information depicted on the site plan, it complies with all applicable zoning regulations and standards.

BACKGROUND INFORMATION:

The request site has been in operation since 2001 according to the City's certificate of occupancy records. Since the Dallas Development Code did not have a specified definition of the use, it would typically fall into either a personal service or office use. In February 1992, the request area was included in the establishment of the Buckner Boulevard Special Purpose District. Since the use is not allowed in the current Subarea 2, it is a nonconforming use. When the PD was created, nonconforming uses were specifically addressed. They were not allowed to be subject to amortization by the board of adjustment. The right to operate the nonconforming use would subsequently terminate once discontinued or vacant for one year.

An amendment to the PD, which was not part of the request site, added a new subarea and an alternative financial establishment use with specific use permit requirement in 2010. The alternative financial establishment use was not added to the Dallas Development Code until 2011 and requires a specific use permit in all districts where it is allowed. The definitions are slightly different in the PD and the Dallas Development Code, but have the same ultimate meaning.

The applicant requests to amend the PD to allow the use as defined by the Dallas Development Code within the new subarea with a specific use permit.

When the PD was amended in 2010 to allow the use by specific use permit, specific parking standards of one space per every 200 square feet of floor space were required. When the Dallas Development Code adopted the use in 2011, it was categorized as a use which requires only one space per every 333 square feet of floor space. This creates a significant difference for the parking demand. After review by the City's Engineering Division, it was found that the parking demand can be sufficiently addressed using the City code standards, rather than the PD's stricter standard.

Additional criteria the Development Code has established for the proposed use include:

- No alternative financial establishment may be located within 1,500 feet, measured from property line to property line, of any other alternative financial establishment; and,
- No alternative financial establishment may be located within 300 feet, measured from property line to property line, of a lot in a residential district.

The proposed site will comply with these standards.

Zoning History: There have been three recent zoning changes in the vicinity within the last five years.

1. **Z112-120:** On March 28, 2012, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period on property within Subarea 2, Tract 3 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay.

2. **Z134-148:** On March 26, 2014, City Council approved an application for the renewal of Specific Use Permit No. 1946 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a five-year period with eligibility for automatic renewals for additional five-year periods, on property within Subarea 2, Tract 3 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay.

3. **Z156-239:** On August 10, 2016, City Council approved an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property zoned Subdistrict 2 within Planned Development District No. 366 with a D-1 Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Lake June Road	Principal Arterial	100 feet
S. Buckner Blvd.	Principal Arterial	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed changes, including the change in the calculated parking demand, will have no impact on the surrounding street system.

STAFF ANALYSIS:

Comprehensive Plan:

The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating an applicant's request. The Plan identifies the request site as being along a Transit or Multi-Modal Corridor

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add "eyes on the street" that can aid public safety.

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

Vision: Embrace all types of land use. Workshop participants were interested in having a wide range of land use options and scale in Dallas. While some land use types reflect a definite nod toward autos, others focused more heavily on walking and bicycling. Variety is the key in what workshop participants wanted for land use types throughout the city, recognizing differences in appropriateness and scale from place to place.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

A goal of the forwardDallas! Vision is to create a healthy balance between jobs and households throughout Dallas by adding about 220,000 households and about 400,000 jobs between the years 2000 and 2030. The City should facilitate balanced growth with

the goal of achieving and maintaining a sustainable tax base. Tools and strategies for achieving the City’s economic development land use goals should direct public investment and encourage private partnerships.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

A business friendly environment is essential for Dallas to maintain competitiveness in the regional and global marketplace.

Land Use:

	Zoning	Land Use
Site	PD No. 366-D-1, Subarea 2	Retail, office, and personal service uses
North	PD No. 366-D-1, Subarea 2; SUP	Retail, vehicle fueling station, personal service and office uses, SUP for alcohol sales (no # yet), automotive repair services
East	PD No. 366-D-1, Subarea 2	Retail and personal service uses, and funeral home
South	PD No. 366-D-1, Subarea 2	Retail, personal service, and office uses
West	PD No. 366-D-1, Subarea 2, SUP No. 1946	Retail uses, SUP to sell alcohol

Land Use Compatibility:

The main land use that surrounds the request site on South Buckner Boulevard and Lake June Road is retail. There are a variety of shops and restaurants. The expansion of the existing use is not expected to cause a detriment to the area. The space they are seeking to occupy next door for the expansion is for retail uses. A variety of facilities could occupy the neighboring suite. Expanding the existing business should have a similar impact as with previous retail uses, or potential new occupants providing retail uses as well.

Parking:

The property is developed with an existing alternative financial establishment and multitenant retail development. When this use was added to the PD in 2010, it was classified as requiring one parking space for every 200 square feet of floor space. The Dallas Development Code added the use the following year, it was determined that the use best fits into the one parking space for every 333 square feet of floor space category. The request is being made to allow the Dallas Development Code standard for parking for the new subarea only. This would require the 3,552 square foot to provide eleven parking spaces. According to the site plan provided, they plan to provide 12. This request is conditioned upon compliance with the submitted site plan.

Landscaping: The request site is located within an existing structure and the landscaping requirements will not be triggered.

PARTNERS/OFFICERS

Realins Partners/Principals/Officers:

Cheryl Pollman

Janet Pollman Kaska

Marcy Pollman Brown

**CPC Action:
September 1, 2016:**

Motion: It was moved to recommend **approval** of the creation of a new subarea to allow an alternative financial establishment use by Specific Use Permit, subject to conditions within Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District; and **approval** of a Specific Use Permit for an alternative financial establishment use for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a site plan and conditions with a modification to the business signage to reflect the explicit business (no loans) prior to the issuance of a certificate of occupancy on the southeast corner of Lake June Road and South Buckner Boulevard.

Maker: Davis
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7
Conflict: 1 - Shidid

Notices: Area: 500 Mailed: 52
Replies: For: 0 Against: 1

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None

PROPOSED PD CONDITIONS

ARTICLE 366.

PD 366.

Buckner Boulevard Special Purpose District

SEC. 51P-366.101. LEGISLATIVE HISTORY.

PD 366 was established by Ordinance No. 21211, passed by the Dallas City Council on February 26, 1992. Ordinance No. 21211 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 21211 was amended by Ordinance No. 21313, passed by the Dallas City Council on June 10, 1992, and Ordinance No. 24159, passed by the Dallas City Council on January 12, 2000. (Ord. Nos. 19455; 21211; 21313; 24159; 25164)

SEC. 51P-366.102. PROPERTY LOCATION AND SIZE.

PD 366 is established on property generally located along both sides of Buckner Boulevard from Heinen Drive and Hoyle Avenue on the north to the T. & N.O. Railroad on the south, and along Lake June Road between Carbona Drive on the west and Pleasant Drive on the east. The size of PD 366 is approximately 407.945 acres. (Ord. Nos. 21211; 21313; 24159; 25164; 27034; 27902; 28199; 28520; 28547; 28775)

SEC. 51P-366.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article. In Subarea 6:

(1) ALTERNATIVE FINANCIAL ESTABLISHMENT means a business that provides car title loans, check cashing, money transfers, payday cash advances, payroll advances, or short term cash loans. An alternative financial establishment does not include state or federally chartered banks, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.

(2) FEED STORE means a facility for the wholesale or retail sale of grain, prepared feed, and forage for pets, livestock, and fowl.

(3) MASSAGE ESTABLISHMENT means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly

licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barber shops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. MASSAGE means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(4) TATTOO OR BODY PIERCING STUDIO means a business in which tattooing or body piercing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. BODY PIERCING means the piercing of body parts, other than ears, for purposes of allowing the insertion of jewelry.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) Section 51A-2.101, "Interpretations," applies to this article.

(d) 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 *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(3) 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.)

(4) 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.)

(5) 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, this district is considered to be a nonresidential zoning district.

(e) PD 366 is to be known as the Buckner Boulevard Special Purpose District. (Ord. Nos. 21211; 25164; 27788)

SEC. 51P-366.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 366A: Subarea descriptions.
- (2) Exhibit 366B: Subarea 5 development plan.
- (3) Exhibit 366C: Subarea 1A development plan.
- (4) Exhibit 366D: Tract map.
- (5) Exhibit 366E: Subarea 7 development and landscape plan.

SEC. 51P-366.104. CREATION OF SUBAREAS AND DEVELOPMENT PLAN.

(a) Creation of subareas. This district is divided into ~~eight~~nine subareas as described in Exhibit 366A. Subareas and tracts are shown on Exhibit 366D.

(b) Development plan.

(1) Except as provided in this subsection, 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, and development schedule do not apply.

(2) Development and use of Subarea 1A must comply with the development plan (Exhibit 366C).

(3) Development and use of Subarea 5 must comply with the development plan (Exhibit 366B).

(4) Development and use of Subarea 7 must comply with the development and landscape plan (Exhibit 366E).

(5) In the event of a conflict between the text of this article and a development plan, the text of this article controls.

SEC. 51P-366.105. MAIN USES PERMITTED.

(a) Subarea 1 and 7.

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Catering service.
- Custom business services.
- Electronics service center.
- Machine or welding shop. [SUP]
- Medical or scientific laboratory. [SUP]
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. [SUP]

(3) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- 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]
- Hospital. [SUP]
- Library, art gallery, or museum.
- Public or private school. [RAR]

(4) Lodging uses.

- Hotel and motel. [SUP]
- Lodging or boarding house. [SUP]

(5) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window.
- Medical clinic or ambulatory surgical center.

-- Office.

(6) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(7) Residential uses.

- College dormitory, fraternity, or sorority house.

(8) Retail and personal service uses.

- Ambulance service. [RAR]
- Animal shelter or clinic without outside run. [RAR]
- Auto service center. [RAR]
- Business school.
- Car wash. [DIR]
- Commercial amusement (inside).
- Commercial amusement (outside). [SUP]
- Commercial parking lot or garage. [RAR]
- 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.
- Home improvement center, lumber, brick, or building materials sales yard. [DIR]
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Pawnshop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Taxidermist. [SUP]
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. [SUP]

(9) Transportation uses.

- Transit passenger shelter. [See Section 51A-4.211.]
- Transit passenger station or transfer center. [See Section 51A-4.211.]

(10) Utility and public service uses.

- Commercial radio or television and transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. [SUP]
- Utility or government installation other than listed. [SUP]

(11) Wholesale, distribution, and storage uses.

- Mini-warehouse. [SUP]
- Office showroom/warehouse. [SUP]
- Outside storage (with visual screening). [SUP]
- Recycling collection center. [RAR]

(b) Subarea 1A.

(1) Agricultural uses.

- Crop production.

(2) Commercial and business service uses.

- Catering service.
- Custom business services.
- Electronics service center.

(3) Industrial uses.

None permitted.

(4) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- 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]
- Hospital. [SUP]
- Library, art gallery, or museum.
- Public or private school. [RAR]

(5) Lodging uses.

None permitted.

(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.

- College dormitory, fraternity, or sorority house.

(10) Retail and personal service uses.

- Animal shelter or clinic without outside run. [RAR]
- Business school.
- 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.
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Nursery, garden shop, or plant sales.
- Personal service uses.

- Restaurant without drive-in or drive-through service. [RAR]
- Taxidermist. [SUP]

(11) Transportation uses.

- Transit passenger shelter. [See Section 51A-4.211.]
- Transit passenger station or transfer center. [See Section 51A-4.211.]

(12) Utility and public service uses.

- Commercial radio or television and transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. [SUP]
- Utility or government installation other than listed. [SUP]

(c) Subarea 2 and 8.

(1) Agricultural uses.

- Crop production.

(2) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Bus or rail transit vehicle maintenance or storage facility.
- Catering service.
- Commercial cleaning and laundry plant. [RAR]
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. [RAR]
- Machine or welding shop. [RAR]
- Machinery, heavy equipment, or truck sales and service.
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. [RAR]

[RAR]

[RAR]

(3) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- 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]
- Hospital. [SUP]
- Library, art gallery, or museum.
- Public or private school. [RAR]

(4) Lodging uses.

- Hotel and motel. [RAR]
- Lodging or boarding house.

(5) Office uses.

- Alternative financial establishment. [SUP] In Subarea 8 only.
- Financial institution without drive-in window.
- Financial institution with drive-in window. [RAR]
- Medical clinic or ambulatory surgical center.
- Office.

(6) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(7) Residential uses.

- College dormitory, fraternity, or sorority house.

(8) Retail and personal service uses.

- Ambulance service. [RAR]
- Animal shelter or clinic without outside run. [RAR]
- Animal shelter or clinic with outside run. [SUP]
- Auto service center. [RAR]
- Business school.

- Car wash. [RAR]
- Commercial amusement (inside).
- Commercial amusement (outside). [DIR]
- Commercial parking lot or garage. [RAR]
- 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.
- Home improvement center, lumber, brick, or building materials sales yard. [RAR]
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Outside sales. [SUP]
- Pawnshop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Taxidermist.
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service.

(9) Transportation uses.

- Commercial bus station and terminal. [DIR]
- Heliport. [SUP]
- Helistop. [SUP]
- Railroad passenger station. [SUP]
- Transit passenger shelter. [See Section 51A-4.211.]
- Transit passenger station or transfer center. [See Section 51A-4.211.]

(10) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Radio, television, or microwave tower. [RAR]
- Utility or government installation other than listed. [SUP]

(11) Wholesale, distribution, and storage uses.

- Auto auction. [SUP]
- Building mover's temporary storage yard. [SUP]
- Contractor's maintenance yard. [RAR]
- Freight terminal. [RAR]
- Manufactured building sales lot. [RAR]
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage (with visual screening). [RAR]
- Petroleum product storage and wholesale. [SUP]
- Recycling collection center. [RAR]
- Sand, gravel, or earth sales and storage. [SUP]
- Trade center.
- Vehicle storage lot. [SUP]
- Warehouse. [RAR]

(d) Subarea 3. The uses permitted in Subarea 3 are all uses permitted in the LI Light Industrial District, as set out in Chapter 51A subject to the same conditions applicable in the LI Light Industrial District. For example, a use only permitted in the LI Light Industrial District by specific use permit (SUP) is only permitted in this planned development district by SUP; a use subject to development impact review (DIR) in the LI Light Industrial District is subject to DIR in this planned development district; etc. Exception: The vehicle display, sales, and service use is permitted by SUP only.

(e) Subarea 4. The uses permitted in Subarea 4 are all uses permitted in the IM Industrial Manufacturing District, as set out in Chapter 51A, subject to the same conditions applicable in the IM Industrial Manufacturing District. For example, a use only permitted in the IM Industrial Manufacturing District by specific use permit (SUP) is only permitted in this planned development district by SUP; a use subject to development impact review (DIR) in the IM Industrial Manufacturing District is subject to DIR in this planned development district; etc.

(f) Subarea 5.

(1) Agricultural uses.

- Crop production.

(2) Commercial and business service uses.

- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Medical or scientific laboratory.

-- Technical school.

(3) Industrial uses.

None permitted.

(4) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. *[SUP]*
- 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]*
- Hospital. *[SUP]*
- Library, art gallery, or museum.
- Public or private school. *[RAR]*

(5) Lodging uses.

None permitted.

(6) Miscellaneous uses.

None permitted.

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[RAR]*
- 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.

- College dormitory, fraternity, or sorority house.

(10) Retail and personal service uses.

- Ambulance service. [RAR]
- Animal shelter or clinic without outside runs. [RAR]
- Animal shelter or clinic with outside runs. [SUP]
- Business school.
- Commercial parking lot or garage. [RAR]
- Dry cleaning or laundry store.
- Furniture store.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Temporary retail use.
- Theater.

(11) Transportation uses.

- Commercial bus station and terminal. [DIR]
- Railroad passenger station. [SUP]
- Transit passenger shelter. [See Section 51A-4.211.]
- Transit passenger station or transfer center. [See Section 51A-4.211.]

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Radio, television, or microwave tower. [RAR]
- Utility or government installation other than listed. [SUP]

(13) Wholesale, distribution, and storage uses.

None permitted.

(g) Subarea 6.

(1) Agricultural uses.

- Crop production.

(2) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]

- Catering service.
- Custom business services.
- Electronics service center.
- Feed store.
- Machine or welding shop. [SUP]
- Medical or scientific laboratory. [SUP]
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. [SUP]

(3) Industrial uses.

None permitted.

(4) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- 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]
- Hospital. [SUP]
- Library, art gallery, or museum.
- Public or private school. [RAR]

(5) Lodging uses.

- Hotel or motel. [SUP. Must have more than 60 guest rooms.]

(6) Miscellaneous uses.

None permitted.

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with 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.

- College dormitory, fraternity, or sorority house.

(10) Retail and personal service uses.

- Alternative financial establishment. [SUP]
- Ambulance service. [RAR]
- Animal shelter or clinic without outside runs. [RAR]
- Auto service center. [RAR]
- Business school.
- Car wash. [SUP]
- Commercial amusement (inside). [Treat as if in a CR Community Retail District.]
- Commercial amusement (outside). [SUP]
- Commercial parking lot or garage. [RAR]
- 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.
- Home improvement center, lumber, brick, or building materials sales yard. [DIR]
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Pawnshop.
- Personal service uses. [Massage establishment and tattoo or body piercing studio uses are prohibited.]
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Taxidermist. [SUP]
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. [SUP]

(11) Transportation uses.

- Transit passenger shelter. [See Section 51A-4.211.]
- Transit passenger station or transfer center. [See Section 51A-4.211.]

(12) Utility and public service uses.

- Commercial radio or television and transmitting station.
 - Electrical substation.
 - Local utilities.
 - Police or fire station.
 - Post office.
 - Radio, television, or microwave tower. [SUP]
 - Tower/antenna for cellular communication. [SUP may be required.
- See Section 51A-4.212(10.1). Treat as a CR Community Retail district.]
- Utility or government installation other than listed. [SUP]

(13) Wholesale, distribution, and storage uses.

- Mini-warehouse. [SUP]
- Office showroom/warehouse. [SUP]
- Outside storage (with visual screening). [SUP]
- Recycling collection center. [RAR] (Ord. Nos. 21211; 25164; 27034; 27788; 28547)

SEC. 51P-366.106. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) In Subarea 6, accessory outside display of merchandise is only permitted within 10 feet of the structure housing the primary use. (Ord. Nos. 21211; 25164; 27788)

SEC. 51P-366.107. 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) Subareas 1, 1A, 2, and 6 and 7.

(1) Front yard. Minimum front yard is:

(A) 15 feet where adjacent to an expressway or a thoroughfare;

and

(B) no minimum in all other cases.

(2) Side and rear yard. Minimum side and rear yard is:

(A) 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~~

(B) no side and rear yard required in all other cases; and;

(C) in Subarea 7, no minimum side or rear yard.

(3) Dwelling unit density. No dwelling unit density.

(4) Floor area ratio. Maximum floor area ratio is:

(A) 0.5 for any combination of lodging, office, and retail and personal service uses; and

(B) 0.75 for all uses combined.

(5) Height.

(A) 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. (See Section 51A-4.412.) Exception: 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.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is 45 feet.

(6) 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.

(7) Lot size. No minimum lot size.

(8) Stories. Maximum number of stories above grade is three. Parking garages are exempt from this requirement, but must comply with the height regulations of Paragraph (5).

(b) Subarea 3. Except as otherwise provided, the yard, lot, and space regulations for this subarea must comply with the yard, lot, and space regulations applicable to the LI Light Industrial District, as set out in Chapter 51A. Minimum side and rear yard is:

(1) 20 feet where adjacent to or directly across the street from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(2) no side or rear yard required in all other cases.

(c) Subarea 4. Except as otherwise provided, the yard, lot, and space regulations for this subarea must comply with the yard, lot, and space regulations applicable to the IM Industrial Manufacturing District, as set out in Chapter 51A. Minimum side and rear yard is:

(1) 20 feet where adjacent to or directly across the street from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(2) no side or rear yard required in all other cases.

(d) Subarea 5.

(1) Front yard. Minimum front yard is 25 feet.

(2) Side and rear yard. Minimum side yard is 25 feet. Minimum rear yard is 50 feet.

(3) Dwelling unit density. No dwelling unit density.

(4) Floor area ratio. Maximum floor area ratio is:

(A) 0.5 for any combination of lodging, office, and retail and personal service uses; and

(B) 0.75 for all uses combined.

(5) Height.

(A) 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. (See Section 51A-4.412.) Exception: 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.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is 45 feet.

(6) 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.

(7) Lot size. No minimum lot size.

(8) Stories. Maximum number of stories above grade is three. Parking garages are exempt from this requirement, but must comply with the height regulations of Paragraph (5). (Ord. Nos. 21211; 25164; 27034; 27788; 28547)

SEC. 51P-366.108. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, off-street parking and loading must be provided in accordance with the Dallas Development Code, as amended.

(b) Subarea 1A. Except as provided in this subsection, any on-street parking spaces partially located within the street easement adjacent to Buckner Boulevard at Bearden Lane as shown on the development plan may be counted as a reduction of the parking requirement of the use adjacent to the on-street parking space.

(1) 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.

(2) 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.

(c) Subarea 5.

(1) For a college, university, or seminary use, off-street parking must be provided at a ratio of 0.23 parking spaces per student and employee.

(2) Surface parking is permitted in the required side and rear yards.

(d) Subarea 6.

(1) Feed store.

(A) One space per 500 square feet of retail floor area is required.

(B) One space per 1,000 square feet of warehouse and storage floor area is required.

(2) Alternative financial establishment. One space per 200 square feet of floor area is required.

(e) Subarea 8.

(1) Off-street parking and loading must be provided in accordance with the Dallas Development Code, as amended.

SEC. 51P-366.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 21211; 25164)

SEC. 51P-366.110. LANDSCAPING FOR ALL SUBAREAS EXCEPT SUBAREA 7.

(a) Application.

(1) Parkway landscaping provisions shall become applicable to a lot when an application is made for a building permit for construction work that increases building height, floor area ratio, required parking, or nonpermeable coverage of the lot.

(2) Site area landscaping, front yard strip landscaping, screening, and sidewalk provisions shall become applicable to a lot when an application is made for a building permit for construction work that increases either the floor area ratio, building height, or nonpermeable coverage of the lot by more than 20 percent.

(3) Front yard strip landscaping and screening provisions may be imposed during required development impact or residential adjacency review procedures.

(b) Parkway landscaping. One tree at least three and one-half inches in diameter, or two trees at least one and one-half inches in diameter must be provided

between the street curb and the sidewalk per 30 feet of frontage, exclusive of driveways, visibility triangles, and accessways at points of ingress and egress. No underground irrigation system is required for parkway landscaping.

(c) Front yard strip landscaping.

(1) The 10-foot-wide strip of land along the entire length of the front yard and immediately adjacent to the property line must be landscaped as follows:

(A) Twenty percent of the surface must be permeable.

(B) Ten percent must be landscaped with trees, shrubs, or a combination of trees and shrubs that have the potential to attain a minimum height of 30 inches within a three-year time period.

(C) An underground irrigation system must be provided.

(2) Front yard strip landscaping must be approved by the director of the department of development services.

(d) Site area landscaping.

(1) Except as provided in this subsection, the remainder of the lot must be landscaped in accordance with the provisions contained in Article X. An underground irrigation system must be provided.

(2) A plant group that complies with the provisions of Section 51A-10.125(b)(7)(B) must be provided for every 35 feet of street frontage in the Landscape Enhancement Areas as shown on the development plan for Subarea 1A (Exhibit 366C).

(e) Screening.

(1) A six-foot-high solid screening fence must be provided along all rear and side lot lines that are adjacent to residential districts.

(2) On-site parking must be screened with:

(A) a minimum three-foot-high solid fence, with an 18-inch wide planting bed located on its street side; or

(B) shrubs with the potential to attain a minimum height of 30 inches within a three-year time period.

(3) Manufactured building sales lot and vehicle display, sales, and service uses must be screened with a minimum two and one-half-foot-high fence with a

screening factor of less than 66 percent, and an 18-inch-wide planting bed located on its street side.

(f) Sidewalks. A sidewalk with a minimum width of five feet must be provided in the 12 foot area parallel to and in back of the projected street curb.

(g) Completion. All landscaping must be completed in accordance with the provisions contained in Article X.

(h) General maintenance.

(1) Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within 90 days after notification by the city.

(2) Any damage to utility lines resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.

(i) Points. For purposes of tabulating the number of points earned toward the minimum number required by Article X, 15 points are awarded for parkway landscaping. Ten points are awarded for required or voluntary front yard strip landscaping. Five points are awarded for the screening of on-site parking. (Ord. Nos. 21211; 25164; 28547)

SEC. 51P-366.110.1. LANDSCAPING FOR SUBAREA 7.

(a) Landscaping must be provided as shown on the development and landscape plan (Exhibit 366E).

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-366.111. PRIVATE LICENSE GRANTED.

(a) The city council hereby grants a private license to each of the abutting property owners of property in the Buckner Boulevard Special Purpose District for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. An abutting 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 landscape permit in accordance with Chapter 52 of the Dallas City Code, as amended. This private license shall not terminate at the end of any specific time period, however, the city council retains the right to terminate this license whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance.

(b) To the extent that the provisions contained in this section conflict with the applicable licensing provisions contained in Chapter 43 of the Dallas City Code, the provisions contained in Chapter 43 are waived.

(c) In no event shall the license granted by this section be construed to grant an easement or real property interest of any kind to the licensees. (Ord. Nos. 21211; 25164)

SEC. 51P-366.112. LANDSCAPE PLAN.

(a) A landscape plan must be submitted to and approved by the director of the department of development services prior to the installation of landscaping required by this article.

(b) Upon the submission of a plan for or including the installation of parkway landscaping, the director of the department of development services shall circulate it to all affected city departments and all utilities and communication companies for review and comment. If, after receiving comments from affected city departments, utilities, and communication companies, the director determines that the construction and planting proposed is in compliance with this article, and will not be inconsistent with and will not impair the public, utility, or communications company use of the right-of-way, the director shall approve the landscape plan; otherwise, the director shall disapprove the plan.

(c) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the director of the department of development services' disapproval of a plan to install parkway landscaping on the basis that the installation of the landscaping will be inconsistent with, or will unreasonably impair the public, utility, or communication company use of the right-of-way.

(d) The approval of a plan to install parkway landscaping does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of-way. (Ord. Nos. 21211; 25164)

SEC.51P-366.113. SIGNS.

(a) Except as provided in this section, all signs must comply with the provisions for business zoning districts in Article VII.

(b) For Subarea 1A, detached premise signs are limited to one two-sided sign on Blossom Lane and one two-sided sign on Buckner Boulevard in the areas shown on the development plan. The detached premise sign on Blossom Lane must be a monument sign and may not exceed six feet in height or 50 square feet in effective area. (Ord. Nos. 21211; 25164; 28547)

SEC. 51P-366.114. NONCONFORMING USES.

(a) Subareas 1, 2, 3, 4, 5, and 8.

(1) Existing nonconforming uses and uses made nonconforming by this article are not subject to amortization by the board of adjustment.

(2) The right to operate a nonconforming use terminates if the nonconforming use is discontinued or remains vacant for one year or more. The board may grant a special exception to this provision only if the owner can state an extreme circumstance that demonstrates that there was not an intent to abandon the use even though the use was discontinued for one year or more.

(b) Subarea 6.

(1) The city council finds that certain nonconforming uses have an adverse effect on nearby properties. The purpose of this subsection is to eliminate these nonconforming uses and to make them comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(2) The right to operate a nonconforming hotel or motel use; a nonconforming lodging or boarding house use; and a nonconforming residential hotel use automatically terminates on January 13, 2011 or one year after the use became nonconforming, whichever is later.

(3) An owner of a nonconforming hotel or motel use; a nonconforming lodging or boarding house use; or a nonconforming residential hotel use may request an extension of the compliance deadline in Paragraph (2) by filing an application with the director on a form provided by the city for that purpose. The application must be filed at least 30 days before the deadline in Paragraph (2). If a fee is required, the application will not be considered filed until the fee is paid. Failure to timely file a complete application for extension constitutes a waiver of the right to contest the reasonableness of the deadline in Paragraph (2).

(4) 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.

(5) 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 automatically terminates on the deadline in Paragraph (2), or 30 days after the date of the board's decision to deny, whichever is later.

(c) In general. Except as otherwise provided in this section, Section 51A-4.704 applies to all nonconforming uses and structures in this district. (Ord. Nos. 21211; 25164; 27788)

SEC.51P-366.114.1 SUBAREA 1A ROADWAY IMPROVEMENTS.

(a) Before the issuance of a certificate of occupancy for a permitted use, the following must be provided:

(1) Reconstruction of the segment of Bearden Lane west of Buckner Boulevard, retaining the existing driveway connection on the north line of Bearden Lane. Eastbound Bearden Lane must provide separate left-turn and right-turn lanes at Buckner Boulevard.

(2) Signalization at Buckner Boulevard and Blossom Lane, with design and construction approved by the Director of Public Works and Transportation.

(3) Restriping Blossom Lane, providing for separate eastbound and through lanes between Buckner Boulevard and the easternmost drive approach into the Property.

(4) Drive approaches along Blossom Lane, having separate left-turn and right-turn lanes onto Blossom Lane.

(b) On-street parking along Blossom Lane is prohibited. (Ord. 28547)

SEC. 51P-366.115. GENERAL REQUIREMENTS.

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. 21211; 25164; 26102)

SEC. 51P-366.116. WAIVER OF CERTAIN SUP FEES IN SUBAREA 1.

The city council waives the application fee for a specific use permit for nonconforming uses located in Subarea 1 in those cases where:

(1) the nonconforming use was existing on February 26, 1992, or made nonconforming by this article; and

(2) upon inspection by the director of the department of code compliance or the director's designee, it is determined that the nonconforming use and the property on which it is located is in compliance with all applicable ordinances, rules, and regulations of the city other than the requirement of a specific use permit. (Ord. Nos. 21211; 25164; 26102)

SEC. 51P-366.117. COMPLIANCE WITH CONDITIONS.

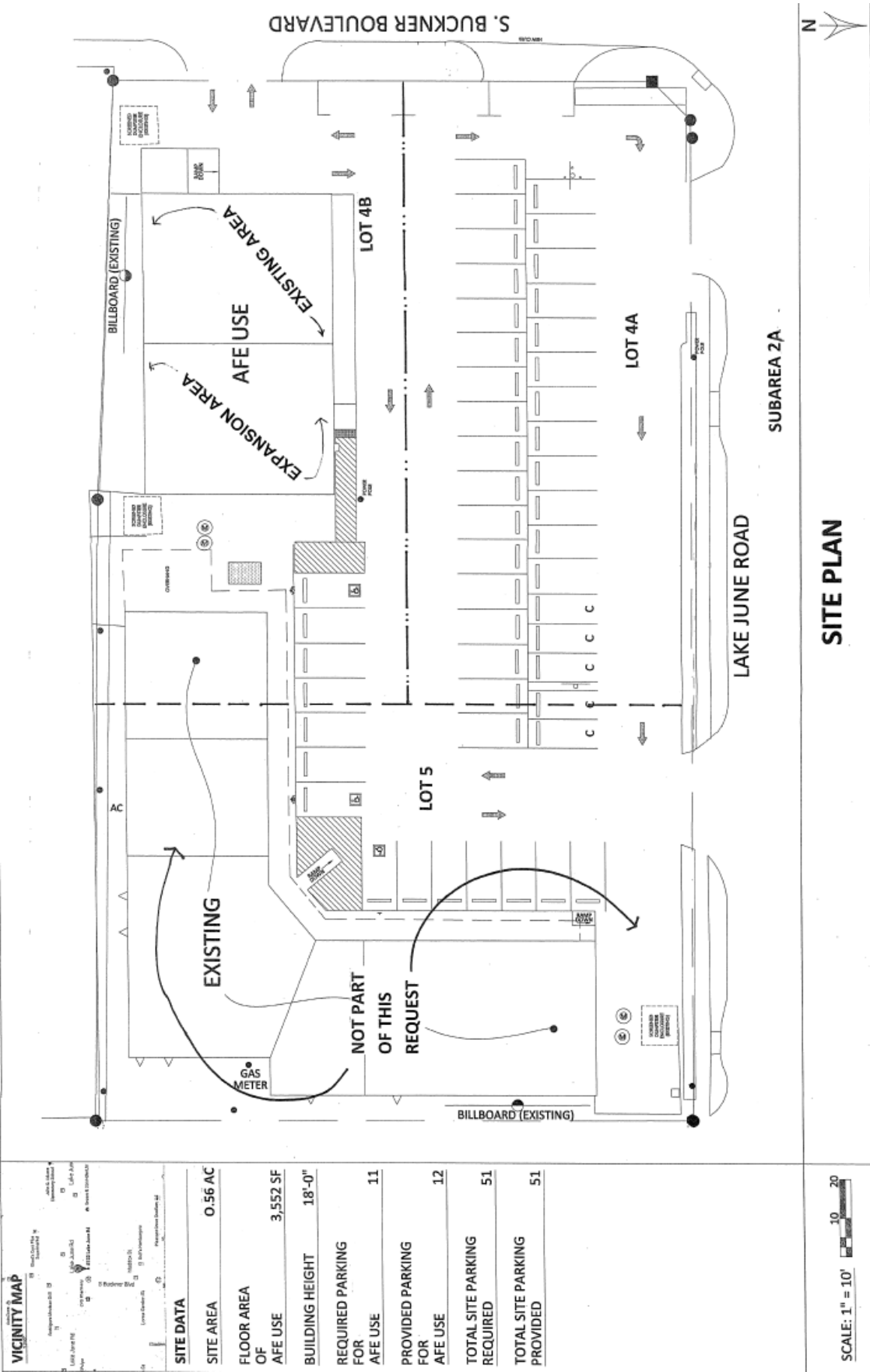
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development 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. Nos. 21211; 25164; 26102)

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an alternative financial establishment that provides check cashing, and money transfers and may not provide car title loans, payday cash advances, payroll advances, or short term cash loans. The owner/operator of the use may not hold a license as a credit access business from the Texas Office of Consumer Credit Commissioner for the location of this establishment.
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 years from the passage of this ordinance), but is eligible for automatic renewal for additional three-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. FLOOR AREA: Maximum floor area for an alternative financial establishment use is 3,552 square feet as shown on the site plan.
5. MAINTENANCE: The entire 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

Proposed Site Plan

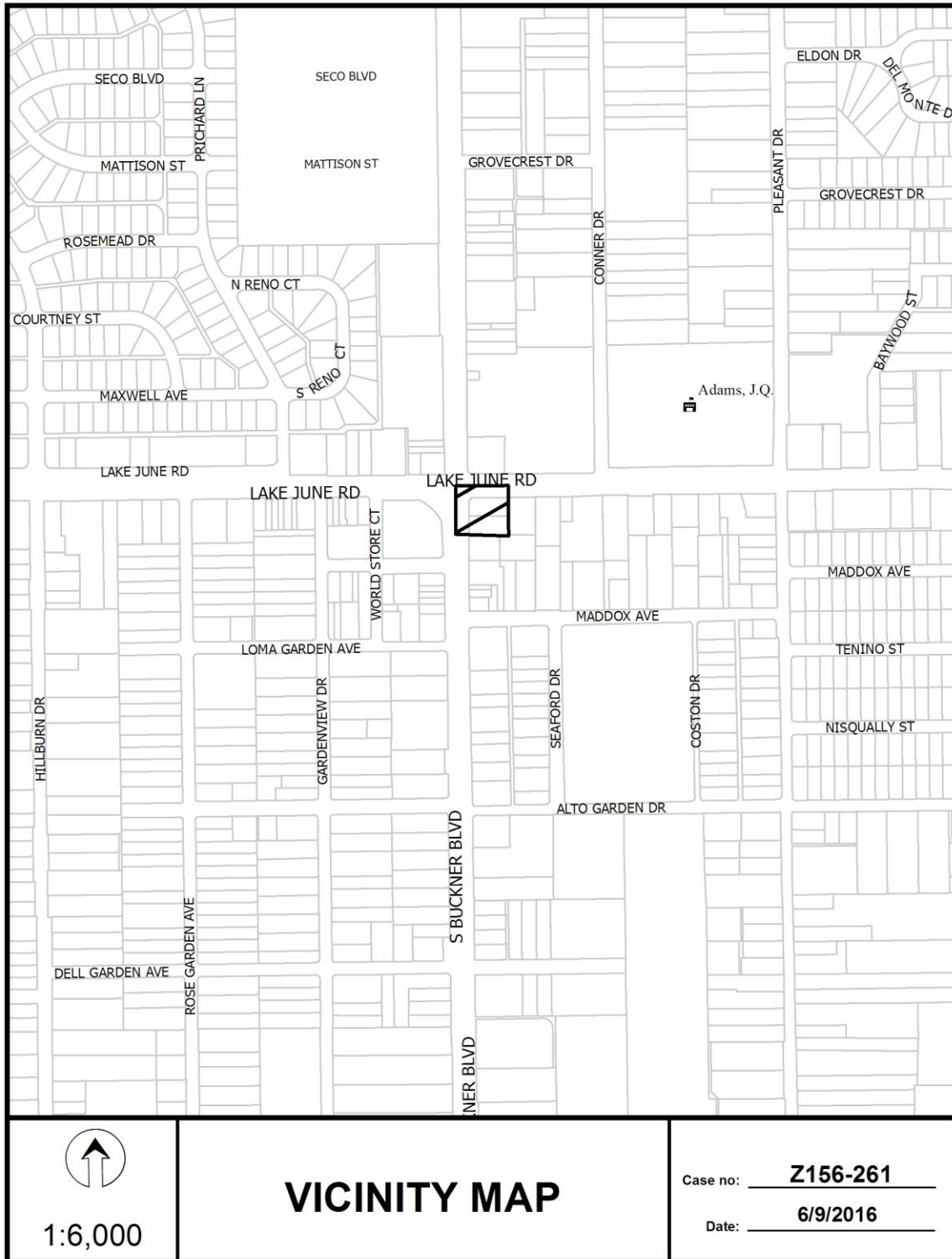


VICINITY MAP

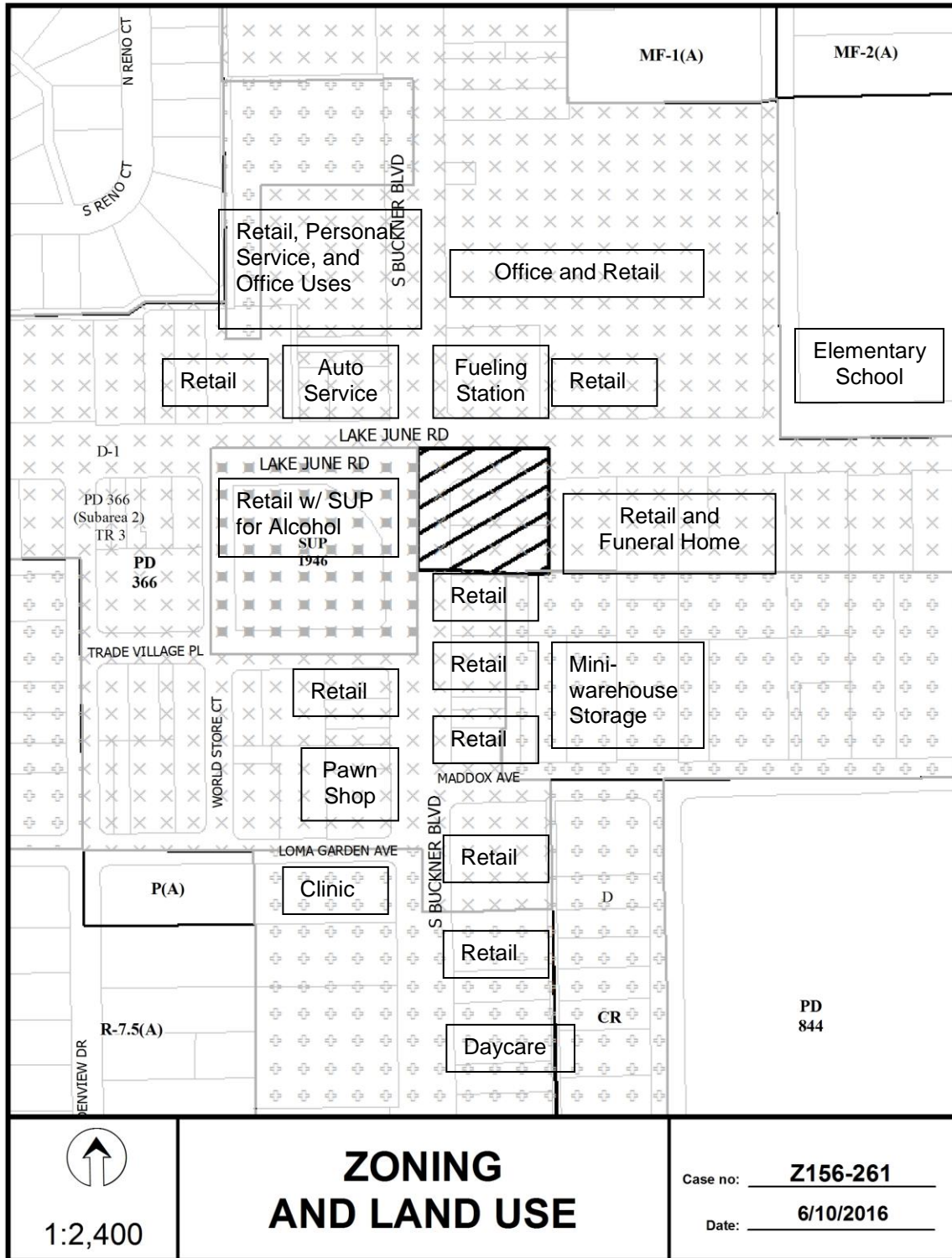
Map showing the site location relative to surrounding roads: S. BUCKNER BLVD, LAKE JUNE RD, and S. BUCKNER BLVD.

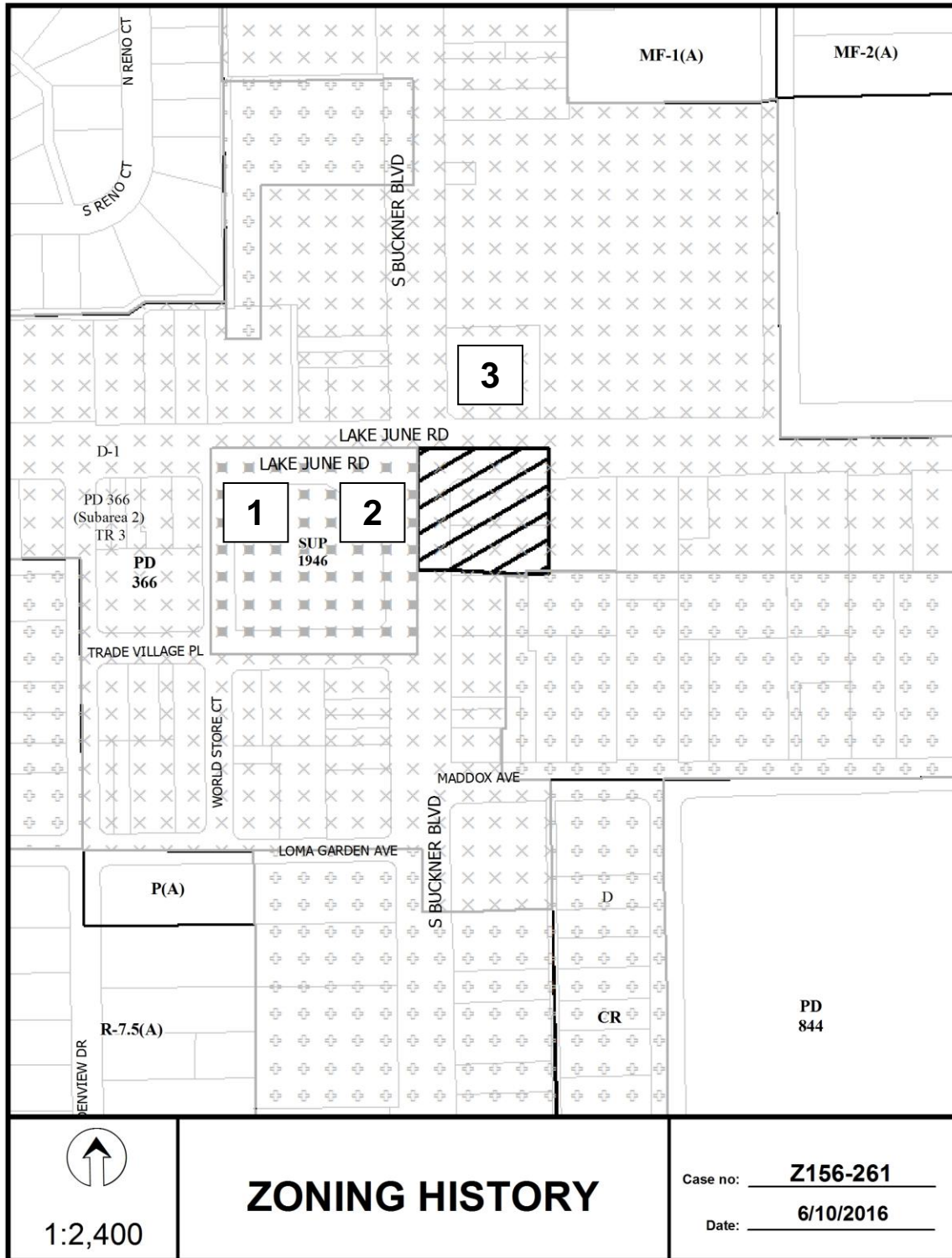
SITE DATA	
SITE AREA	0.56 AC
FLOOR AREA OF AFE USE	3,552 SF
BUILDING HEIGHT	18'-0"
REQUIRED PARKING FOR AFE USE	11
PROVIDED PARKING FOR AFE USE	12
TOTAL SITE PARKING REQUIRED	51
TOTAL SITE PARKING PROVIDED	51

SCALE: 1" = 10'









CPC RESPONSES



<u>52</u>	Property Owners Notified (66 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>9/1/2016</u>	Date

Z156-261
CPC



1:2,400

08/31/2016

Reply List of Property Owners***Z156-261******52 Property Owners Notified******0 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1214	S BUCKNER BLVD	MADDOX STREET INVESTMENTS INC
2	1250	S BUCKNER BLVD	REALEINS PROPERTIES LTD
3	8017	LAKE JUNE RD	SHIDID TERESA TRUSTEE &
4	1309	S BUCKNER BLVD	HINDI AMGAD HAMED &
5	1311	S BUCKNER BLVD	SANTOS GUADALUPE &
6	8011	LAKE JUNE RD	RODRIGUEZ ROBERTO & ALMA
7	8007	LAKE JUNE RD	RODRIGUEZ ROBERTO &
8	8005	LAKE JUNE RD	L F MARTINEZ INC
9	8027	LAKE JUNE RD	SHIDID SOLOMON TR &
10	1301	S BUCKNER BLVD	YOUSEF ABDALLA ETAL
11	8018	S RENO CT	LOVE JOSEPH B
12	8022	S RENO CT	LLAMAS JAVIER M
13	1227	S BUCKNER BLVD	GOTTLIEB BUCKNER BLVD DRUGSTORE LLC
14	8000	LAKE JUNE RD	JPVOS PROPERTIES LLC
15	8002	LAKE JUNE RD	VOSBURG PATRICK F &
16	8014	LAKE JUNE RD	MONTOYA LUPE
17	1227	WORLD STORE PL	SLP VILLA INC
18	8000	TRADE VILLAGE PL	SILVA JUAN J &
19	8010	TRADE VILLAGE PL	SARAZUA NICOMEDES
20	8010	TRADE VILLAGE PL	SILVA JUAN J &
21	8018	TRADE VILLAGE PL	QUINTERO BERTHA LIDIA
22	8009	LOMA GARDEN DR	BALTAZAR MARIA SANTOS & FILBERTO
23	8025	LOMA GARDEN DR	ARELLANO JOSE
24	8025	LOMA GARDEN DR	QUINTERO BERTHA LIDIA
25	8021	LOMA GARDEN DR	QUINTERO BERTHA
26	1221	S BUCKNER BLVD	FLORES GUADALUPE F &

08/31/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1217 S BUCKNER BLVD	MARTINEZ FERNANDO &
	28	1209 S BUCKNER BLVD	MARTINEZ FERNANDO &
	29	1143 S BUCKNER BLVD	GEMACK INCORPORATED
	30	1330 S BUCKNER BLVD	CHANTILIS FRANCES B
	31	1310 S BUCKNER BLVD	R G M EAGLE INC
	32	8239 LAKE JUNE RD	Dallas ISD
	33	8124 LAKE JUNE RD	REALEINS PROPERTIES LTD
	34	8131 MADDOX AVE	ENNIS ELECTRIC SERVICE
	35	8204 LAKE JUNE RD	GROOM FAMILY LP
	36	8205 MADDOX AVE	BANDA JOE
	37	8142 LAKE JUNE RD	HISPANIC SERVICES
	38	1234 S BUCKNER BLVD	FRIS CHKN LLC % CAJUN OPERATING CO
	39	8126 LAKE JUNE RD	NEKAN ACCOUNTING
	40	8107 MADDOX AVE	WHITE MICHAEL J &
	41	1200 S BUCKNER BLVD	AKHTAR JUNAID
	42	1204 S BUCKNER BLVD	AKHTAR JUNAID
	43	1212 S BUCKNER BLVD	ALAM JAVED
	44	8115 MADDOX AVE	MORA ADELE GARZA
	45	8209 MADDOX AVE	PUYEAR EDDIE D & TERESA
	46	1150 S BUCKNER BLVD	GRIFFS OF AMERICA INC
	47	8122 MADDOX AVE	SOLIS MARTINA
	48	1145 SEAFORD DR	WALTERS HOLLY CHRISTMAS
	49	1343 S BUCKNER BLVD	PVP NWC BUCKNER & LAKE JUNE LLC
X	50	1207 S BUCKNER BLVD	LOMBARD FINANCIAL SERVICES LP
	51	1310 S BUCKNER BLVD	CIRCLE K STORES INC
	52	8210 LAKE JUNE RD	BELTRAN JUAN EDGAR

AGENDA ITEM # 52

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 36 X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern on property zoned Planned Development District No. 842 for CR Community Retail District Uses with an MD-1 Modified Delta Overlay on the west side of Greenville Avenue, south of Sears Street

Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions

Z156-294(JM)

FILE NUMBER: Z156-294(JM) **DATE FILED:** June 28, 2016

LOCATION: On the west side of Greenville Avenue, south of Sears Street

COUNCIL DISTRICT: 14 **MAPSCO:** 36 X

SIZE OF REQUEST: Approx. 2,534 Sq. Ft. **CENSUS TRACT:** 10.02

APPLICANT: The Old Crow-Brian Hankins, President

REPRESENTATIVE: Audra Buckley

OWNER: Intercity Investments

REQUEST: An application for the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern on property zoned Planned Development District No. 842 for CR Community Retail District Uses with an MD-1 Modified Delta Overlay.

SUMMARY: The applicant is proposing to continue operation of an existing bar, lounge, or tavern use (The Old Crow) past midnight.

CPC RECOMMENDATION: Approval for a three-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a three-year period, subject to conditions.

BACKGROUND INFORMATION:

- The existing improvements are utilized for a bar, lounge, or tavern use. The applicant has operated at this location since October, 1996.
- On January 26, 2011, the City Council approved Planned Development District No. 842 for CR District Uses that includes the request site. The PDD requires an SUP for any retail and personal service uses operating between 12:00 a.m. and 6:00 a. m.
- On October 26, 2011, the City Council approved SUP No. 1912 for a bar, lounge, or tavern use with late hours for a two-year period on the subject site.
- On October 23, 2013, the City Council renewed and amended SUP No. 1912 for a three-year period on the subject site. The applicant proposed to continue operation of an existing bar, lounge, or tavern use with late hours as well as providing the ability to utilize the patio area fronting Greenville Avenue (360 ft²).
- The site lies within the Area 3 portion of Modified Delta Overlay No. 1.
- The site is in compliance with the existing site plan. No changes to the site plan are requested at this time.

Zoning History:

1. Z101-303: On September 14, 2011, the City Council approved a Specific Use Permit for a Late-hours establishment limited to a restaurant without drive-in or drive-through service for a five-year period subject to a site plan and conditions.
2. Z101-260: On September 14, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a two-year period subject to a site plan and conditions.
3. Z123-304: On November 12, 2013, the City Council approved the renewal of SUP No. 1904 for a late-hours establishment limited to a restaurant without drive-in or drive-through service.
4. Z123-262: On August 28, 2013, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period subject to a site plan and conditions.

5. Z134-177: On August 13, 2014, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period subject to a site plan and conditions.
6. Z156-224: On June 22, 2016, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period subject to a site plan and conditions.
7. Z156-300: An application for the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to an alcoholic beverage establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District uses with a MD-1 Modified Delta Overlay. *Pending City Council on October 26, 2016.*

Street

Greenville Avenue Local; 50' ROW

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested renewal and amendment to SUP No. 1912 and determined that it will not impact the surrounding street system.

Comprehensive Plan: The request site lies within a Main Street Building Block. Main streets are modeled after the American tradition of “main street” as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away from the “main street,” density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the “main street” to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

SUP No. 1912 is located in an area that is consistent with the vision of the Main Street Building Block: 1) wide sidewalks and pedestrian amenity areas; 2) outdoor seating/gathering areas unique in application to the respective retail storefronts; 3) varied retail and personal service uses within close proximity of one another; and 4) patron access within walking distance from the established residential areas east and west of the Greenville Avenue corridor. Additionally, the request area is approximately 500 feet west of a bus stop, making the site transit oriented.

Additionally, the proposed zoning request meets the following goals and objectives of the comprehensive plan:

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT.

A consistent theme expressed by Dallas residents is a desire that new development embrace improved transportation, urban design and housing options. These desired types and patterns of development are reflected in the Building Blocks used as guidelines in *forwardDallas!* The City should facilitate development that furthers economic, transportation and land use goals supported by Dallas residents.

Area Plans: Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that “the City enforce premise code violations as it does in other parts of the City of Dallas”. Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that “initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action.” Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Modified Delta Overlay No. 1: The request site is located within Modified Delta Overlay No. 1. In general terms, ‘delta theory’ means the number of nonconforming parking or loading spaces for a use that may be carried forward when the use is converted or expanded (see attached Delta Theory).

The ‘modified delta’, in effect, prohibits the application of the delta theory due to a ceasing of a need to encourage redevelopment and adaptive reuse of existing structures or that the continued application of the delta theory will create traffic congestion and public safety issues.

The site lies within Modified Delta Overlay No. 1 (MD-1), which consists of three ‘Areas’ in an area generally bounded by Ellsworth Avenue, west of Matilda Street, north of Ross Avenue, and east of Summit Avenue/Worcola Street. This site lies within the Area 3 portion of MD-1 which was adopted by the City Council on October 1, 1987.

A June 14, 1995 City Council resolution provides for replacing parking in the right-of-way that is lost due to locating public dining space (subject to the granting of a private license) within this area, and requiring parking for the public dining area (1 space/300 square feet of public dining space). Lastly, a June 28, 1995 amendment to the ordinance provides for the following: 1) a use that is discontinued or remains vacant for 12 months loses the right to carry forward nonconforming parking/loading under the delta theory; 2) the Board of Adjustment may not grant a special exception for required parking; 3) walking distance for remote parking is increased to 900 feet; and, 4) special parking may account for more than 50% of required parking for a use.

Land Use: The request site possesses improvements that are utilized for a bar, lounge, or tavern use. The applicant is proposing to continue operation of an existing bar, lounge, or tavern use with late hours and a patio area fronting Greenville Avenue.

The bar has been at this location since October, 1996. The site is part of the land area for SUP No. 1289 for an alcoholic beverage establishment for a bar, lounge, or tavern. This SUP was approved for a permanent time period.

The site is surrounded by a mix of office, retail, and entertainment uses. Residential uses (single family and multifamily structures) are found on properties further west/southwest in the general area along Summit Avenue.

The purpose of PDD No. 842 is to 'ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues.' As defined in the PDD, a late-hours establishment is any retail or personal service use that operates between 12:00 a.m. and 6:00 a.m., and furthermore requires an SUP for this defined use. Additionally, the City Council adopted a compliance date of September 23, 2011 for any retail and personal service use operating beyond 12:00 a.m. to obtain the required SUP.

PDD No. 842 establishes the following criteria for consideration of an SUP for a late-hours establishment:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

(1) the number of citations issued by police to patrons of the establishment (1);

(2) the number of citations issued by police for noise ordinance violations by the establishment (0);

(3) the number of arrests for public intoxication or disorderly conduct associated with the establishment (1);

(4) the number of Texas Alcoholic Beverage Code violations of the establishment (0); and

(5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment (2);

In addition to the regulations of PDD No. 842, the Dallas Development Code establishes general criteria for any use requiring an SUP:

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 request is oriented along the Greenville Avenue frontage, consistent with similar retail and personal service uses in the immediate area. No outside operations (i. e., patio areas) face the residential area to the west. Use of outdoor loudspeakers is prohibited. The use possesses similar operational characteristics as expected along Greenville Avenue. The 2013 addition of sidewalk seating activates the sidewalk and makes the area livelier, thereby contributing to the *Main Street* character along Greenville Avenue. The applicant has operated in a responsible manner, with minimal citations, arrests, and/or violent crimes in the last three-year period. A valid certificate of occupancy exists and no building, health, or safety code violations have been recorded.

The applicant's patio is oriented along the north-south alignment of Greenville Avenue with no direct access to the residential areas that are found beyond those uses along the street. The applicant has operated in a responsible manner with one citation for public intoxication in February 2016, which led to an arrest, and two violent crimes (assault) in 2015. There have been no noise or TABC citations or reports.

Parking: The existing bar requires 28 off-street parking spaces (1/100 square feet), based on the applicant's floor area calculations (2,803 square feet). Six spaces are provided on-site (per the site plan for SUP No. 1289) with the balance satisfied by delta credits.

Police Reports & TABC Record

1 Citation:

CitationNumber	DocNumber	LocAddress	County	Beat	Division	OffDate	OffDesc	Time
J160064191	13499410	1911 GREENVILLE AVE	DA	144	1	2/15/2016	PUBLIC INTOXICATION	1:19

1 Arrest:

IncidentNum	ArArrestDate	ArArrestTime	ArAddress	RA	Beat	Division	Sector	New_District	TAAG_Name
036823-2016	2/15/2016	1:19	1911 GREENVILLE AVE	1161	144	CENTRAL	140	D14	Ross Bennett

2 Violent Crimes:

2015 CRIME PART 2 STATS						
IncidentNum	Date1	Time1	Address	UCR_Offense	ZipCode	
185519-2015	8/10/2015	23:30	1911 GREENVILLE AVE	ASSAULT	75206	
159308-2015	7/11/2015	11:20	1911 GREENVILLE AVE	ASSAULT	75206	
002336-2015	1/3/2015	21:45	1911 GREENVILLE AVE	FRAUD	75206	

No TABC violations:

License #: MB401952
Trade Name: THE OLD CROW
Owner: KOOTENAI INCORPORATED
Location Address: 1911 GREENVILLE AVENUE
Mailing Address: 1911 GREENVILLE AVE
DALLAS , TX 75206
DALLAS , TX 75206
County: Dallas
Status: Current
Orig. Issue Date: 10/17/1996
Exp. Date: 10/16/2017
Wine Percent:
Location Phone No.: 2148282769
Subordinates: LB,PE
Related To: **Gun Sign:** RED

Complaint #	Status	Violation Date	Code	Violation Description	Docket#	Disposition	Fine Amt	Paid Amt	Paid Date	Discipline Dates	
										Begin Date	End Date
610914	Closed	5/24/2012	783	Place or Manner, Misc.		Written Warning				5/24/2012	
414595	Closed	12/4/2004	605	Permit Consumption - Prohibited Hrs	A613981	Civil Penalty only					
483913	Closed	10/4/2003	605	Permit Consumption - Prohibited Hrs		Written Warning					
468862	Closed	7/20/2001	781	Misc. Violations		Written Warning					
401662	Closed	10/31/2000	561	Sell/Deliver AB to Intoxicated Person	A597843	Civil Penalty only					
389531	Closed	2/11/1999	504	Sell/Serve/Dispense/Deliver AB To Minor	A583195	Civil Penalty only					
450552	Closed	11/11/1998	511	Breach of the Peace		Written Warning					
			513	Breach, Failure To Report							

Officers

Intercity Investment Properties - Officers

President	Edwin B Jordan, Jr.
Vice President	Anne Jordan Logan
Vice President/Secretary	Christopher G. Jordan
Treasurer	Curtis Garmon
Assistant Secretary	Elizabeth Kowalski
Property Manager/Member	Jeff Weimer

**City Plan Commission Action:
September 15, 2016:**

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern for a three-year period, subject to staff's recommended conditions on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the west side of Greenville Avenue, south of Sears Street.

Maker: Rieves
Second: Shidid
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy

Against: 0
Absent: 2 - Ridley, Tarpley
Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 21
Replies: For: 3 Against: 0

Speakers: For (Did not speak): Audra Buckley, Address not given
Against: None

**STAFF RECOMMENDED/APPLICANT REQUESTED CONDITIONS
FOR SPECIFIC USE PERMIT NO. 1912**

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to an alcoholic beverage establishment limited to a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

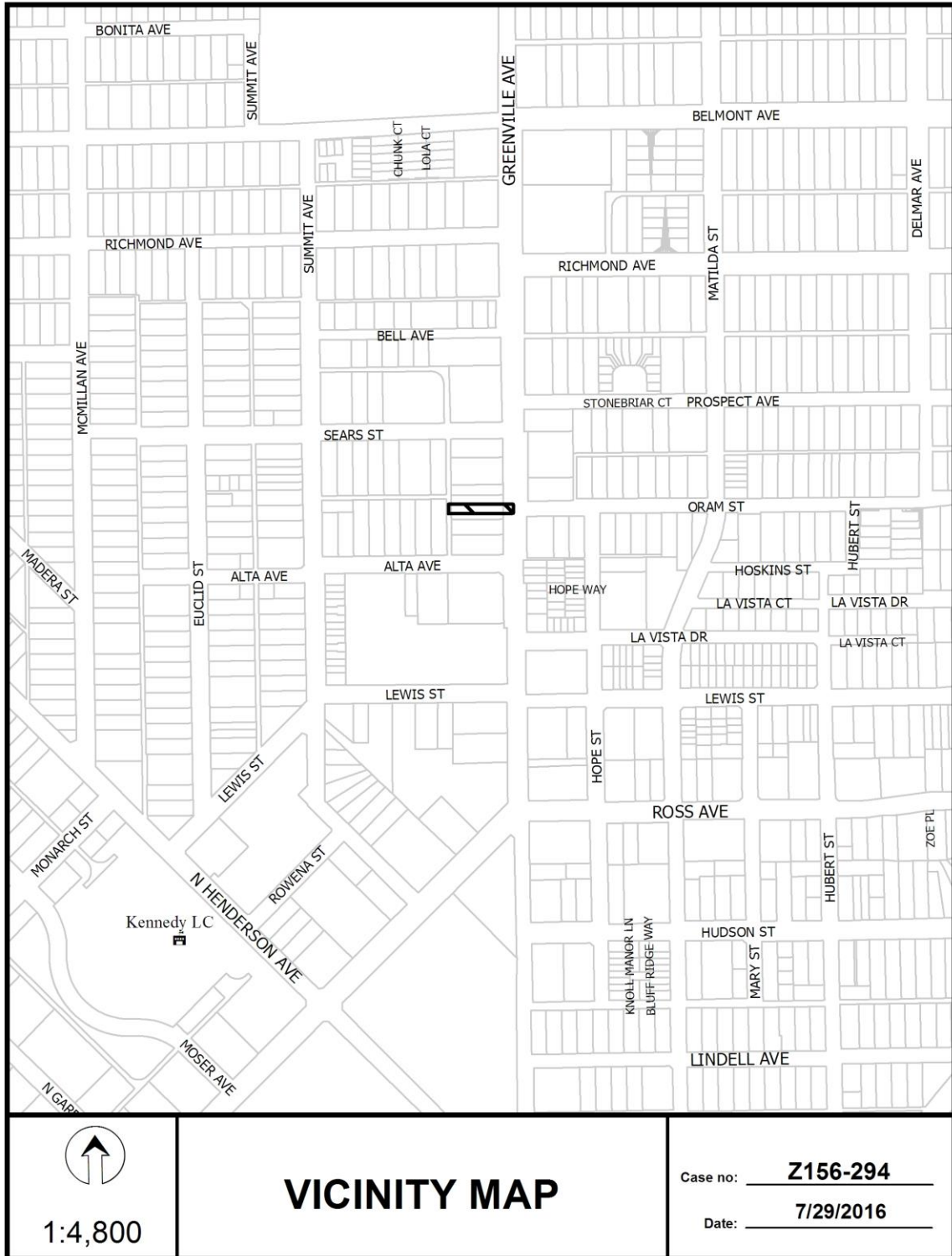
CPC recommendation:

- | |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on October 23, 2016 <u>(three years)</u> . |
|---|

Applicant requested:

- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on October 23, 2016 <u>(five years)</u> . |
|--|

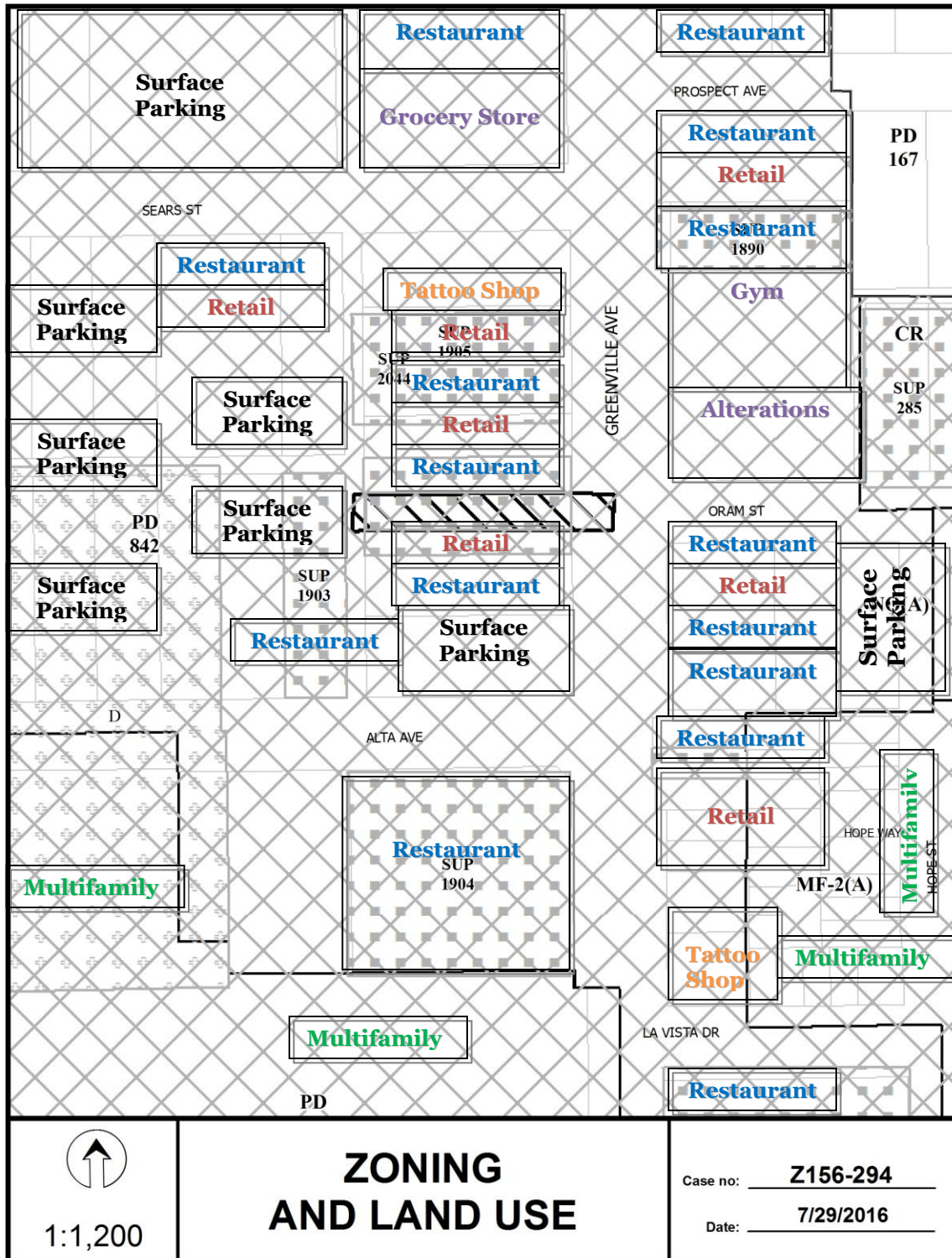
4. FLOOR AREA: Maximum floor area is 2,803 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION:
 - A. The late-hours establishment may only operate between 12:00 a.m. (midnight) and 2:00 a.m. (the next day), Monday through Sunday.
 - B. All customers must leave the Property by 2:15 a.m.
6. OUTDOOR LOUDSPEAKERS: Use of outdoor loudspeakers on the Property is prohibited.
7. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.
8. PATIO:
 - A. An uncovered patio not to exceed 360 square feet in area is permitted in the location shown on the attached site plan.
 - B. The owner or operator must obtain a private license for the uncovered patio, with a copy of the private license provided to the building official before the uncovered patio may be used by customers.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. 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.



↑
1:4,800

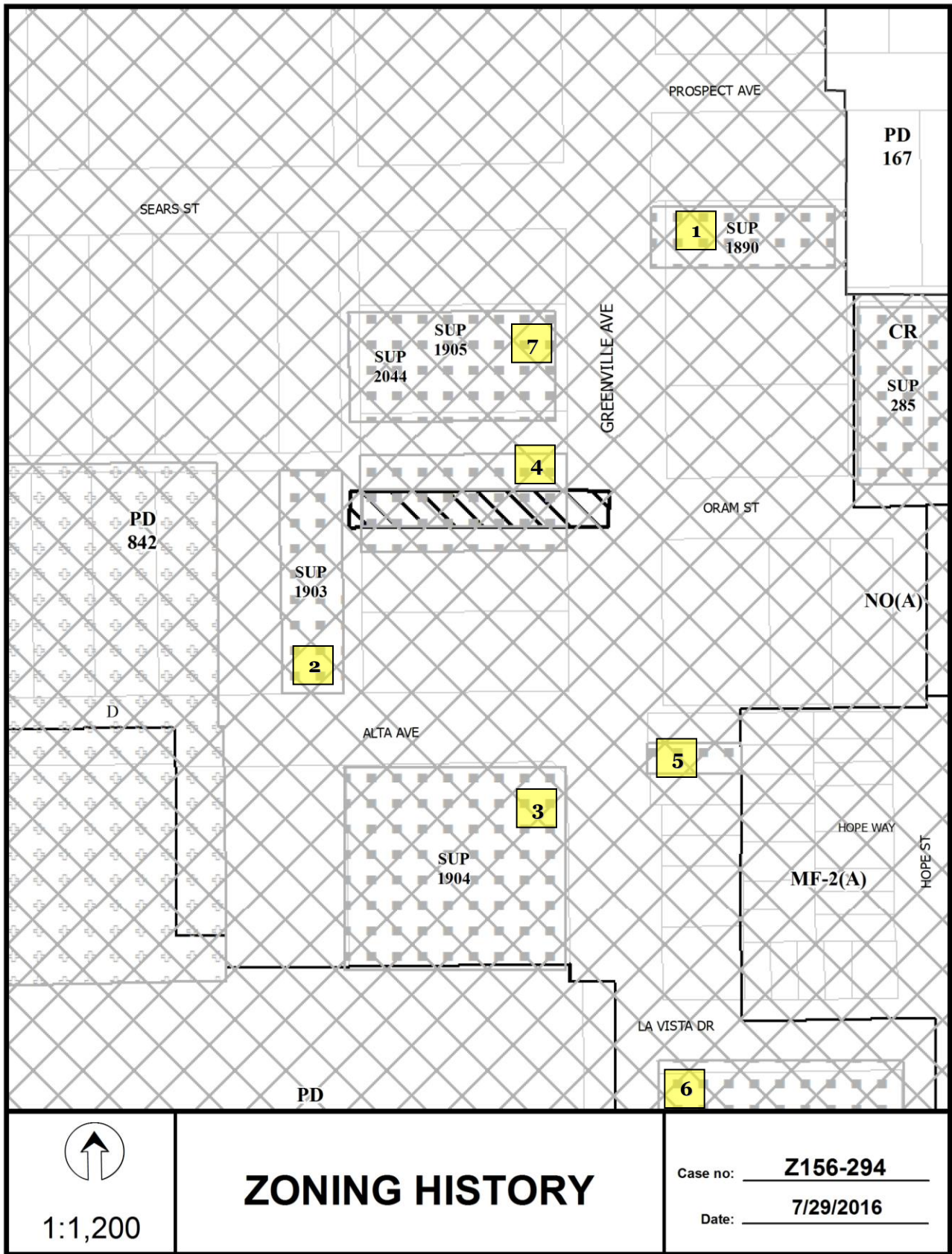
VICINITY MAP

Case no: Z156-294
Date: 7/29/2016

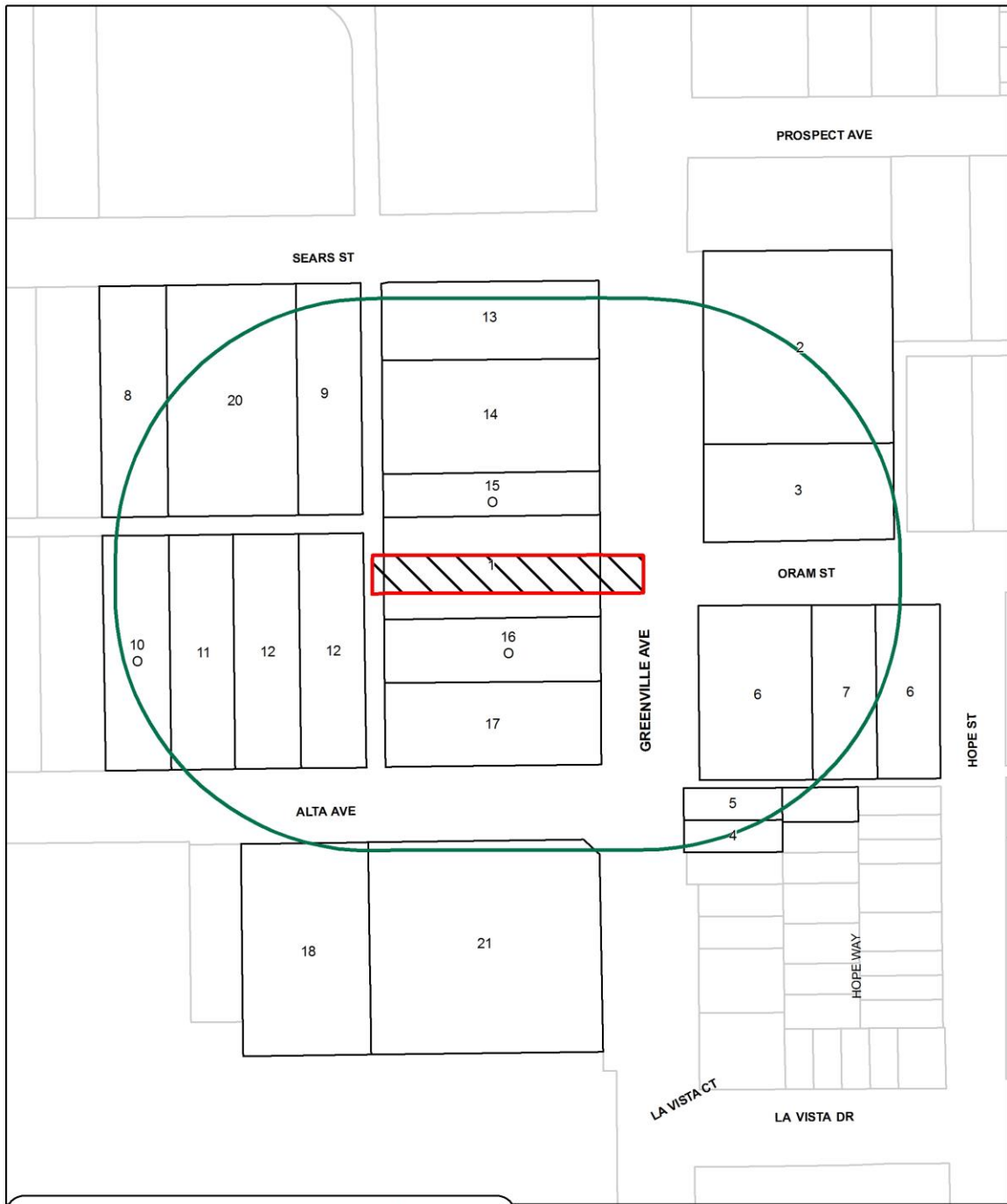


ZONING AND LAND USE

Case no: Z156-294
 Date: 7/29/2016



CPC Responses



<u>21</u>	Property Owners Notified (23 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/15/2016</u>	Date

Z156-294
CPC



1:1,200

09/14/2016

Reply List of Property Owners**Z156-294****21 Property Owners Notified****3 Property Owners in Favor****0 Property Owners Opposed**

Reply	Label #	Address	Owner
	1	1911 GREENVILLE AVE	INTERCITY INVESTMENT PROP
	2	2008 GREENVILLE AVE	LAVO PROPERTIES LLC
	3	2000 GREENVILLE AVE	LANDE PAUL &
	4	1914 GREENVILLE AVE	CHAPLIN JACK ET AL
	5	1916 GREENVILLE AVE	SHORT STACK LLC
	6	5712 ORAM ST	LOWGREEN PS
	7	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
	8	5618 SEARS ST	GREENVILLE HOLDINGS CO
	9	5628 SEARS ST	ANDRES FAMILY TRUSTS
O	10	5619 ALTA AVE	THACKER RICHARD E JR
	11	5623 ALTA AVE	SHIELDS WILLIAM OLIVER
	12	5627 ALTA AVE	LOWGREEN PS LTD
	13	1931 GREENVILLE AVE	GREENWAY SEARS LP
	14	1919 GREENVILLE AVE	1919 27 GREENVILLE LTD
O	15	1917 GREENVILLE AVE	WORLD WIDE FOOD INC
O	16	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
	17	1903 GREENVILLE AVE	LOWGREEN PS
	18	5626 ALTA AVE	LATORRE ROBERT INC
	19	1919 HOPE WAY	NGUYEN NGOC DIEP
	20	5622 SEARS ST	5624 SEARS STREET LTD
	21	1827 GREENVILLE AVE	LOWGREEN PS

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of, and an amendment to, Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and the addition of an inside commercial amusement use limited to a live music venue on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, north of Commerce Street, east of South Good Latimer Expressway
Recommendation of Staff and CPC: Approval for a four-year period, subject to conditions
Z156-295(AR)

FILE NUMBER: Z156-295 (AR) **DATE FILED:** June 29, 2016

LOCATION: North of Commerce Street, East of South Good Latimer
Expressway

COUNCIL DISTRICT: 2 **MAPSCO:** 45-M

SIZE OF REQUEST: 2,278 square feet **CENSUS TRACT:** 204.00

APPLICANT: Tammy Moss

OWNER: Deep Ellum Holdings, LLC

REPRESENTATIVE: Tammy Moss

REQUEST: An application for the renewal of, and amendment to Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and the addition of an inside commercial amusement use limited to a live music venue on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District.

SUMMARY: The purpose of this request is to allow the applicant to continue operating an entertainment venue (Rhythm Beats Culture) on site.

CPC RECOMMENDATION: Approval for a four-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a four-year period, subject to conditions.

BACKGROUND INFORMATION:

- On October 28, 2009, the City Council approved a renewal of Specific Use Permit No. 1767 for a two-year period.
- On August 10, 2011, the City Council approved a renewal of Specific Use Permit No. 1767 for a three-year period. The applicant requested that the live music provision in the SUP conditions be deleted. Live music was no longer performed at that time.
- On August 13, 2014, the City Council approved a renewal of Specific Use Permit No. 1767 for a two-year period.
- The applicant is requesting to add live music back into the Specific Use Permit conditions.
- The building at the request site was constructed in 1935 and was converted from its original use as an office and warehouse.
- The request site is surrounded by a mix of retail/restaurant uses that are served by various surface parking lots and metered spaces along Commerce Street.

Zoning History: There have been five recent zoning changes requested in the area.

1. Z056-270 On December 13, 2006, the City Council approved Specific Use Permit No. 1640 for a tattoo or body piercing studio.
2. Z112-285 On October 24, 2012, the City Council approved Specific Use Permit No. 1687 for a bar, lounge or tavern and an inside commercial amusement for a dance hall.
3. Z056-271 On January 10, 2007, the City Council approved Specific Use Permit No. 1651 for a tattoo or body piercing studio.
4. Z134-217 On August 13, 2014, the City Council approved a renewal of Specific Use Permit No. 1767 for a bar, lounge or tavern. (request site)
5. Z123-257 On August 14, 2013, the City Council approved Specific Use Permit No. 1857 for a bar, lounge or tavern.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Commerce Street	Local	60 ft.

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in an Urban Mixed Use Building Block. The request site is consistent with the Urban Mixed Use Building Block.

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

Surrounding Land Use:

	Zoning	Land Use
Site	PDD No. 269, SUP No. 1767	Bar, lounge, or tavern and inside commercial amusement
North	PDD No. 269	Retail and personal service
South	PDD No. 269	Retail/Restaurant
East	PDD No. 269	Retail
West	PDD No. 269	Surface parking/Retail

Land Use Compatibility: The request site is located within a one-story structure with an elevated patio. The applicant's request is for a renewal of Specific Use Permit No. 1767 to permit the continued operation of a bar, lounge or tavern and an inside commercial amusement limited to a live music venue use within the existing structure. The site plan is not changing from the previously approved renewal of Specific Use Permit No. 1767.

The site is surrounded by a mix of retail/restaurant uses that are served by various surface parking lots and metered spaces along Commerce Street.

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 existing alcoholic beverage establishment use limited to a bar, lounge, or tavern and proposed amendment for the inside commercial amusement limited to a live music venue are compatible and conform with the adjacent retail and personal service uses. The primary uses in PDD No. 269 consist of a mix of alcoholic beverage establishments, restaurant, personal service, and office uses. The current use contributes to the welfare of the area by providing an entertainment venue compatible with the surrounding uses. The current use has not been a detriment to the public health, safety, or general welfare due to the low number of criminal offenses at the site.

Parking: PDD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for this use located in an original building on the first floor. Additionally, a ten percent reduction is permitted for any property within one-quarter mile of mass transit. The existing use is located within an original building with a first floor area of 2,278 square feet and does not trigger off-street parking requirements.

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

Dallas Police Department: A copy of the Part 1 and Part 2 Crime Stats showing the number of offenses at the request site after renewing the SUP in 2014 is provided below:

Part 1 Crime Stats from Aug 2014 - Jul 31, 2016 (2617 Commerce St)

UCR Offense	Count
AGG ASSAULT	1
BURGLARY-BUSINESS	1
OTHER THEFTS	1
Total	3

Part 2 Crime Stats from Aug 2014 - Jul 31, 2016 (2617 Commerce St)

UCR Offense	Count
Assault	1
Total	1

Offenses prior the previous Specific Use Permit Renewal No. 1767 – August 10, 2011 to June 27, 2014:

DALLAS POLICE DEPARTMENT										UCR Codes	Year Codes	Property Class Code
Virtual Viewer - Public Access											Welco	
Search Records - Offense											Filter	
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2		
0119322-B	05/17/2014	NEIL, KYLE	OTHER OFFENSES	02617		COMMERC...	153	2078	26760			
0120842-B	05/17/2014	NEIL, KYLE	CRIMINAL MISCHIEF/VAN...	02617		COMMERC...	153	2078	14082			
0120907-B	02/23/2014	TUCKER, ROLAND	EMBEZZLEMENT	02617		COMMERC...	153	2078	12021			
0180344-Z	07/21/2012	AGUINIGA, ANTHONY	THEFT	02617		COMMERC...	153	2078	06941			
0217181-Y	08/15/2011	*TUCKER'S BLUES	THEFT	02617		COMMERC...	153	2078	06901			

Z156-295(AR)

Partners

Owner:

Deep Ellum Holdings, LLC
2622 Commerce Street
Dallas, TX 75226

KTR Investments, LLC

Susan Reese, Member/Manager
Frances Vineyard, Member
Katie Reese, Member/Manager
Larry Vineyard, Manager

PROPOSED SUP CONDITIONS

1. USE: The only uses authorized by this specific use permit are [~~is~~] a bar, lounge or tavern and an inside commercial amusement limited to a live music venue.
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 (four-years from the passage of this ordinance) [~~August 13, 2016~~]
4. FLOOR AREA: The maximum floor area is 2,278 square feet.
5. HOURS OF OPERATION: The bar, lounge, or tavern may only operate between 2:00 p.m. and 2:00 a.m. (the next day), Monday through Sunday.
6. LIVE MUSIC: Live music performances are only allowed between 2:00 p.m. and 2:00 a.m. (the next day), Monday through Sunday.
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.
- 8[7]. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
- 9[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.

CPC ACTION
September 15, 2016

Motion: It was moved to recommend **approval** of the renewal of, and amendment to Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and the addition of an inside commercial amusement limited to a live music venue for a four-year period, subject to conditions on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, north of Commerce Street, east of South Good Latimer Expressway.

Maker: Rieves
Second: Shidid
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy

Against: 0
Absent: 2 - Ridley, Tarpley
Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 12
Replies: For: 3 Against: 0

Speakers: For (Did not speak): Tammy Moss, 2617 Commerce St., Dallas, TX, 75226
Against: None

CPC ACTION
September 1, 2016

Motion: In considering an application for the renewal of, and amendment to Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and the addition of an inside commercial amusement limited to a live music venue on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, north of Commerce Street, east of South Good Latimer Expressway, it was moved to **hold** this case under advisement until September 15, 2016.

Maker: Anantasomboon
Second: Davis
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid*,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Z156-295(AR)

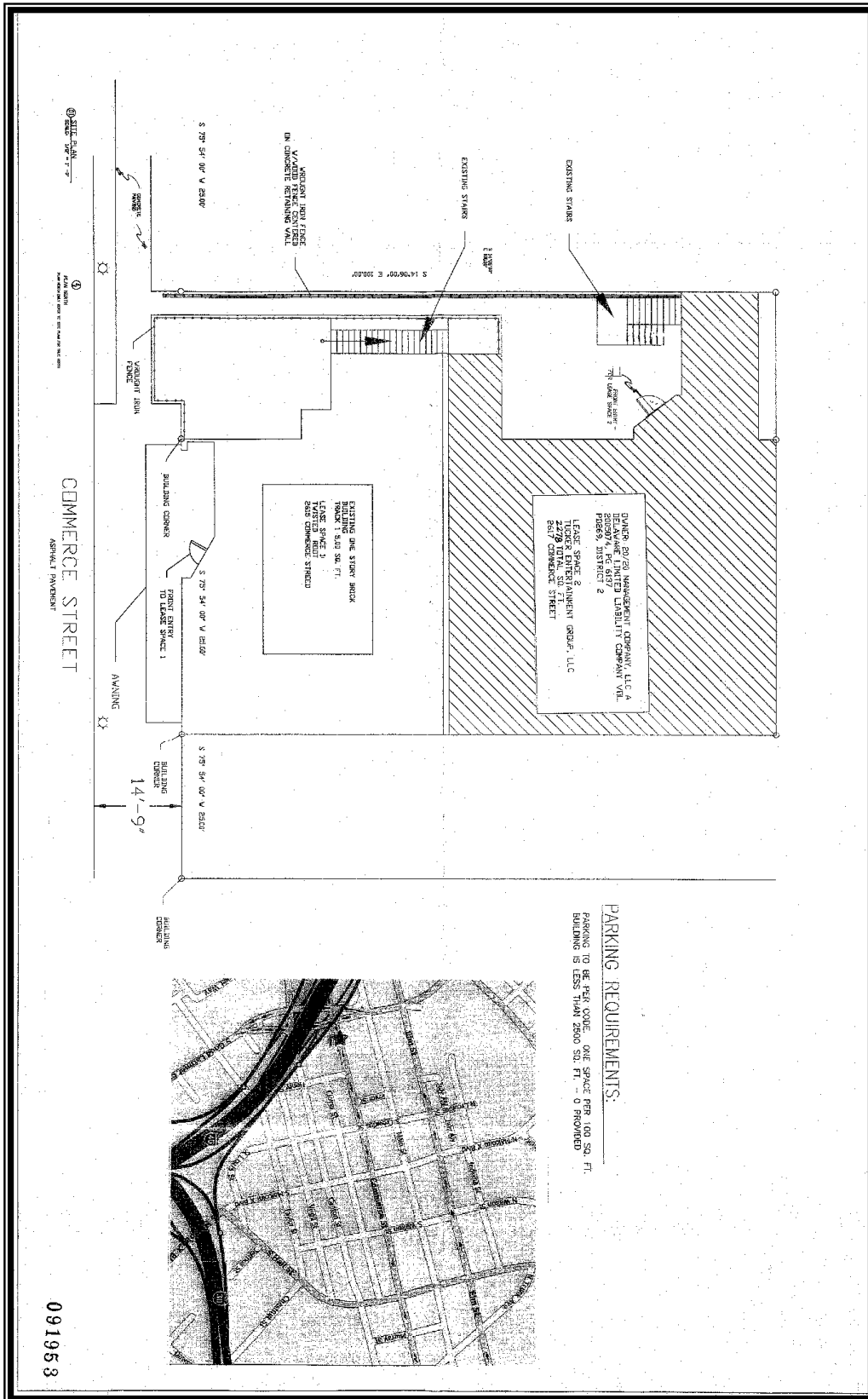
Against: 0
Absent: 0
Vacancy: 1 - District 7

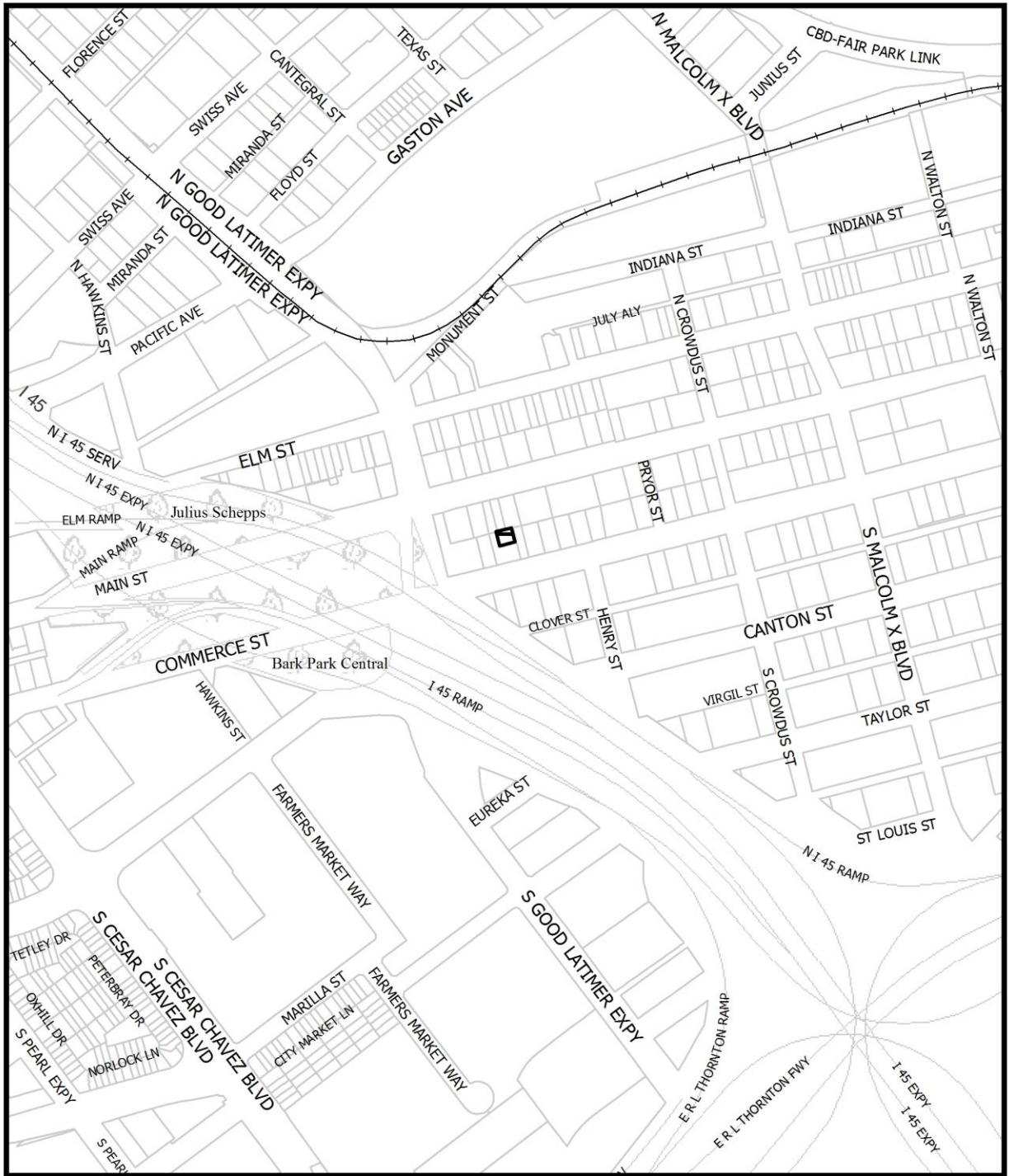
*out of the room, shown voting in favor


Notices:	Area: 200	Mailed: 12
Replies:	For: 3	Against: 0

Speakers: None

Existing Site Plan






1:4,800

VICINITY MAP

Case no: Z156-295
Date: 7/22/2016

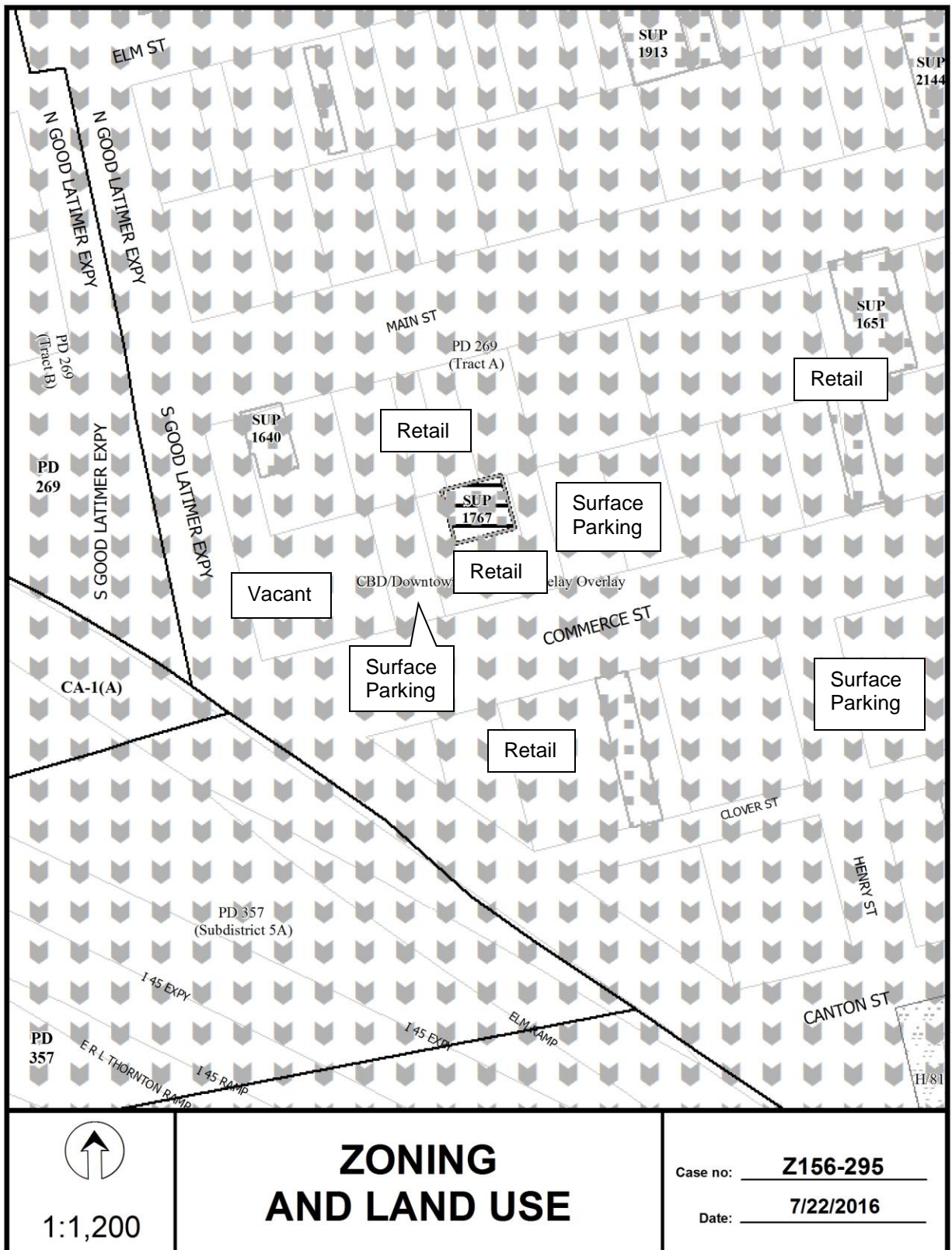


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AERIAL MAP

Case no: **Z156-295**

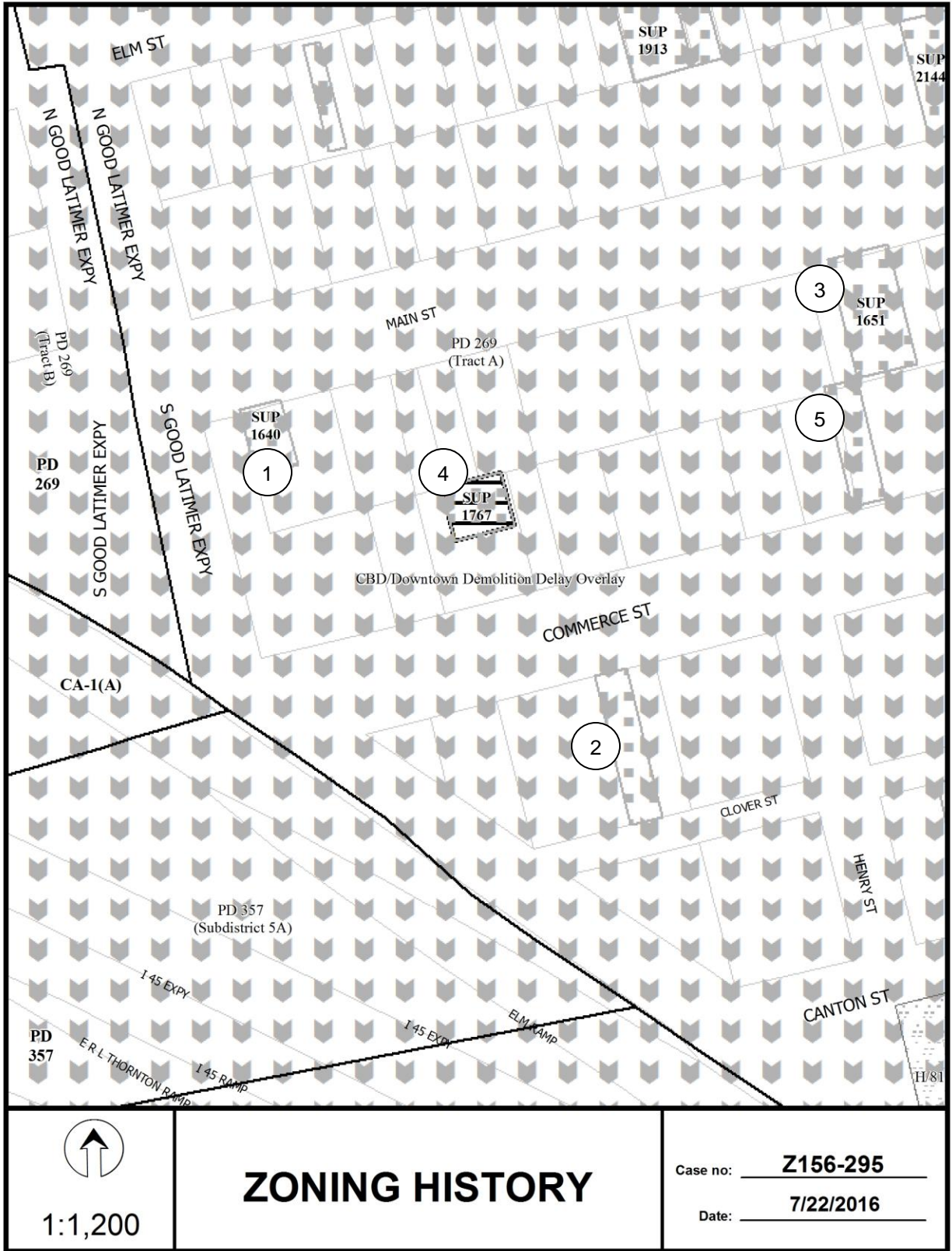
Date: **7/22/2016**



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ZONING AND LAND USE

Case no: **Z156-295**
Date: **7/22/2016**



ZONING HISTORY

Case no: Z156-295
Date: 7/22/2016

CPC Responses



<u>12</u>	Property Owners Notified (25 parcels)
<u>3</u>	Replies in Favor (5 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/15/2016</u>	Date

Z156-295
CPC



1:1,200

09/14/2016

Reply List of Property Owners

Z156-295

12 Property Owners Notified

3 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2612 COMMERCE ST	DEEP ELLUM HOLDINGS LLC
	2	2625 MAIN ST	42 DEEP ELLUM LP
	3	2642 MAIN ST	42 DEEP ELLUM LP
	4	2616 MAIN ST	42 DEEP ELLUM LP
	5	2611 COMMERCE ST	42 DEEP ELLUM LLC
	6	2612 MAIN ST	KRISITIAN KEVIN 2612 LLC
	7	2604 MAIN ST	42 DEEP ELLUM LP
	8	2623 COMMERCE ST	KLUCK LINDA LOU
	9	2620 MAIN ST	BLANTON JEANNE
O	10	2630 COMMERCE ST	WESTDALE PPTIES AMERICA I
O	11	2622 COMMERCE ST	SDL PARTNERS LTD
	12	2616 COMMERCE ST	NOLA LTD

AGENDA ITEM # 54

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 46 L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for local utilities limited to utilities services on property zoned an MF-2(A) Multifamily District, on the southwest line of Bank Street, southeast of Herndon Street
Recommendation of Staff and CPC: Approval for a permanent period, subject to a site plan, landscape plan and conditions
Z156-307(WE)

FILE NUMBER: Z156-307(WE) **DATE FILED:** July 21, 2016
LOCATION: Southwest line of Bank Street, southeast of Herndon Street
COUNCIL DISTRICT: 7 **MAPSCO:** 46 L
SIZE OF REQUEST: Approx. 0.559 acres **CENSUS TRACT:** 25.00

APPLICANT / OWNER: City of Dallas

REPRESENTATIVE: Milton Brook
Trinity Watershed Management

REQUEST: An application for a Specific Use Permit for local utilities limited to utilities services on property zoned an MF-2(A) Multifamily District.

SUMMARY: The purpose of this request to construct and operate a pump station to support the Mill Creek / Peaks Branch / State Thomas Relief Tunnel.

CPC RECOMMENDATION: Approval for a permanent period, subject to a site plan, landscape plan and conditions.

STAFF RECOMMENDATION: Approval for a permanent period, subject to a site plan, landscape plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently undeveloped and is being used as a staging area for Fair Park.
- The proposed pump station will provide relief of flooding to certain areas of the city as well as improve the drainage in residential areas around Fair Park and East Dallas.

Zoning History: There have not been any zoning cases in the area over the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Bank Street	Local	30 ft.	30 ft.
Herndon Drive	Local	50 ft.	50 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental 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 Plan identifies the request site in a Residential Building Block.

This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

LAND USE ELEMENT:

GOAL 1.2 Promote desired development.

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

Land Use:

	Zoning	Land Use
Site	MF-2(A)	Undeveloped
North	MF-2(A)	Undeveloped
South	CS, H/33	Elevated DART tracks, Fair Park
East	MF-2(A)	Undeveloped
West	MF-2(A)	Undeveloped

Land Use Compatibility: The 0.559 acre site is currently being used as a staging area for various equipment for Fair Park. The applicant’s request for a Specific Use Permit for local utilities limited to utilities services will allow for the construction of a one story, 1,553 square foot pump station and a 50-foot tall antenna. The antenna is an accessory use and will be attached to the main use (pump station).

The pump station will be used to empty the Mill Creek / Peaks Branch / State Thomas Relief drainage relief tunnel for inspection and maintenance purposes. The project is a 5-mile long, 30-foot diameter drainage tunnel which will reduce flooding and provide improved drainage to residential areas in east Dallas around Fair Park, Baylor Hospital, and Buckner Park. The proposed pump station will also provide drainage and flooding relief to business areas along Woodall Rodgers Freeway north of downtown including Victory Park, Perot Museum, and Uptown.

Pursuant to Section 51A-4.408, structures for utility and public service uses and institutional uses may be erected to any height consistent with the Federal Aviation Administration air space limitation, residential proximity slope height restrictions, and the building code. The proposed conditions will limit the maximum structure height to 20 feet.

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 site is adjacent to several tracts of undeveloped land. Even though the adjacent parcels are undeveloped, the request site is located within a residential district. The proposed design will provide an enhanced landscape plan to ensure compatibility with future residential development. The use is compatible with the surrounding uses and should not negatively impact the area from a land use perspective.

In addition, the facility will be secured by an eight-foot wrought iron fence. Access to the site will be restricted to one separate locked entry gate. For safety and security reasons, the site will not be accessible by the public.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		<u>Density</u>	<u>Height</u>	<u>Lot Coverage</u>	<u>Special Standards</u>	<u>PRIMARY Uses</u>
	<u>Front</u>	<u>Side/Rear</u>					
MF-2(A) Multifamily	15'	15'	Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family

Landscaping: Pursuant to Section 51A-4.212, landscape regulations do not apply to a utility services use. The proposed design will provide an enhanced landscape plan to ensure compatibility with future residential development.

Parking: Pursuant to Section 51A-4.212 of the Dallas Development Code, no parking is required for a utility services use but the applicant is providing three spaces on site.

CPC Action (September 15, 2016)

Motion: It was moved to recommend **approval** of a Specific Use Permit for local utilities limited to utilities services for a permanent period, subject to a site plan, landscape plan and conditions on property zoned an MF-2(A) Multifamily District, on the southwest line of Bank Street, southeast of Herndon Street.

Maker: Shidid
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy

Against: 0
Absent: 2 - Ridley, Tarpley
Vacancy: 1 - District 7

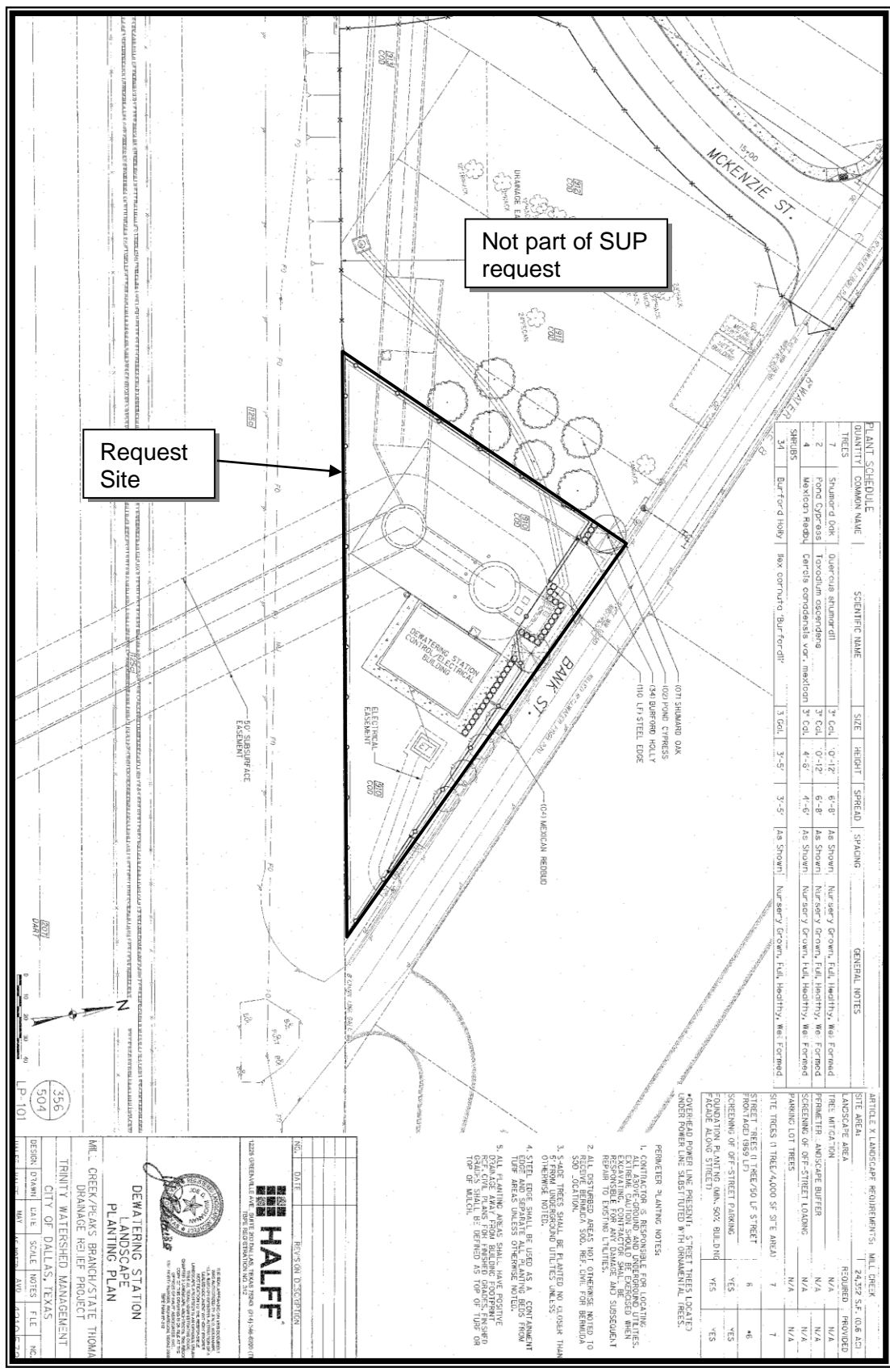
Notices: Area: 200 Mailed: 12
Replies: For: 0 Against: 0

Speakers: None

**CPC PROPOSED SUP
CONDITIONS**

1. USE: The only use authorized by this specific use permit a local utilities limited to utility services.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. LANDSCAPE PLAN: Use and development of the Property must comply with the attached landscape plan.
4. TIME LIMIT: This specific use permit has no expiration date.
5. MAXIMUM FLOOR AREA: The maximum floor area is 1,553 square feet.
6. STRUCTURE HEIGHT: The maximum structure height is 20 feet.
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.

LANDSCAPE PLAN



PLANT SCHEDULE	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	HEIGHT	SPREAD	SPACING	GENERAL NOTES
TREES	7	Shumard Oak	Quercus shumardii	3" Cal.	0'-12"	6'-8"	As Shown	Nursery Grown, Full, Healthy, Well Formed
	2	Pond Cypress	Toxicodendron	3" Cal.	0'-12"	6'-8"	As Shown	Nursery Grown, Full, Healthy, Well Formed
	4	Mexican Redbud	Cercis canadensis var. mexicana	3" Cal.	4'-6"	4'-6"	As Shown	Nursery Grown, Full, Healthy, Well Formed
SHRUBS	34	Burford Holly	Ilex cornuta 'Burfordii'	3" Gal.	3'-5"	3'-5"	As Shown	Nursery Grown, Full, Healthy, Well Formed

ARTICLE X LANDSCAPE REQUIREMENTS - MILL CREEK	24,127 SF (0.6 AC)	PROVIDED
LANDSCAPE AREA	N/A	N/A
TREE MITIGATION	N/A	N/A
FENCE/SCREEN BUFFER	N/A	N/A
SCREENING OF OFF-STREET LOADING	N/A	N/A
PARKING LOT TREES	N/A	N/A
SITE TREES IN TREE/4000 SF SITE AREA	7	7
STREET TREES IN TREE/50 LF STREET FRONT/1000 LF	6	6
SCREENING OF OFF-STREET PARKING	YES	YES
FOUNDATION PLANTING (MIN. 500 BLDG PERIMETER)	YES	YES

- OVERHEAD POWER LINE PRESENT - STREET TREES LOCATED UNDER POWER LINE ADJUSTED WITH ORNAMENTAL TREES.
- PREMIER PLANTING NOTES:
1. CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL ABOVE-GROUND AND UNDERGROUND UTILITIES. EXAMINING CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE AND SUBSEQUENT REPAIRS TO UTILITIES.
 2. ALL ORDERED TREES NOT OTHERWISE NOTED TO RECEIVE BENDABLE SOIL, REF. ONE FOR BENDABLE SOIL LOCATION.
 3. 3" CAL. TREES SHALL BE PLANTED NO GREATER THAN OTHERWISE NOTED.
 4. STEEL ERG SHALL BE USED AS A CONTAINMENT EDGE AND SEPARATE ALL PLANTING BEDS FROM EXISTING DRIVEWAYS AND SIDEWALKS.
 5. ALL PLANTING SHALL BE PLANTED TO BEING SET ON PLANS FOR PLANTING COORDINATES. FINISH GRADE SHALL BE SHOWN FROM BUILDING FOOTPRINT TO BE PLANTED TO BEING AS SHOWN ON 100% OR 90% PLAN.

NO. DATE REVISION DESCRIPTION

1229 ORIENTAL AVE. SUITE 200 DALLAS, TEXAS 75246 (972) 466-6000

HALFF

LANDSCAPE ARCHITECTS

1997 INCORPORATED

DEWATERING STATION
LANDSCAPE
PLANTING PLAN

MILL CREEK/PEAKS BRANCH/STATE THOMA
DRAINAGE RELIEF PROJECT

TRINITY WATERSHED MANAGEMENT
CITY OF DALLAS, TEXAS

DESIGN DRAWN DATE SCALE NOTES FILE NO.

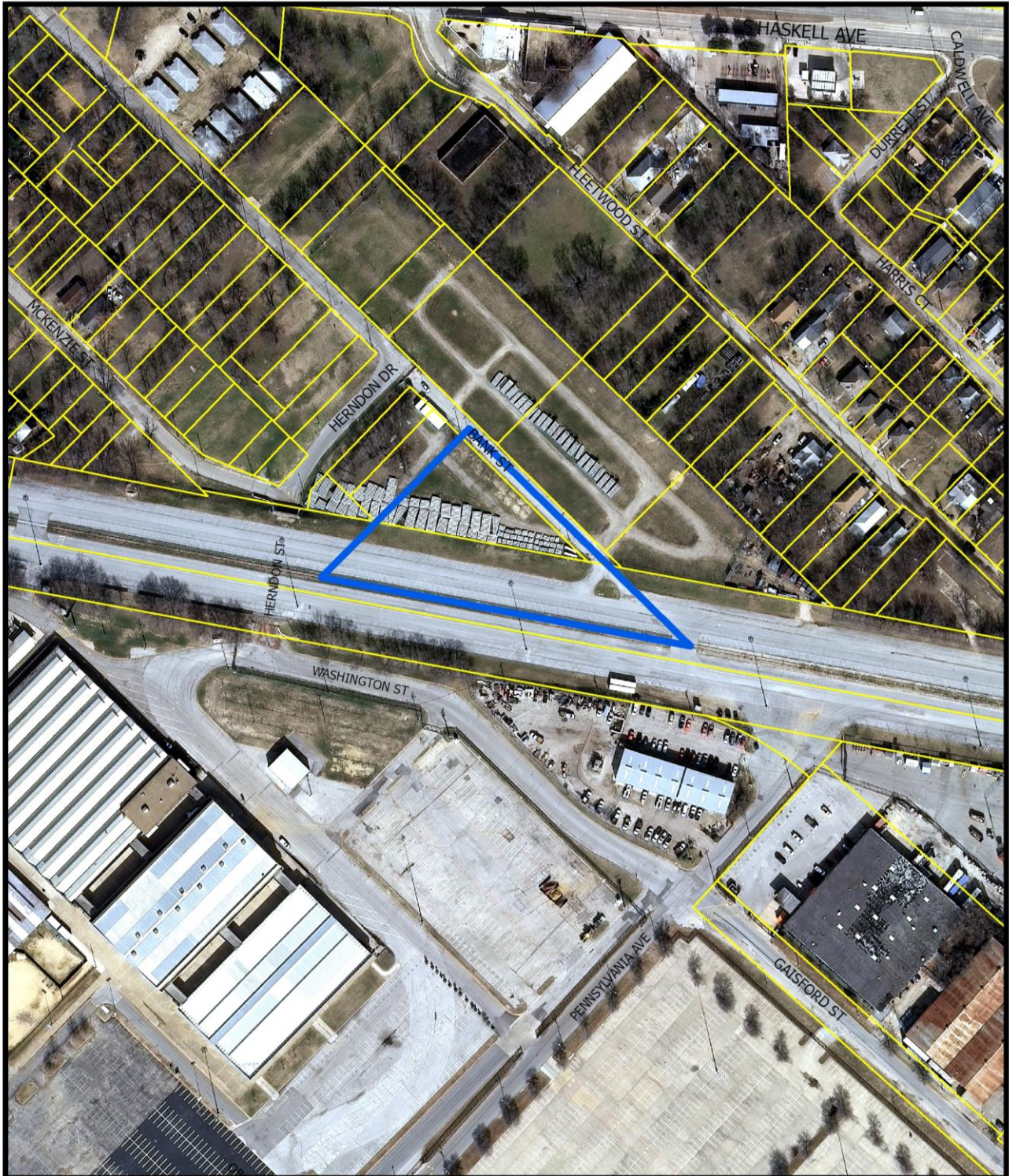


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VICINITY MAP

Case no: **Z156-307**

Date: **8/11/2016**

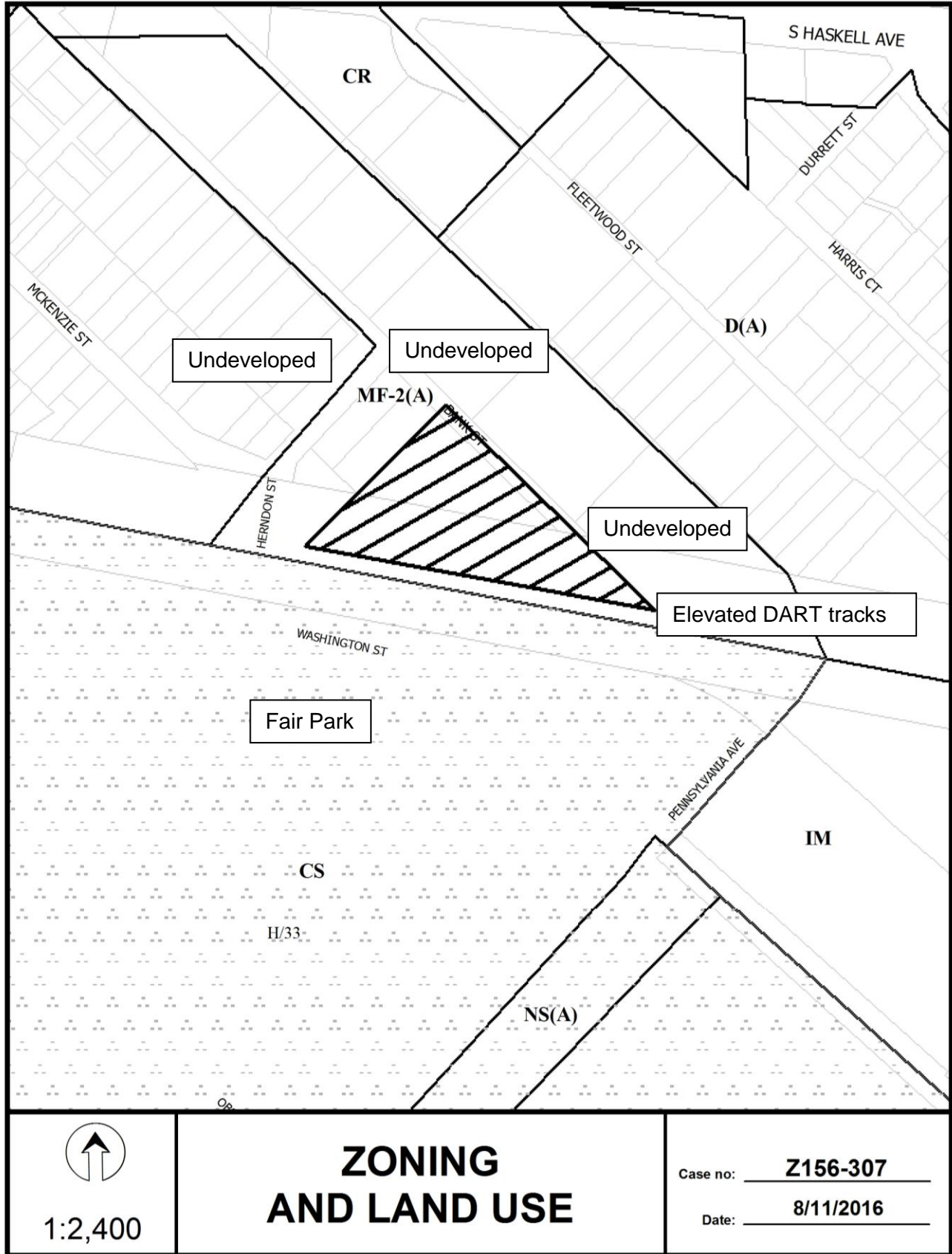


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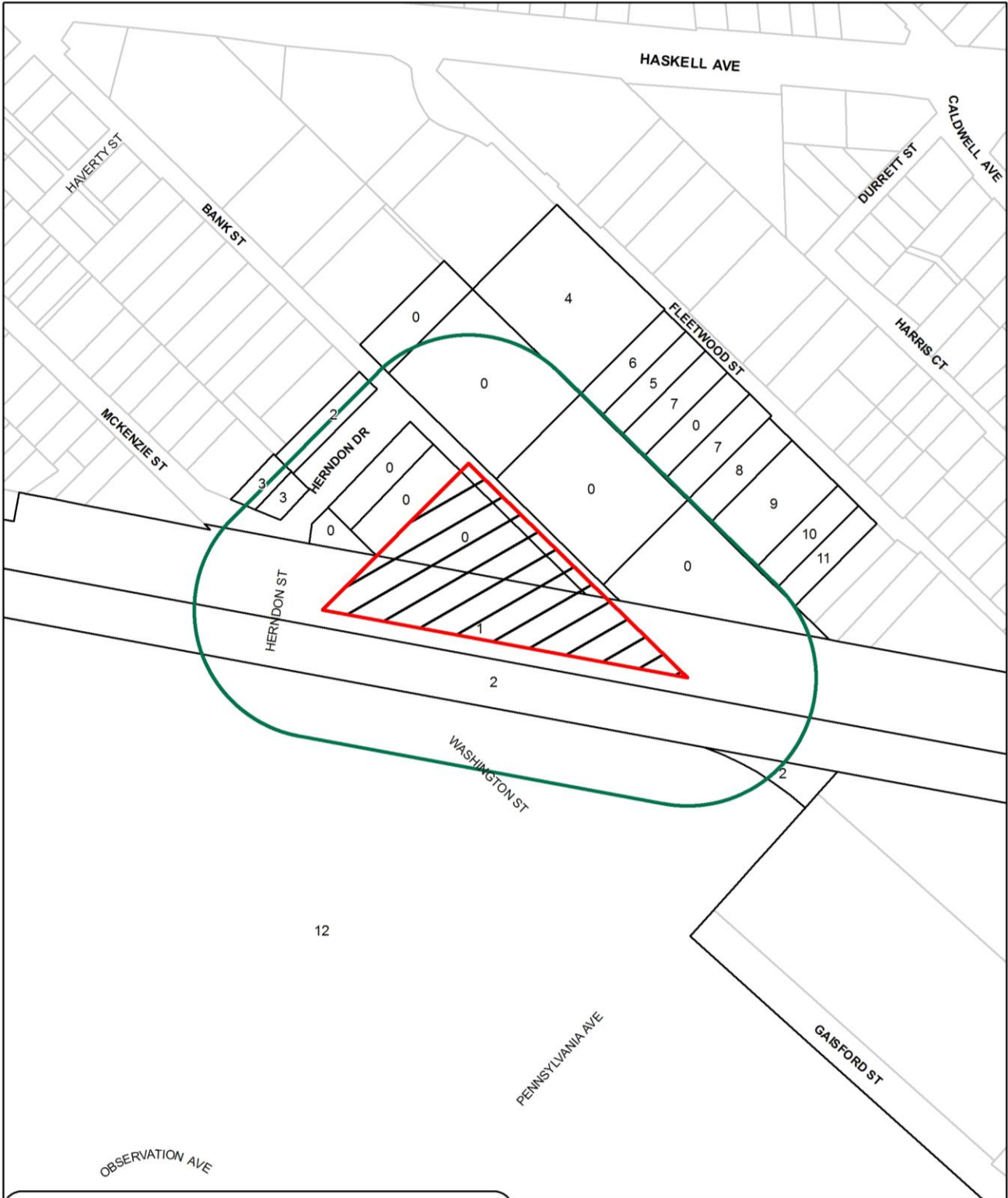
AERIAL MAP

Case no: Z156-307

Date: 8/11/2016



CPC RESPONSES



<u>12</u>	Property Owners Notified (25 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/15/2016</u>	Date

Z156-307
CPC



1:2,400

Z156-307(WE)

09/14/2016

Reply List of Property Owners

Z156-307

12 Property Owners Notified

0 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	401 S BUCKNER BLVD	DART
	2	4500 PENNSYLVANIA AVE	STATE FAIR OF TEXAS INC
	3	1424 MCKENZIE ST	BURROUGHS JUDY ANN
	4	1519 FLEETWOOD ST	REIGER ASSOC 90 I LTD
	5	1527 FLEETWOOD ST	DICKERSON WILLIE M EST
	6	1521 FLEETWOOD ST	SLJ COMPANY
	7	1529 FLEETWOOD ST	OLVERA MIRNA ELVIA
	8	1601 FLEETWOOD ST	WORKS G W & CO
	9	1611 FLEETWOOD ST	MCDANIEL HANNAH ESTATE OF
	10	1613 FLEETWOOD ST	REIGER ASSN 90-I LTD
	11	1617 FLEETWOOD ST	MUNIZ JOAQUINA
	12	3839 S FITZHUGH AVE	MCA PACE AMPHITHEATERS LP

AGENDA ITEM # 55

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 D

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District at the northwest corner of Ross Avenue and North Haskell Avenue
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z156-283(JM)

FILE NUMBER: Z156-283(JM) **DATE FILED:** June 13, 2016

LOCATION: Northwest corner of Ross Avenue and North Haskell Avenue

COUNCIL DISTRICT: 2 **MAPSCO:** 45-D

SIZE OF REQUEST: Approx. 0.57 acres **CENSUS TRACT:** 8.00

APPLICANT / OWNER: Alain Karatepeyan; 4101-11 Ross Avenue Joint Venture

REPRESENTATIVE: Alain Karatepeyan

REQUEST: An application for a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District

SUMMARY: The applicant proposes to operate a liquor store use within an existing multi-tenant commercial building.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The area is largely commercial. Certain lots are vacant, providing an opportunity for redevelopment. This use is compatible with the surrounding area.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The requested use will be consistent with the commercial nature of the area. Additionally, it will provide services to nearby single family neighborhoods to the north.
3. *Not a detriment to the public health, safety, or general welfare* – The request is not foreseen to be a detriment to the public health, safety, or general welfare.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request does not require any modifications to the applicable zoning regulations.

Zoning History:

1. Z123-287(JH)

On August 28, 2013, the City Council approved an application to renew Specific Use Permit No. 1753 for a liquor store within the Subarea 8 portion of Planned Development District No. 298, the Bryan Area Special Purpose District, on the west corner of Haskell Avenue and San Jacinto Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Ross Avenue	Community Collector	80 ft.	Existing
Haskell Street	Principal Arterial	50 ft.—160 ft.	Existing

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PD No. 298 Subarea 1	5' min 15' max	0' or 10' Side 5' Rear	NA	120'	90%	Proximity Slope Visual Intrusion	Commercial, Business Services, Institutional, Lodging, Office, Recreational, Residential, Retail, & Utility Uses

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 *forwardDallas!* Comprehensive Plan designates the area of request in the Multi-modal corridor. This Building Block should encourage the redevelopment of aging auto-oriented single family neighborhoods. These areas offer dense mixed use and then transition to multifamily and single family housing at the edge. These corridors should diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit-orientation and access.

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.

Implementation Measure 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.

This request supports that goal by providing new shops in walking distance for existing single family structures, and promoting the overall redevelopment of the area. The location, on a Multi-modal corridor and adjacent to single-family uses, blends well as a new retail use at this key intersection within this neighborhood.

Area Plan: The Bryan Area Study of 1988 determined that a Planned Development District was appropriate to help organize and enhance the development potential in an area of East Dallas adjacent to and northeast of the Central Business District. Beginning in March 2004, an evaluation study was conducted to determine if development was meeting the objectives of the Bryan Area Study and to make recommendations to adjust regulations that were falling short. The original study identified eight objectives: (1) promote urban character; (2) encourage residential development; (3) encourage redevelopment and commercial activity; (4) establish the Bryan Area as a regional health care complex of Dallas; (5) enhance the physical appearance and promote urban character within the Bryan Area; (6) reinforce the multi-cultural character of the Bryan Area; (7) focus commercial/retail redevelopment opportunities to the Village Center; and (8) establish linkages to regional activity centers.

Subsequent to that study, an evaluation study was conducted and found that objectives 3 and 7 were off track. Specifically, Ross Avenue was divided into a few subdistricts of

differing regulations and the predominance of auto-related uses was identified as a redevelopment inhibitor. The recommendations of the evaluation study identified changes to PD No. 298 to encourage the desired development for the Ross Avenue corridor, namely: (1) subdistricts 1, 2, and 3 were combined along Ross Avenue to encourage uniform regulations for this gateway corridor; (2) razor wire and barbed wired fencing was prohibited and desired fencing materials listed; and (3) compliance dates for nonconforming uses along Ross Avenue were determined necessary to achieve the desired urban scale development and improve opportunity to maximize development potential.

Redevelopment is occurring on Ross Avenue and this request supports the changing uses along the gateway corridor.

Land Use Compatibility:

	Zoning	Land Use
Site	PDD No. 298 Subdistrict 1	Commercial Plaza; Proposed Liquor Store
North, Northeast	PDD No. 298 Subdistrict 1	Park and Single Family Residential
Southeast	PDD No. 298 Subdistrict 1	Retail
Southwest	PDD No. 298 Subdistrict 1	Vacant Land
West	PDD No. 298 Subarea 1	Vacant Auto Shop

The subject site is part of a multi-tenant commercial property. The liquor store will add a variety to the area within walking distance to single family neighborhoods to the north and northeast. The commercial plaza offers a variety of retail and personal services uses including: restaurant, hair and nail salons, and a dental office. The previous use was a medical clinic. The proposed use would be less intensive in nature.

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.

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

PARTNERS 4101-11 ROSS AVENUE JOINT VENTURE

6/13/2016

Alain Karatepeyan
Dallas LiquorLand
4101 Ross Ave STE 500
Dallas TX 75204

List of Principals: of: 4101-11 Ross Avenue JV.

- Mitchell Rasansky- Manager
- Peter Fonberg- Manager

Z156-283

**CPC Action
September 1, 2016:**

Motion I: It was moved to recommend **denial without prejudice** of a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District on the northwest corner of Ross Avenue and North Haskell Avenue.

Maker: Rieves
Second: Ridley
Result: Failed: 5 to 9

For: 5 - Rieves, Haney, Jung, Housewright, Ridley

Against: 9 - Anglin, Houston, Davis, Shidid, Anantasomboon,
Schultz, Peadon, Murphy, Tarpley

Absent: 0

Vacancy: 1 - District 7

Motion II: It was moved to recommend **approval** of a Specific Use Permit for a liquor store for a two-year period, subject to a site plan and conditions with an additional condition for hours of operation from 1:00 p.m. to 9:00 p.m. on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District on the northwest corner of Ross Avenue and North Haskell Avenue.

Maker: Anglin
Second: Houston
Result: Carried: 10 to 4

For: 10 - Anglin, Houston, Davis, Shidid, Anantasomboon,
Jung, Schultz, Peadon, Murphy, Tarpley

Against: 4 - Rieves, Haney, Housewright, Ridley

Absent: 0

Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 18
Replies: For: 0 Against: 1

Speakers: For: Alain Karatepeyan, 3631 Word St., Dallas, TX, 75204
Adam Tucker, 2110 Peak St., Dallas, TX, 75204
Ivan Pacheco, 5200 Gaston Ave., Dallas, TX, 75214
Doyle Watson Jr., 4108 Live Oak St., Dallas, TX, 75204
Gayl Hobbs, 4207 Live Oak St., Dallas, TX, 75204
Against: Brent Foster, 4101 Ross Ave., Dallas, TX, 75219
Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214

Blu Chappel, 4101 Ross Ave., Dallas, TX, 75219
Jim Anderson, 4706 Swiss Ave., Dallas, TX, 75204

CPC Action
August 18, 2016:

Motion: In considering an application for a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District on the northwest corner of Ross Avenue and North Haskell Avenue, it was moved to **hold** this case under advisement until September 1, 2016.

Maker: Rieves
Second: Houston
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

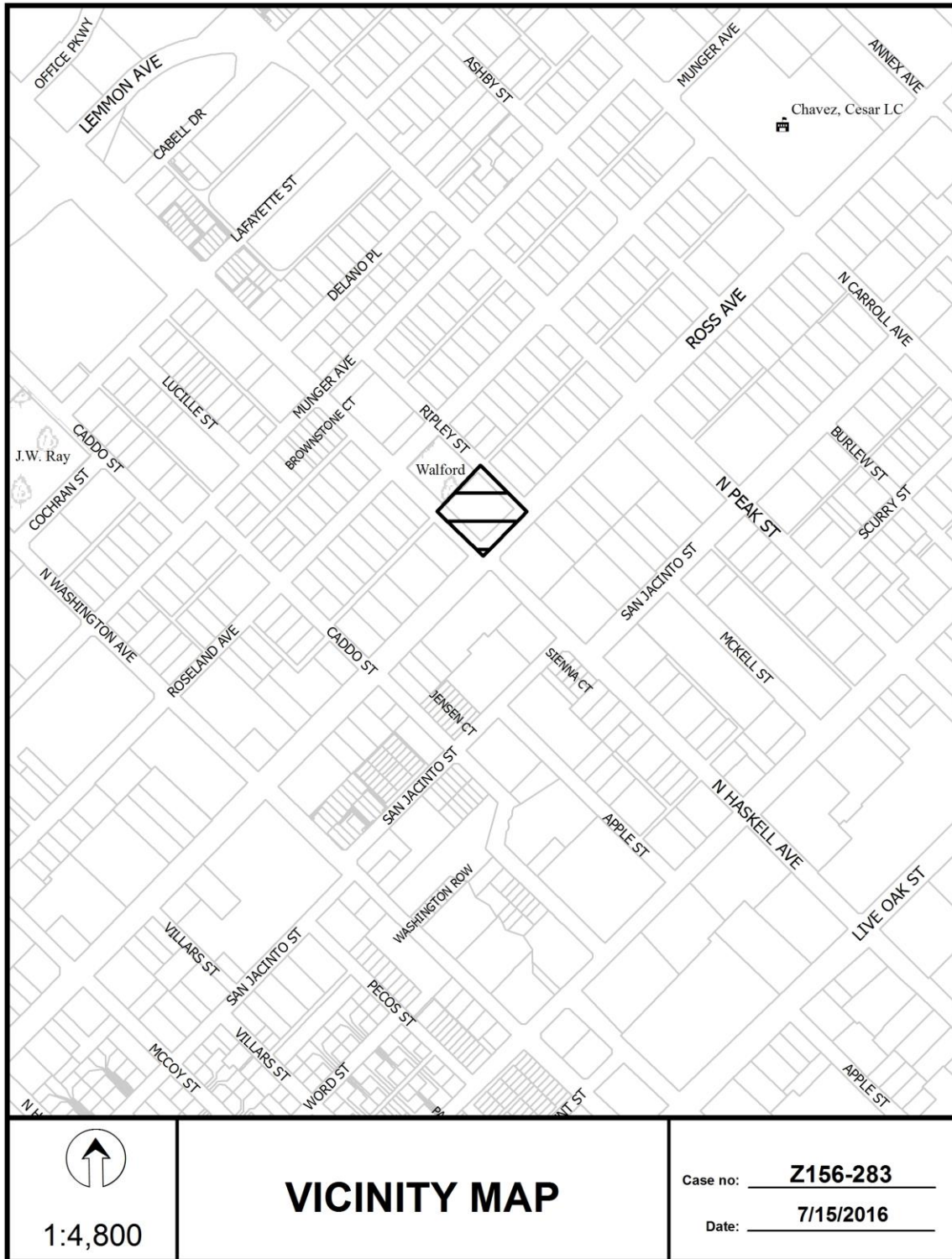
Against: 0
Absent: 0
Vacancy: 1 - District 7

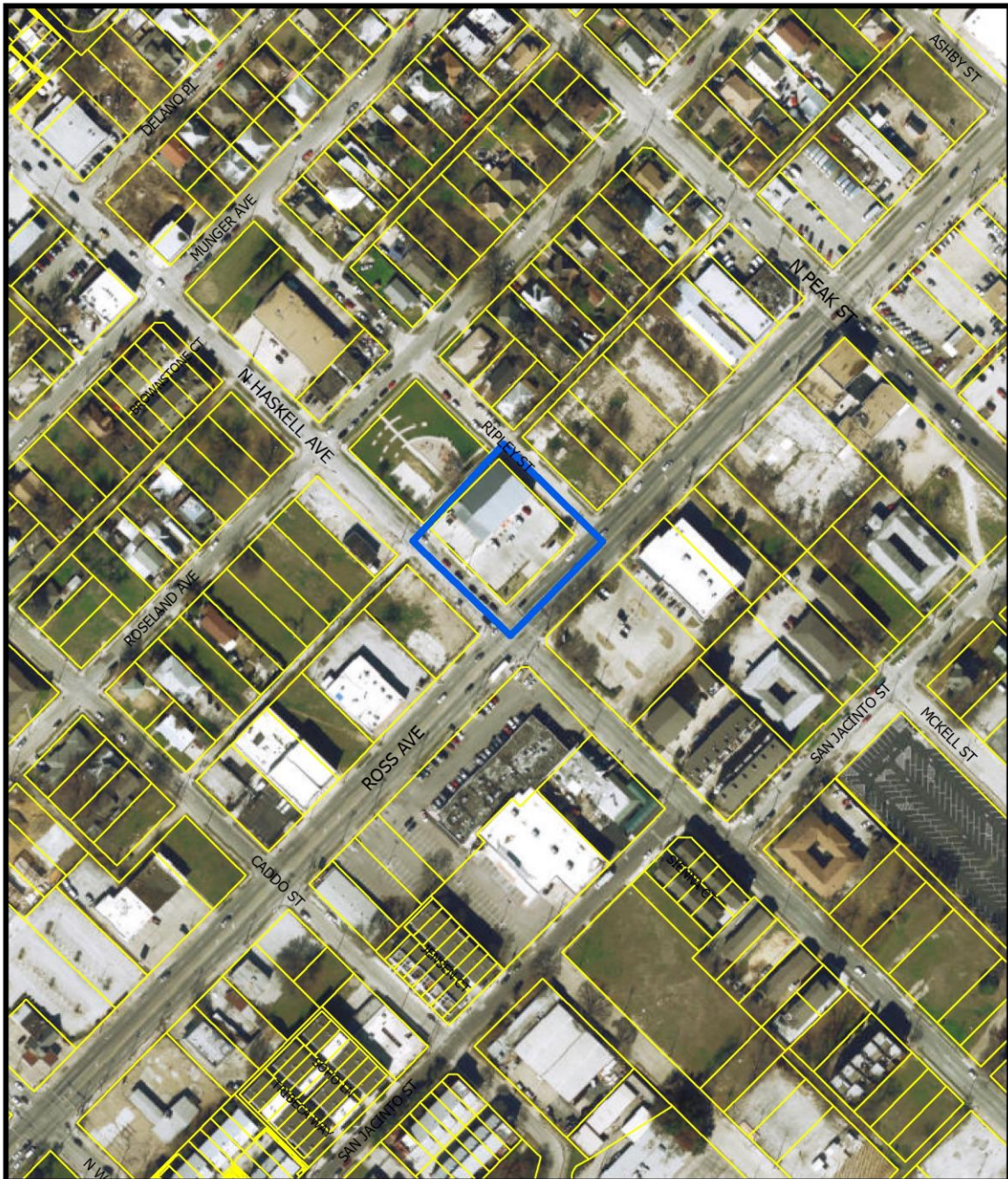
Notices: Area: 200 Mailed: 18
Replies: For: 0 Against: 1

Speakers: For: Alain Karatepeyan, 3631 Word St., Dallas, TX, 75204
 Against: Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a liquor store.
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.
4. FLOOR AREA: The maximum floor area for a liquor store is 2,400 square feet in the location shown on the site plan.
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.



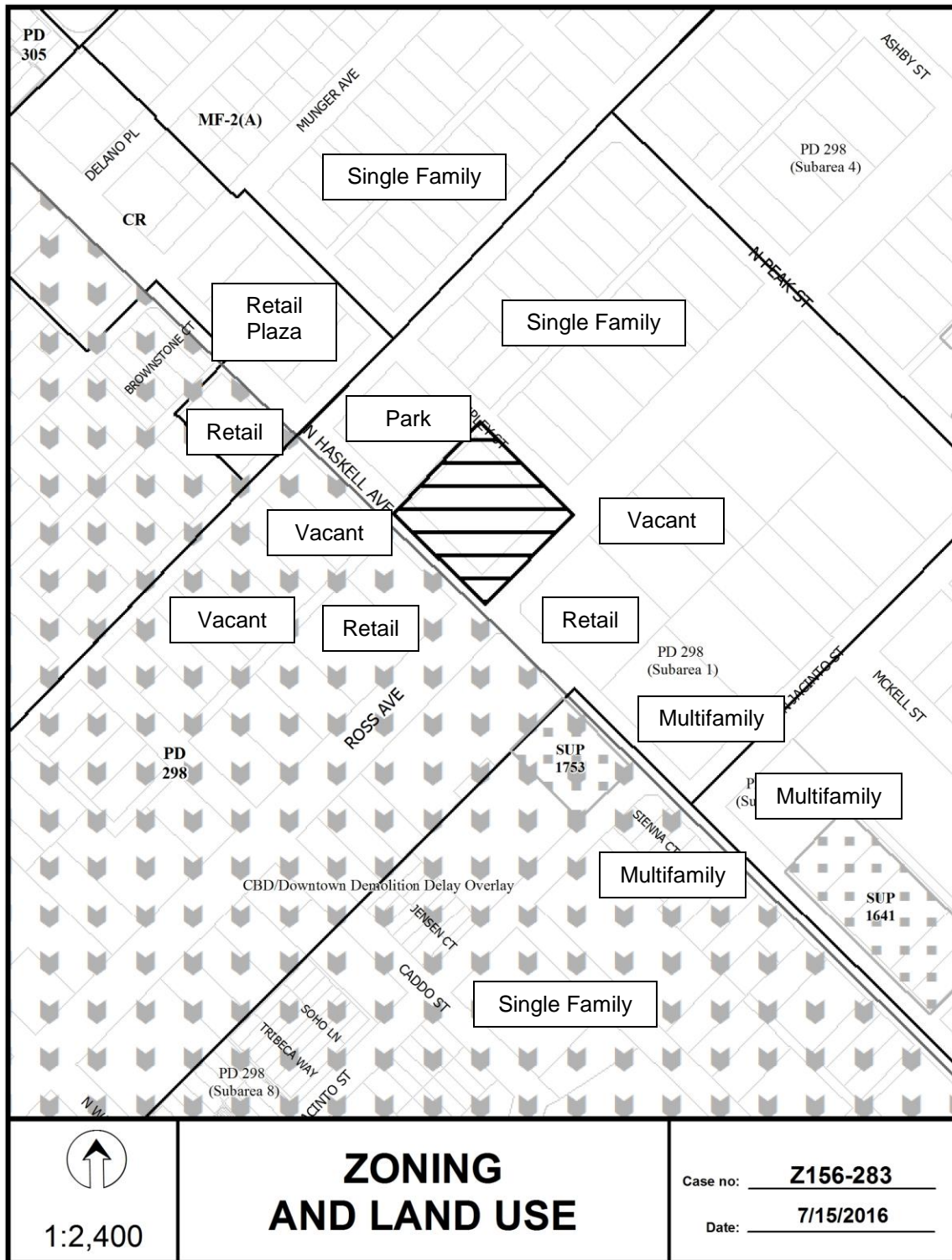


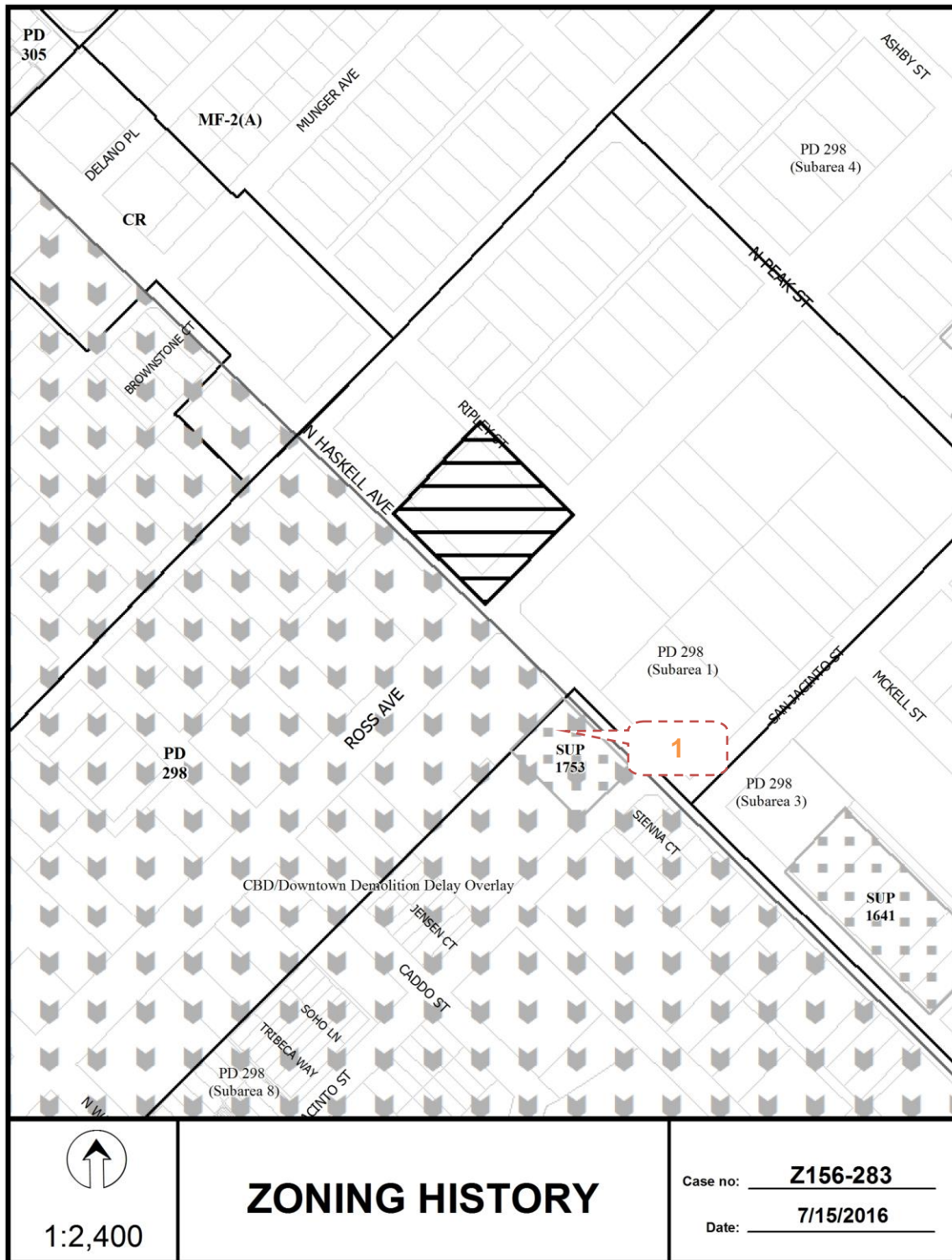
1:2,400

AERIAL MAP

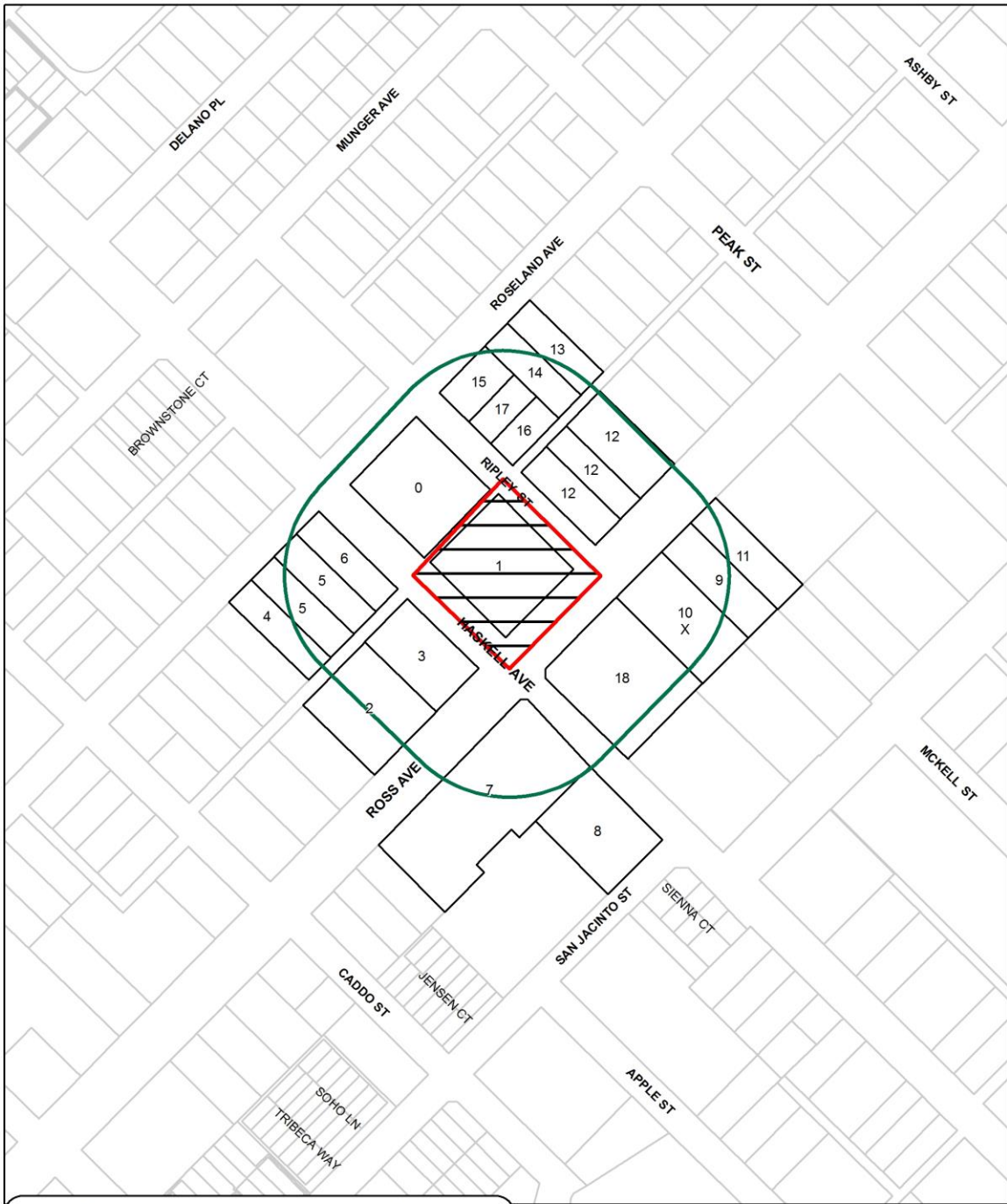
Case no: Z156-283

Date: 7/15/2016





CPC RESPONSES



<u>18</u>	Property Owners Notified (22 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>9/1/2016</u>	Date

Z156-283
CPC



1:2,400

08/31/2016

Reply List of Property Owners***Z156-283******18 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	4101 ROSS AVE	4101-11 ROSS AVENUE
	2	4001 ROSS AVE	PRESCOTT INTERESTS LTD
	3	4017 ROSS AVE	TOMAINO PROPERTIES LP
	4	4004 ROSELAND AVE	MH RESIDENTIAL PROPERTIES 4 LLC
	5	4008 ROSELAND AVE	MH RESIDENTIAL PROPERTIES1 LLC
	6	4016 ROSELAND AVE	TOMAINO PPTIES LP
	7	4004 ROSS AVE	ROSS AVE RETAIL LLC
	8	1605 N HASKELL AVE	CASS DON TR
	9	4206 ROSS AVE	4206 ROSS PARTNERS LTD
X	10	4202 ROSS AVE	COMMANDERS GIFT LLC
	11	4210 ROSS AVE	PAGANELLA HOLDINGS LLC
	12	4201 ROSS AVE	4201 ROSS LTD
	13	4214 ROSELAND AVE	ORTA REINALDO
	14	4210 ROSELAND AVE	KIM RACHEL
	15	4202 ROSELAND AVE	MCKENZIE RHODIA M
	16	1714 RIPLEY ST	VEGA CHONITA ARREDONDO
	17	1718 RIPLEY ST	LONGORIA CRECENCIA
	18	4202 ROSS AVE	4206 ROSS PARTNERS LTD

AGENDA ITEM # 56

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 36 X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District uses with a MD-1 Modified Delta Overlay, on the west line of Greenville Avenue, south of Sears Street
Recommendation of Staff: Approval for a four-year period, subject to conditions
Recommendation of CPC: Approval for a three-year period, subject to conditions
Z156-300(WE)

FILE NUMBER: Z156-300(WE) **DATE FILED:** July 7, 2016
LOCATION: West line of Greenville Avenue, south of Sears Street
COUNCIL DISTRICT: 14 **MAPSCO:** 36 X
SIZE OF REQUEST: Approx. 1,475 sq. ft. **CENSUS TRACT:** 10.02

APPLICANT: Sammy J. Mandell III

OWNER: 1919-27 Greenville Ltd.
Hope Street, General Partner
Susan Reese, Member

REPRESENTATIVE: Sammy J. Mandell III

REQUEST: An application for the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District uses with a MD-1 Modified Delta Overlay.

SUMMARY: The purpose of this request is to continue to operate an existing restaurant without drive-in or drive-through use past 12:00 a.m. [Greenville Avenue Pizza Company]. The owner is in compliance with the approved conditions and there are no changes to the site plan.

CPC RECOMMENDATION: Approval for a three-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a four-year period, subject to conditions.

BACKGROUND INFORMATION:

- The existing improvements are utilized for a restaurant without drive-in service. Additionally, the applicant received a private license to use a 253 square foot area of the public sidewalk for an uncovered patio area (see attached site plan).
- On January 26, 2011, the City Council approved Planned Development District No. 842 for CR District Uses, and furthermore required a Specific Use Permit for any retail and personal service uses operating after 12:00 a.m.
- The area of request contains two Specific Use Permits: Specific Use Permit No. 1905 and Specific Use Permit No. 2044. Specific Use Permit No. 1955 is being considered for the renewal of a late-hours establishment limited to an alcoholic beverage establishment limited to a restaurant without drive-in service.
- On September 14, 2011, the City Council approved SUP No. 1905 for a late-hours establishment limited to an alcoholic beverage establishment limited to a restaurant without drive-in service for a two-year period. On December 11, 2013, the City Council approved a renewal of SUP No. 1905 for a three-year period.
- The applicant is requesting the renewal of SUP No. 1905 to continue operation of the existing use past 12:00 a.m.
- On August 28, 2013, the City Council approved SUP No. 2044 for a late-hours establishment limited to an alcoholic beverage establishment limited to a restaurant without drive-in service for a one-year period. On August 13, 2014, the City Council approved a renewal of SUP No. 2044 for a three-year period and is eligible for automatic renewals for additional two year periods.
- The site lies within the Area 3 portion of Modified Delta Overlay No. 1.
- **Zoning History:** There have been approximately five zoning cases in the area over the past five years. The majority of the cases requested a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment limited to a restaurant without drive-in or drive-through use. During this time period several cases were for renewals of SUP for a late-hour establishment.

1. Z101-303 On September 14, 2011, the City Council approved a Specific Use Permit for a Late-hours establishment limited to a restaurant without drive-in service for a five-year period subject to a site plan and conditions [request site]

2. Z101-326 On September 14, 2011, the City Council approved a Specific Use Permit for a Late-hours establishment limited to a restaurant without drive-in service for a two-year period

subject to a site plan and conditions.

3. Z123-262 On August 28, 2013, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in service for a one-year period subject to a site plan and conditions.
4. Z132-204 On August 28, 2013 the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in service for a three-year period with eligibility for automatic renewals for additional two year periods, subject to conditions.
5. Z156-294 On September 15, 2016 the City Plan Commission will consider a renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to a bar, lounge or tavern.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Greenville Avenue	Local	50 ft.	50 ft.

Traffic: The Engineering Section of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental 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 Plan identifies the request site along a Main Street Block.

Main streets are modeled after the American tradition of “main street” as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away from the “main street,” density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the “main street” to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

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

Area Plans: Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that “the City enforce premise code violations as it does in other parts of the City of Dallas”. Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that “initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action.” Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Modified Delta Overlay No. 1: The request site is located within Modified Delta Overlay No. 1. In general terms, ‘delta theory’ means the number of nonconforming parking or loading spaces for a use that may be carried forward when the use is converted or expanded (see attached Delta Theory).

The ‘modified delta’, in effect, prohibits the application of the delta theory due to a ceasing of a need to encourage redevelopment and adaptive reuse of existing structures or that the continued application of the delta theory will create traffic congestion and public safety issues.

The site lies within Modified Delta Overlay No. 1 (MD-1), which consists of three ‘Areas’ in an area generally bounded by Ellsworth Avenue, west of Matilda Street, north of Ross Avenue, and east of Summit Avenue/Worcola Street. This site lies within the Area 3 portion of MD-1 which was adopted by the City Council on October 1, 1987.

A June 14, 1995 City Council resolution provides for replacing parking in the right-of-way that is lost due to locating public dining space (subject to the granting of a private license) within this area, and requiring parking for the public dining area (1 space/300 square feet of public dining space). Lastly, a June 28, 1995 amendment to the ordinance provides for the following: 1) a use that is discontinued or remains vacant for

12 months loses the right to carry forward nonconforming parking/loading under the delta theory; 2) the Board of Adjustment may not grant a special exception for required parking; 3) walking distance for remote parking is increased to 900 feet; and, 4) special parking may account for more than 50% of required parking for a use.

	Zoning	Land Use
Site	PDD No. 842, SUP No. 1905 & SUP No. 2044	Restaurant w/out drive-in or drive through service
North	PDD No. 842	Restaurant
South	PDD No. 842	Restaurant
East	PDD No. 842	Surface parking, Multifamily
West	PDD No. 842	Restaurant

LAND USE COMPATIBILITY: The 1,475 square foot site is located within an existing two-story, multi-tenant building. The mix of uses in the existing multi-tenant building consist of various retail and personal service uses and Specific Use Permit No. 2044 for a late hours establishment limited to a restaurant without drive-in service.

The request for a renewal of Specific Use Permit No. 1905 will allow the applicant to continue to operate the facility past 12:00 a.m. [the next day] and use the existing outdoor patio. In September 2011, the City Council approved Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in service. This is the third request by the applicant for a renewal of SUP No. 1905. In 2011, the Building Official updated the applicant’s certificates of occupancy from a general merchandise or food store 3,500 square feet or less to a restaurant use without drive-in service.

The request site is surrounded by a mix of office and retail uses. The nearest residential development is approximately 421 feet northeast of the request site, across Greenville Avenue. The applicant’s request is to continue to operate a restaurant without drive-in or drive-through use past 12:00 a.m.

The purpose of PDD No. 842 is to ‘ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues.’ As defined in the PDD, a late-hours establishment is any retail or personal service use that operates between 12:00 a.m. and 6:00 a.m., and furthermore requires an SUP for this defined use. Additionally, the City Council adopted a compliance date of September 23, 2011 for any retail and personal service use operating beyond 12:00 a.m. to obtain the required SUP.

PDD No. 842 establishes the following criteria for consideration of an SUP for a late-hours establishment:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

- (1) the number of citations issued by police to patrons of the establishment;
- (2) the number of citations issued by police for noise ordinance violations by the establishment;
- (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
- (4) the number of Texas Alcoholic Beverage Code violations of the establishment; and
- (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

The applicant has operated at this location in a responsible manner, with three reported offenses during a twenty-one month period based on the above criteria. In addition to the regulations of PDD No. 842, the Dallas Development Code establishes general criteria for any use requiring an SUP:

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.

The use is compatible with the surrounding commercial and entertainment uses and should not negatively impact the area from a land use perspective. The applicant is in compliance with the existing approved conditions and there are no changes to the site plan. There are several Specific Use Permits that have been approved for late-hours establishments limited to a restaurant without drive-in service along the Greenville Corridor.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 842	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: The request site will not trigger any landscaping that will comply will Article X. The existing development is not increasing any floor area or impervious surface.

Parking: Since 2007, the request site has been operating as a restaurant without a drive-in or drive through use. The existing restaurant requires and provides 15 off-street parking spaces. It should be noted the applicant and the property owner are aware of the requirement that off-street parking (one space for each 100 square feet of patio area) must be provided for utilization of the patio area.

Dallas Police Department: The following chart list the number of citations the request site occurred during the last 21 months based on the criteria in PDD No. 842 for a late hour establishment.

Citations within the last 24 months (01/2014 – 09/2016)

Factors to be considered	Request site
Number of Citations issued by police to patrons of the establishment	2
Number of Citations issued by police for noise ordinance violations by the establishment	0
Number of arrests for public intoxication or disorderly conduct associated with the establishment	1
Number of Texas Alcoholic Beverage Code violations of the establishment	0
Number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment	0
Total	3

CPC Action (September 15, 2016)

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through use for a three-year period, subject to conditions on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay, on the west line of Greenville Avenue, south of Sears Street.

Maker: Rieves
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy

Against: 0
Absent: 2 - Ridley, Tarpley
Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 20
Replies: For: 5 Against: 0

Speakers: None

**CPC PROPOSED SUP
CONDITIONS**

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant without drive-in or drive-through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation

3. TIME LIMIT: This specific use permit expires on [~~December 11, 2016~~], (three-year period from the passage of this ordinance).

Staff's Recommendation

4. TIME LIMIT: This specific use permit expires on [~~December 11, 2016~~], (four-year period from the passage of this ordinance).

5. FLOOR AREA:
 - A. The maximum floor area is 1,475 square feet.
 - B. The maximum outdoor patio area is 253 square feet in the location shown on the attached site plan.
 - C. The patio must be uncovered.
 - D. The owner or operator must obtain a private license for an outdoor patio, with a copy of the private license provided to the building official, before the outdoor patio may be used by customers.

5. HOURS OF OPERATION:
 - A. The late-hours establishment may only operate between 12:00 a.m. (midnight) and 3:00 a.m., Tuesday, Wednesday, Thursday, and Sunday, and between 12:00 am. (Midnight) and 4:00 a.m., Friday and Saturday.

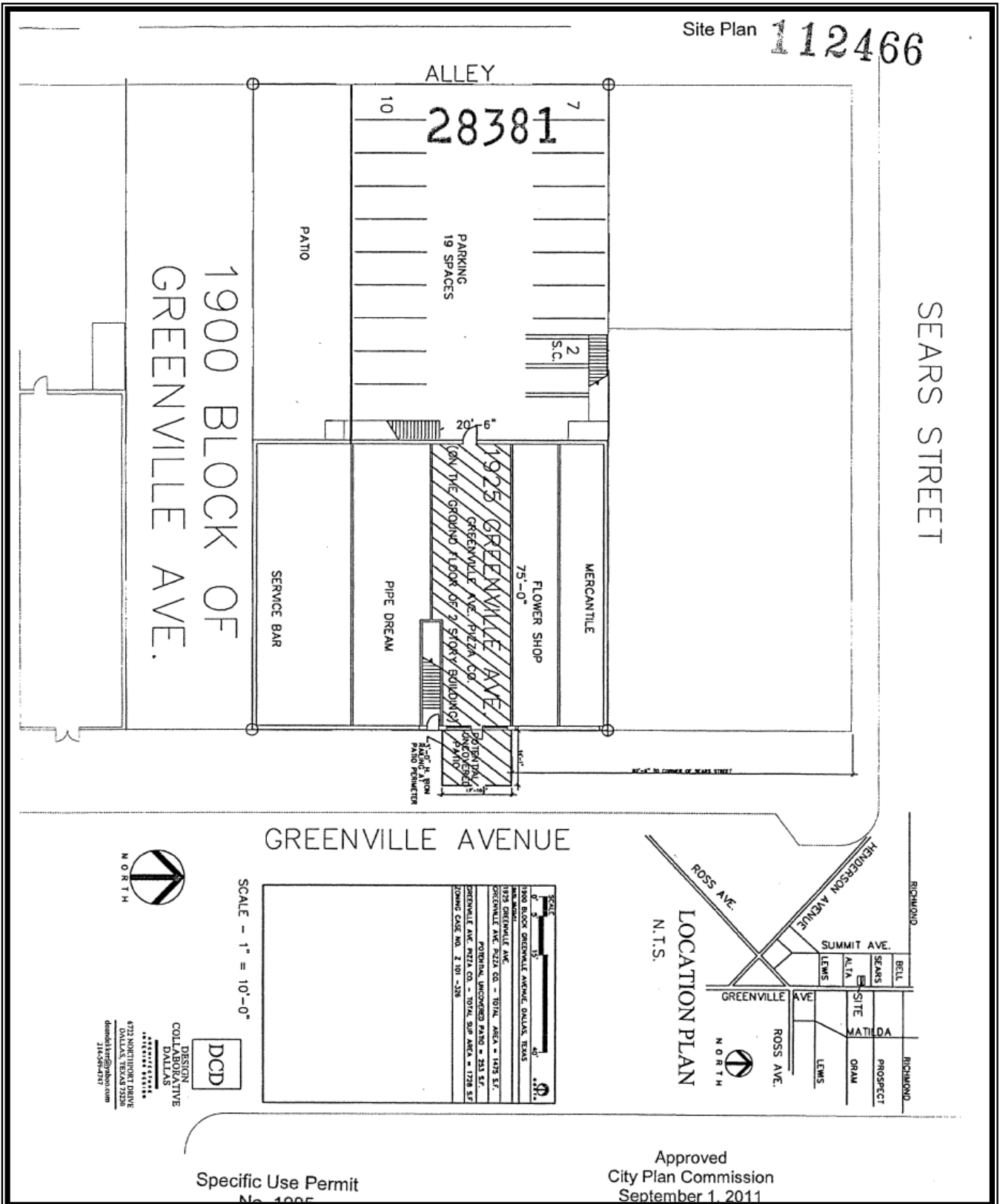
6. OUTDOOR LOUDSPEAKERS: Use of outdoor loudspeakers on the Property is prohibited.

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.

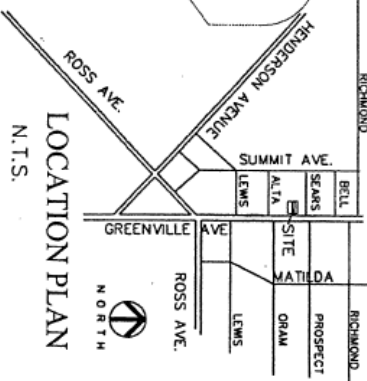
EXISTING SITE PLAN

Site Plan 112466



GREENVILLE AVENUE

SEARS STREET



LOCATION PLAN
N.T.S.

SCALE - 1" = 10'-0"



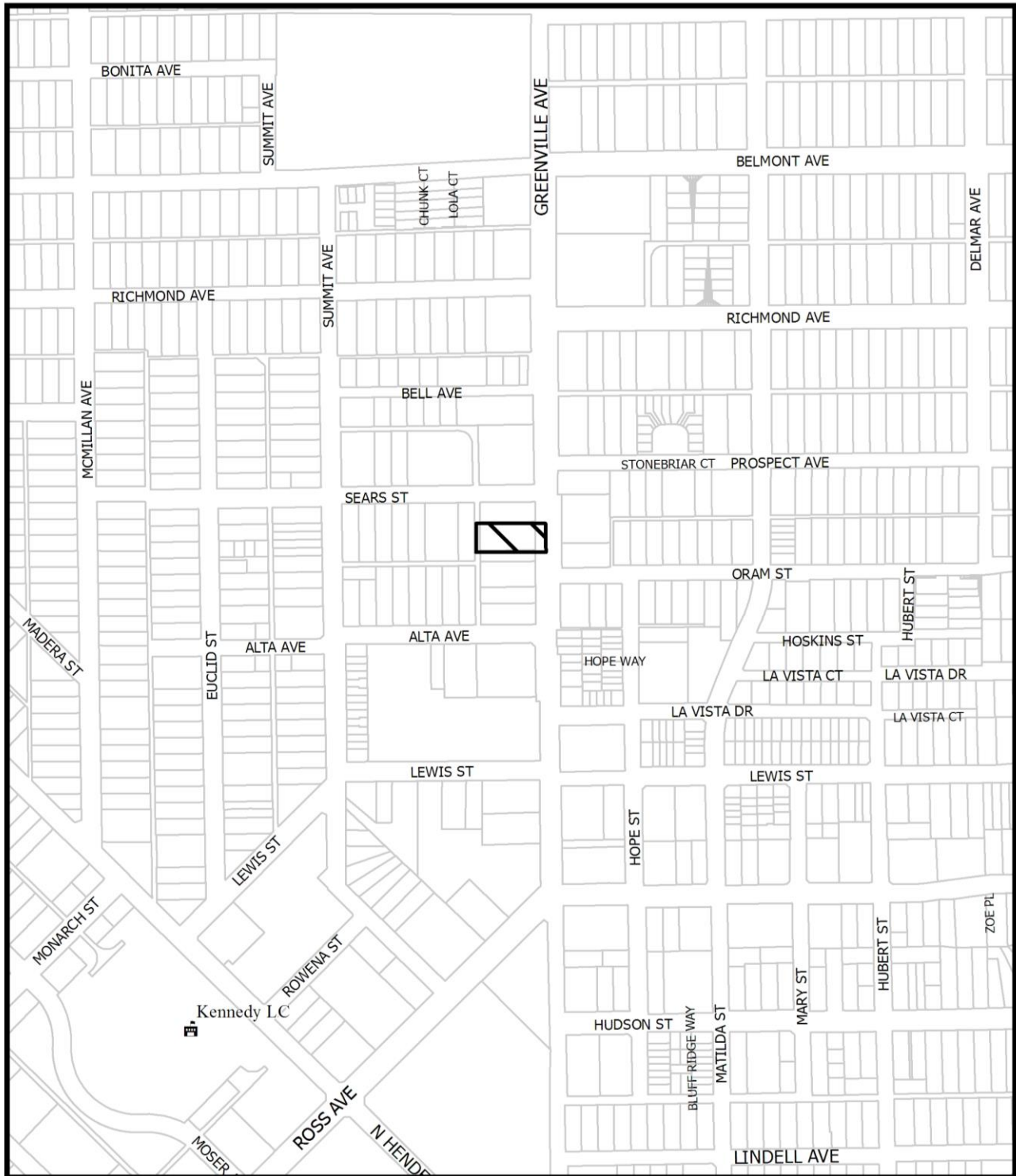
DESIGN COLLABORATIVE DALLAS
6722 NORTHLIGHT DRIVE
DALLAS, TEXAS 75228
dallas@designcoll.com
214-358-7571



1900 BLOCK GREENVILLE AVENUE, DALLAS, TEXAS
1900 BLOCK GREENVILLE AVENUE
GREENVILLE AVE. PIZZA CO. - TOTAL AREA = 1425 S.F.
PROSPECT UNINCORPORATED PIZZA CO. 261 S.F.
GREENVILLE AVE. PIZZERIA CO. TOTAL S.P. AREA = 129 S.F.
CONV. CASE NO. 1101-348

Specific Use Permit
No. 1005

Approved
City Plan Commission
September 1, 2011



1:4,800

VICINITY MAP

Case no: Z156-300

Date: 8/11/2016

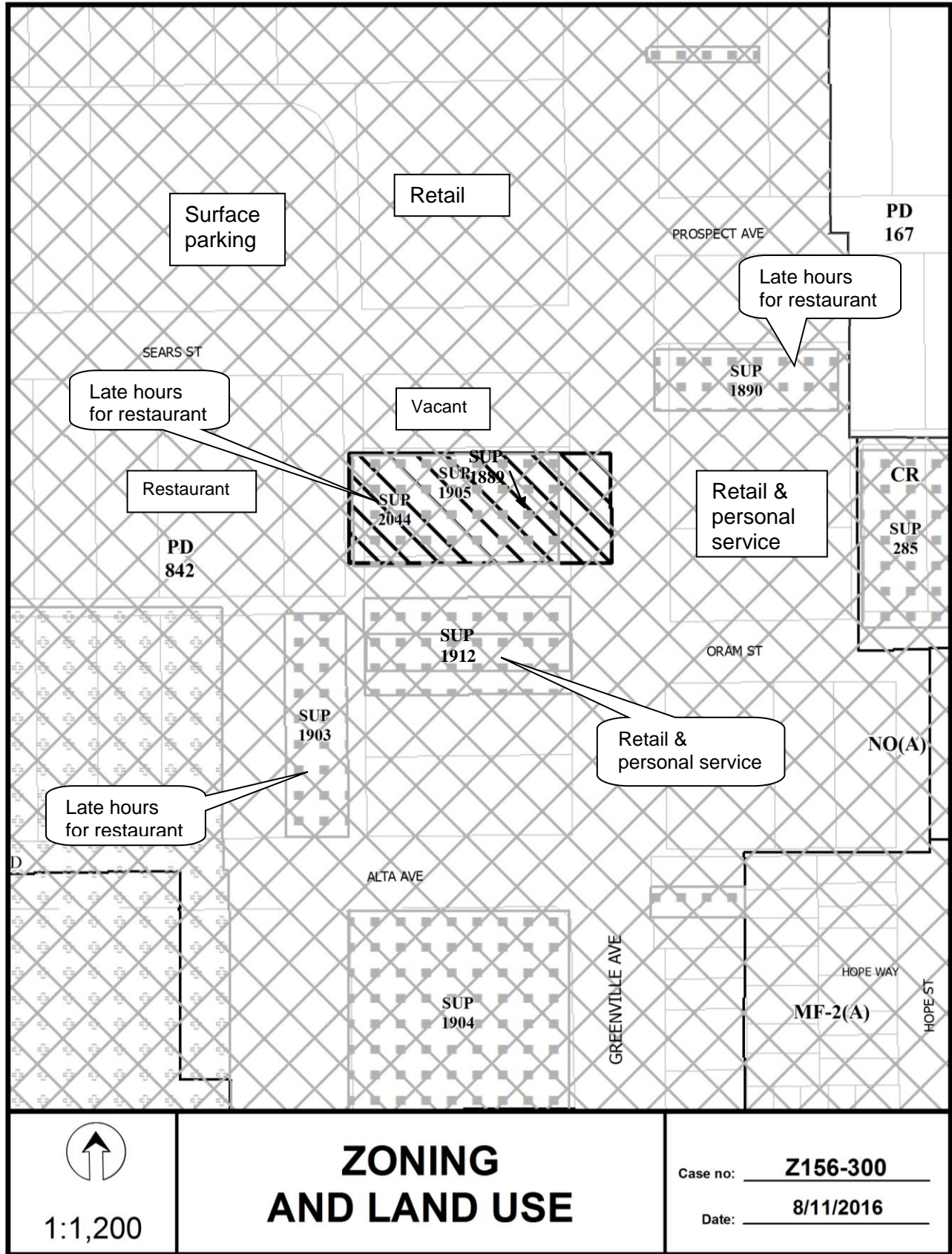


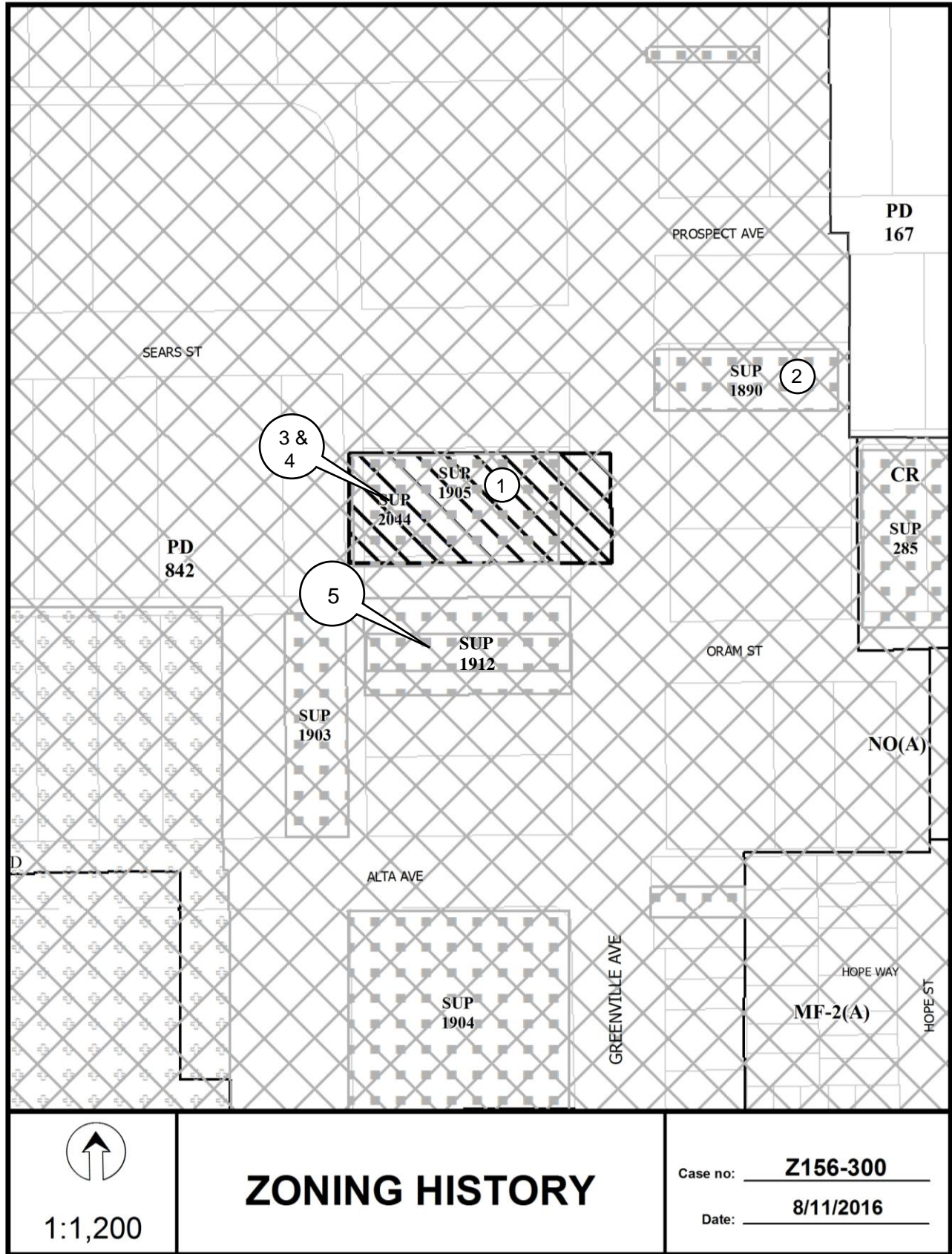
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AERIAL MAP

Case no: Z156-300

Date: 8/11/2016





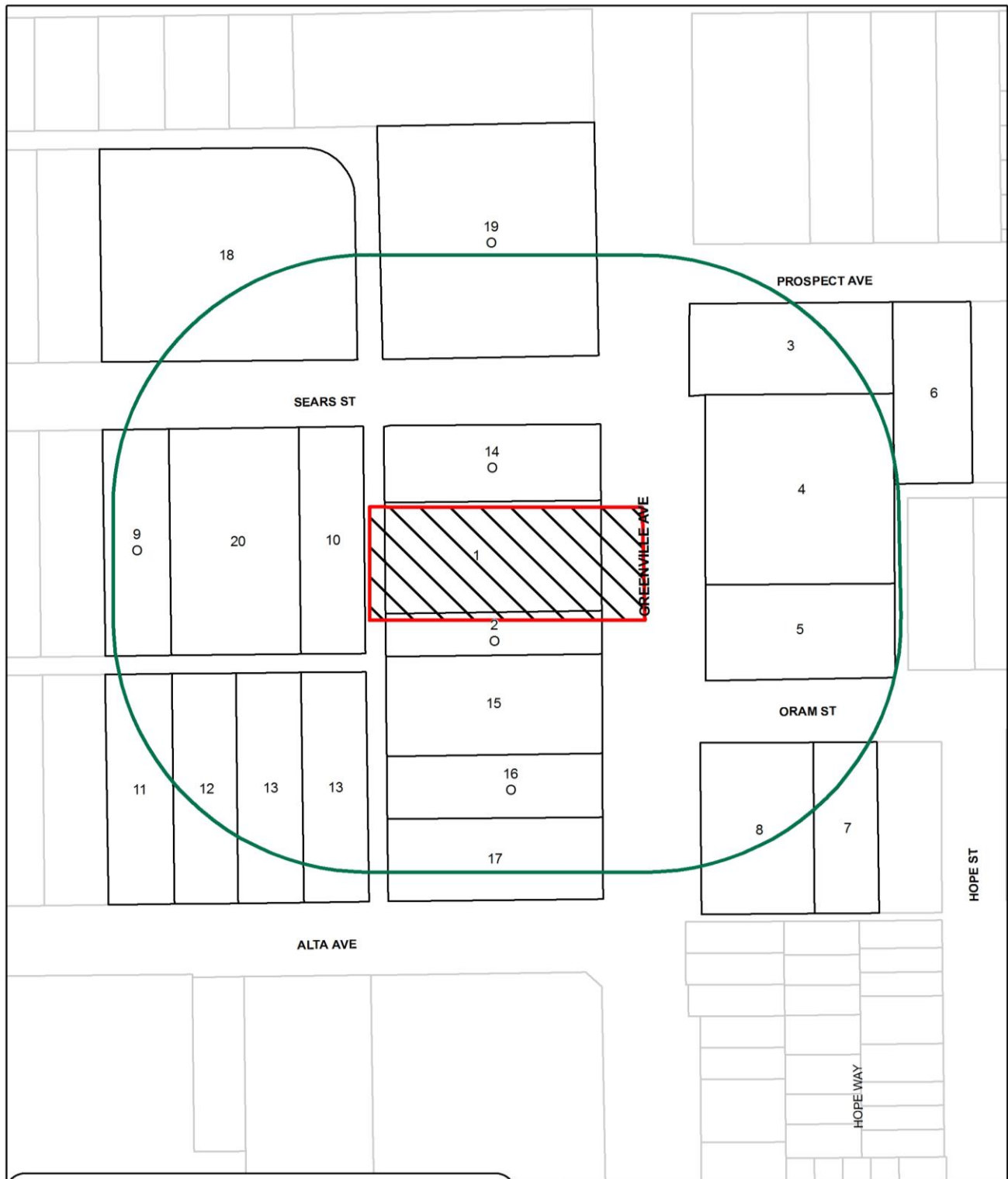
1:1,200

ZONING HISTORY

Case no: Z156-300

Date: 8/11/2016

CPC RESPONSES



<u>20</u>	Property Owners Notified (21 parcels)
<u>5</u>	Replies in Favor (5 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/15/2016</u>	Date

Z156-300
CPC



1:1,200

Notification List of Property Owners

Z156-300

20 Property Owners Notified 5 Property Owners in Favor 0 Property Owners Opposed

Reply	Label #	Address	Owner
	1	1919 GREENVILLE AVE	1919 27 GREENVILLE LTD
O	2	1917 GREENVILLE AVE	WORLD WIDE FOOD INC
	3	2026 GREENVILLE AVE	ANDRES FAMILY TRUST
	4	2008 GREENVILLE AVE	LAVO PROPERTIES LLC
	5	2000 GREENVILLE AVE	LANDE PAUL &
	6	5716 PROSPECT AVE	ANDRES FAMILY TRUST
	7	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
	8	1928 GREENVILLE AVE	LOWGREEN PS
O	9	5618 SEARS ST	GREENVILLE HOLDINGS CO
	10	5628 SEARS ST	ANDRES FAMILY TRUSTS
	11	5619 ALTA AVE	THACKER RICHARD E JR
	12	5623 ALTA AVE	SHIELDS WILLIAM OLIVER
	13	5627 ALTA AVE	LOWGREEN PS LTD
O	14	1931 GREENVILLE AVE	GREENWAY SEARS LP
	15	1911 GREENVILLE AVE	INTERCITY INVESTMENT PROP
O	16	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
	17	1903 GREENVILLE AVE	LOWGREEN PS
	18	5623 SEARS ST	2001 GREENVILLE VENTURE LTD
O	19	2001 GREENVILLE AVE	2001 GREENVILLE VENTURE LTD
	20	5622 SEARS ST	5624 SEARS STREET LTD

AGENDA ITEM # 57

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 49 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road

Recommendation of Staff and CPC: Approval
Z156-234(JM)

Note: This item was considered by the City Council at a public hearing on September 28, 2016, and was deferred until October 26, 2016, with the public hearing open

FILE NUMBER: Z156-234(JM)

DATE FILED: March 15, 2016

LOCATION: Southwest corner of Forney Road and North Prairie Creek Road

COUNCIL DISTRICT: 7

MAPSCO: 49-N

SIZE OF REQUEST: ±2.4496 acres

CENSUS TRACT: 121.00

APPLICANT/OWNER: West Texas Rebar Placers, Inc.

REPRESENTATIVE: Marco A. Hernandez

REQUEST: An application for a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant is requesting the zoning change in order to operate a contractor maintenance yard. The intent is to store heavy equipment on-site, and do necessary maintenance and repairs to that equipment. An office is intended to be on-site, as well.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning district allows uses that are similar, but with greater restrictions for height. The Commercial Service District adds 18 uses, primarily in the retail and personal services, and wholesale, distribution, and storage uses categories. More information is provided under Development Standards and Land Use Comparison sections of this report.
2. Development on this block is similar to the requested use, but not allowed. The property is not currently in use, although there is some machinery being stored pending the outcome of this case.
3. *Traffic impact* – The proposed zoning will not have a negative impact on the existing street system.
4. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in a Business Center or Corridor Building Block. While the proposed district is inconsistent with this building block, it generally supports economic goals within the comprehensive plan. Additionally, the proposed district and use are consistent with surrounding land use patterns.

Zoning History: There have been no recent zoning cases in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Forney Road	Community Collector (S-4-D)	80 feet
Prairie Creek Road	Principal Arterial (M-6-D(A))	100 feet

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

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

The proposed 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 ultimately supports the intended Building Block and is a less intensive industrial-type of zoning.

Finally, the proposed zoning request meets the following goals and objectives of the comprehensive plan:

Vision: Embrace all types of land use. Workshop participants were interested in having a wide range of land use options and scale in Dallas. While some land use types reflect a definite nod toward autos, others focused more heavily on walking and bicycling. Variety is the key in what workshop participants wanted for land use types throughout the city, recognizing differences in appropriateness and scale from place to place.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

A business friendly environment is essential for Dallas to maintain competitiveness in the regional and global marketplace.

Land Use Compatibility:

	Zoning	Land Use
Site	LI w/D-1 Overlay	Vacant (storage of equipment)
North	LI w/D-1 Overlay	Vacant land, warehouse & distribution centers (freight terminal)
East	LI w/D-1 Overlay	Tool or equipment rental
South	LI w/D-1 Overlay	Cell tower, railroad, vacant land
West	LI w/D-1 Overlay	Tool or equipment rental

The request site is ± 2.5 acres situated between several industrial parks and business centers. Immediately adjacent zoning is Light Industrial. Surrounding land uses are of an industrial nature. Many have outside storage of semi-trucks and trailers. The proposed CS Commercial Service District and contractor’s maintenance yard use seems compatible with the area.

The request to rezone is to allow for a contractor’s maintenance yard use, which includes the outside storage of equipment. This will require screening of the entire site. The screening will provide a transitional buffer as the area continues to change over time. While an industrial zoning district like CS Commercial Service is not typically a zoning district that is envisioned for Business Center or Corridor Building Blocks, given that LI is the existing zoning on the property, and because the site and surrounding area are being commercially utilized for industrial uses, the request can be supported. The subject site is adjacent to industrial and business parks on the fringe of Dallas city limits and Mesquite city limits.

Development Standards:

DISTRICT	Setbacks		FAR	Height	Lot Coverage	Primary Uses
	Front	Side/Rear				
Existing						
LI Light Industrial	15'	0'	0.5 to 1.0	70'	80%	Commercial & business service, wholesale, distribution & storage, retail & personal service, office, and utility and public service uses. A few industrial uses.
Proposed						
CS Commercial Service	0'	0'	0.75 to 1.0	45'	80%	Commercial & business service, wholesale, distribution & storage, retail & personal service, office, and utility and public service uses. A few industrial uses.

Land Use Comparison:

	Proposed	Existing
Use	CS	LI
Vehicle or engine repair or maintenance.	RAR	X
Alcoholic beverage manufacturing.		RAR
Inside industrial.		RAR
Temporary concrete or asphalt batching plant.		By CBO authorization
Convent or monastery.	X	
Public School.	RAR	SUP
College dormitory, fraternity, or sorority house.	X	
Ambulance service.	RAR	
Animal shelter or clinic without outside run.	RAR	X
Alcoholic beverage establishments*	SUP	Check Use
Commercial amusement (outside).	DIR	
Convenience store with drive-through.	SUP	
Drive-in theater.	SUP	
General merchandise or food store greater than 3,500 square feet.	X	
Liquefied natural gas fueling station.	SUP	Check Use
Liquor store.	X	
Mortuary, funeral home, or commercial wedding chapel.	X	
Nursery, garden shop, or plant sales.	X	
Use	CS	LI
Outside sales.	SUP	
Pawn shop.	X	
Swap or buy shop.	SUP	
Auto auction.	SUP	
Building mover's temporary storage yard.	SUP	
Contractor's maintenance yard.	RAR	
Petroleum product storage and wholesale.	SUP	

Sand, gravel, or earth sales and storage.	SUP	
Vehicle storage lot.	SUP	
Accessory pathological waste incinerator.	X	
<p style="text-align: center;"><i>X indicates permitted by right.</i></p> <p style="text-align: center;"><i>SUP indicates permitted with a Specific Use Permit.</i></p> <p style="text-align: center;"><i>RAR indicates permitted, but subject to Residential Adjacency Review.</i></p> <p style="text-align: center;"><i>DIR indicates permitted, but subject to Development Impact Review.</i></p> <p style="text-align: center;"><i>Check Use indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.</i></p> <p style="text-align: center;"><i>By CBO Authorization indicates that the use may be allowed with permission from the Chief Building Official.</i></p>		

Z156-234(JM)

WEST TEXAS REBAR PLACERS, INC.

**10209 Plano Rd. Suite 101
Dallas, Texas 75238**

**PHONE: (214) 221-1333
FAX: (214) 221-1303**

Marco A. Hernandez – President

Magno A. Hernandez – Vice-President

Z156-234

CPC Action:

September 1, 2016

Motion: It was moved to recommend **approval** of a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road.

Maker: Anantasomboon

Second: Davis

Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid*,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 0

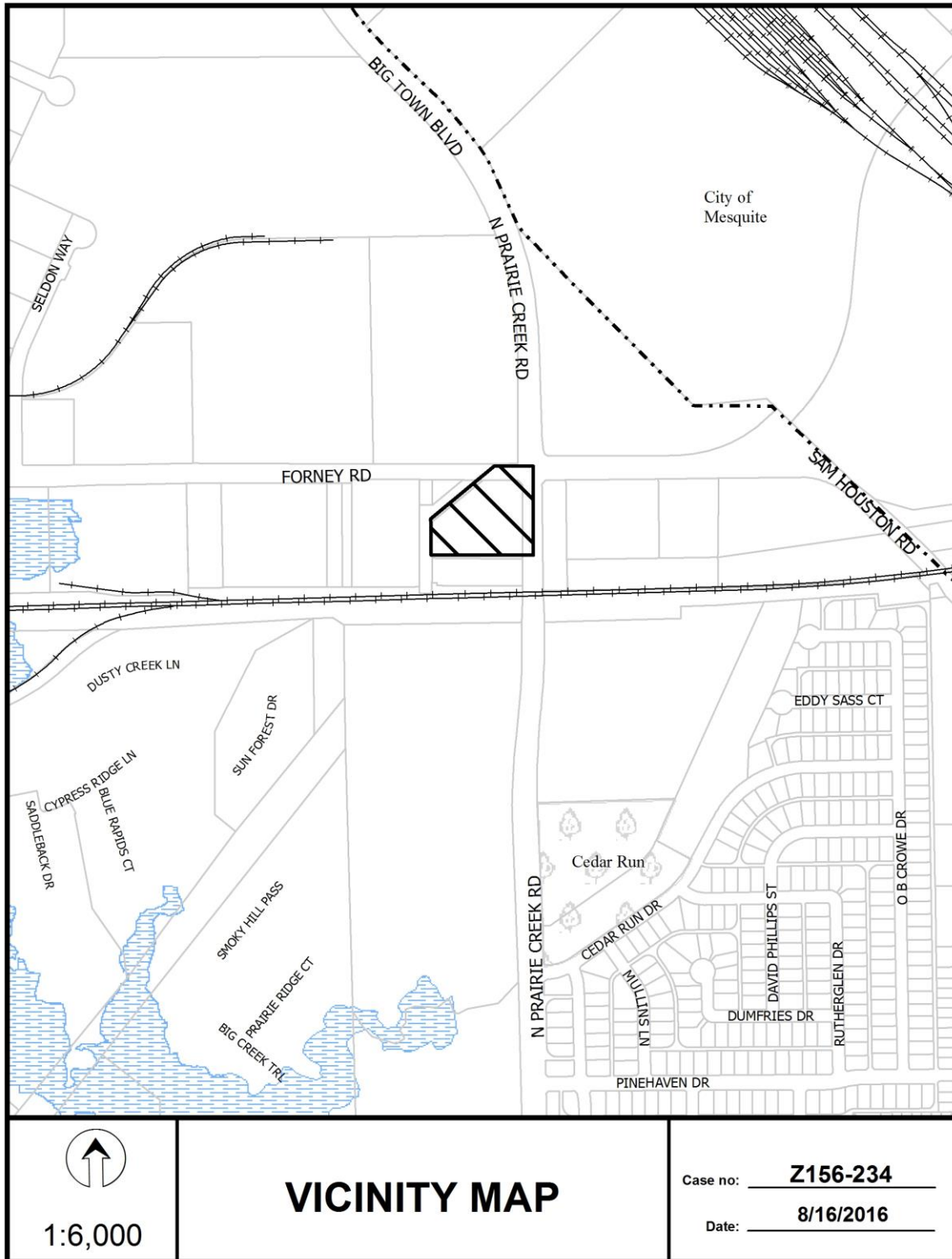
Vacancy: 1 - District 7

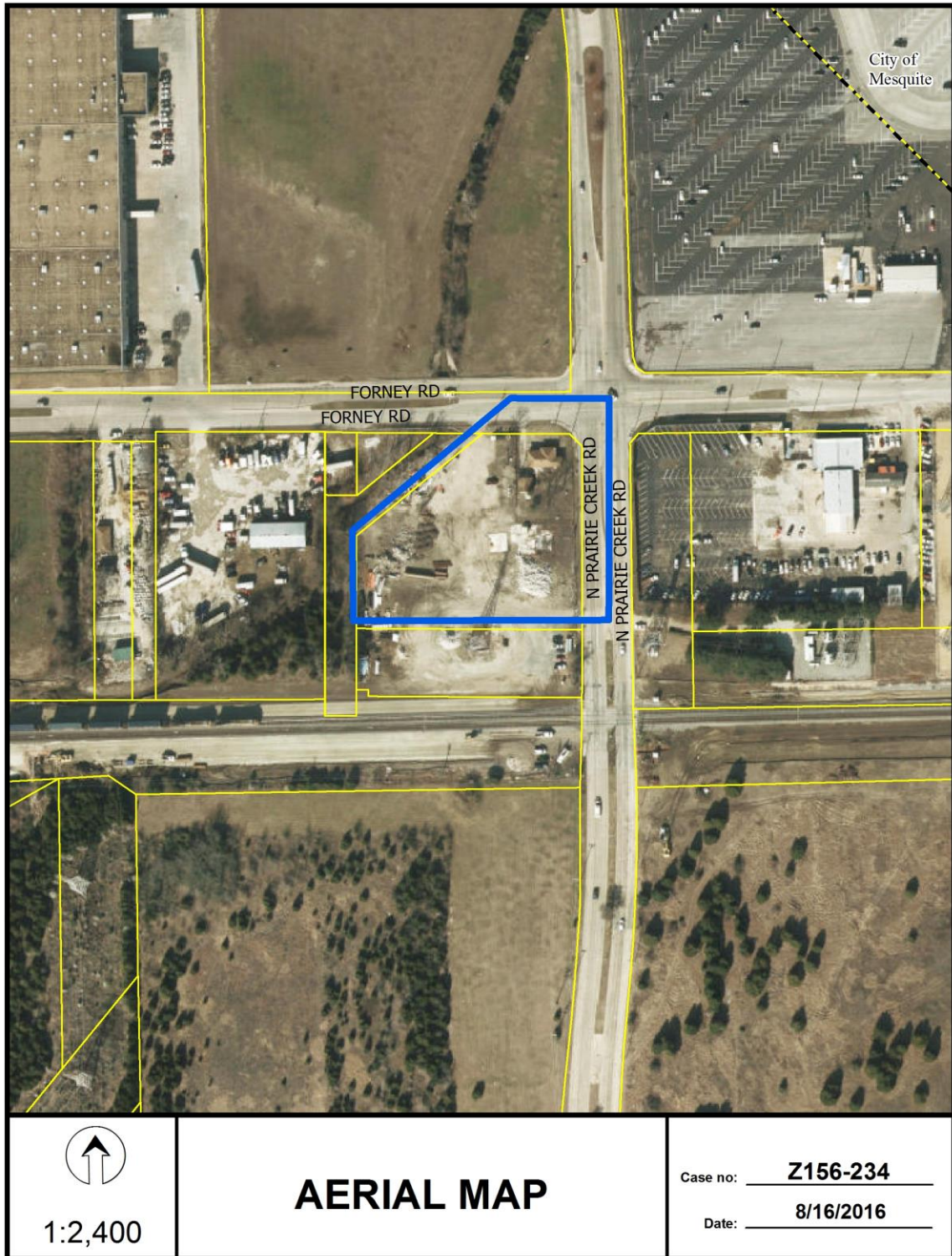
*out of the room, shown voting in favor

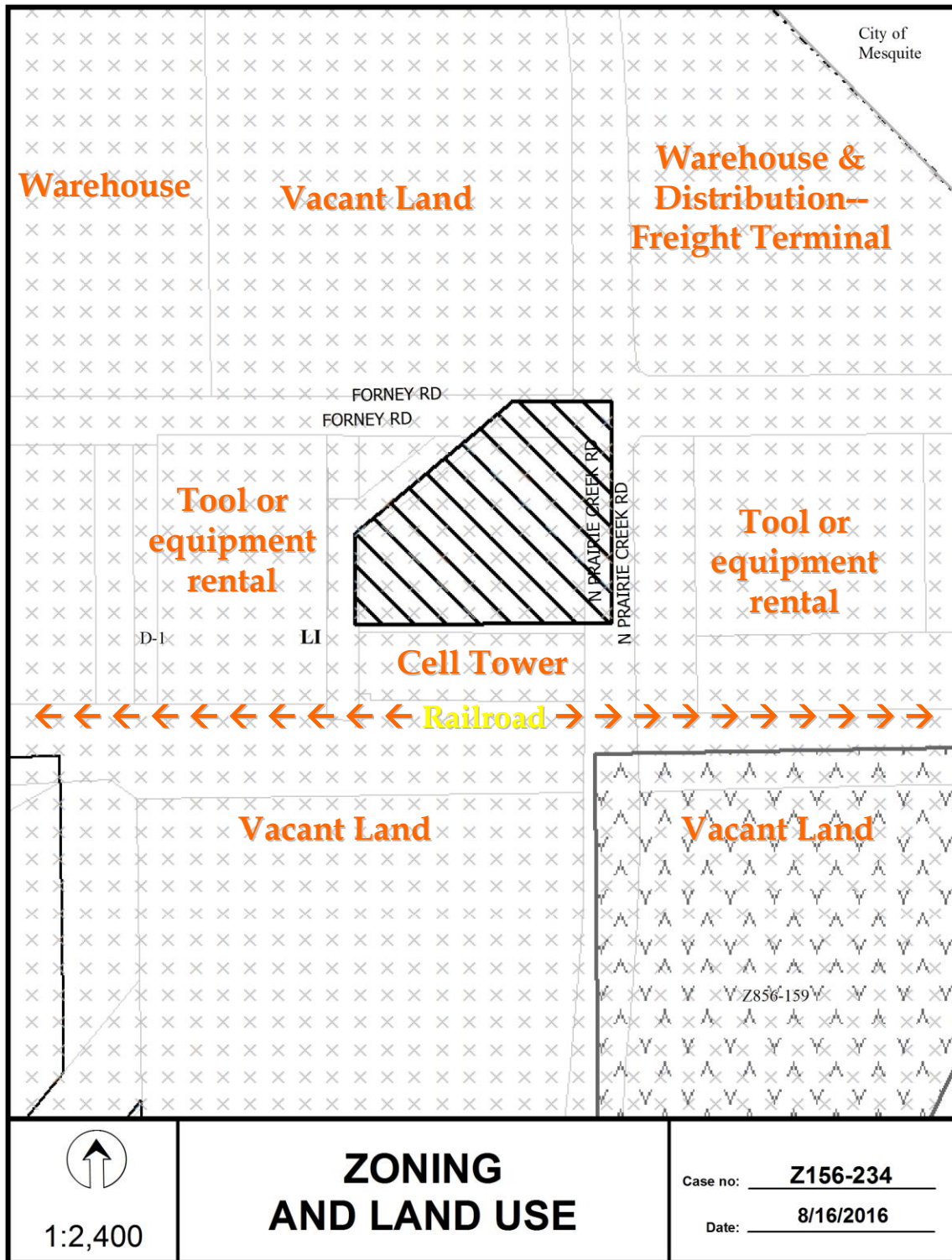
Notices: Area: 300 Mailed: 14

Replies: For: 4 Against: 1

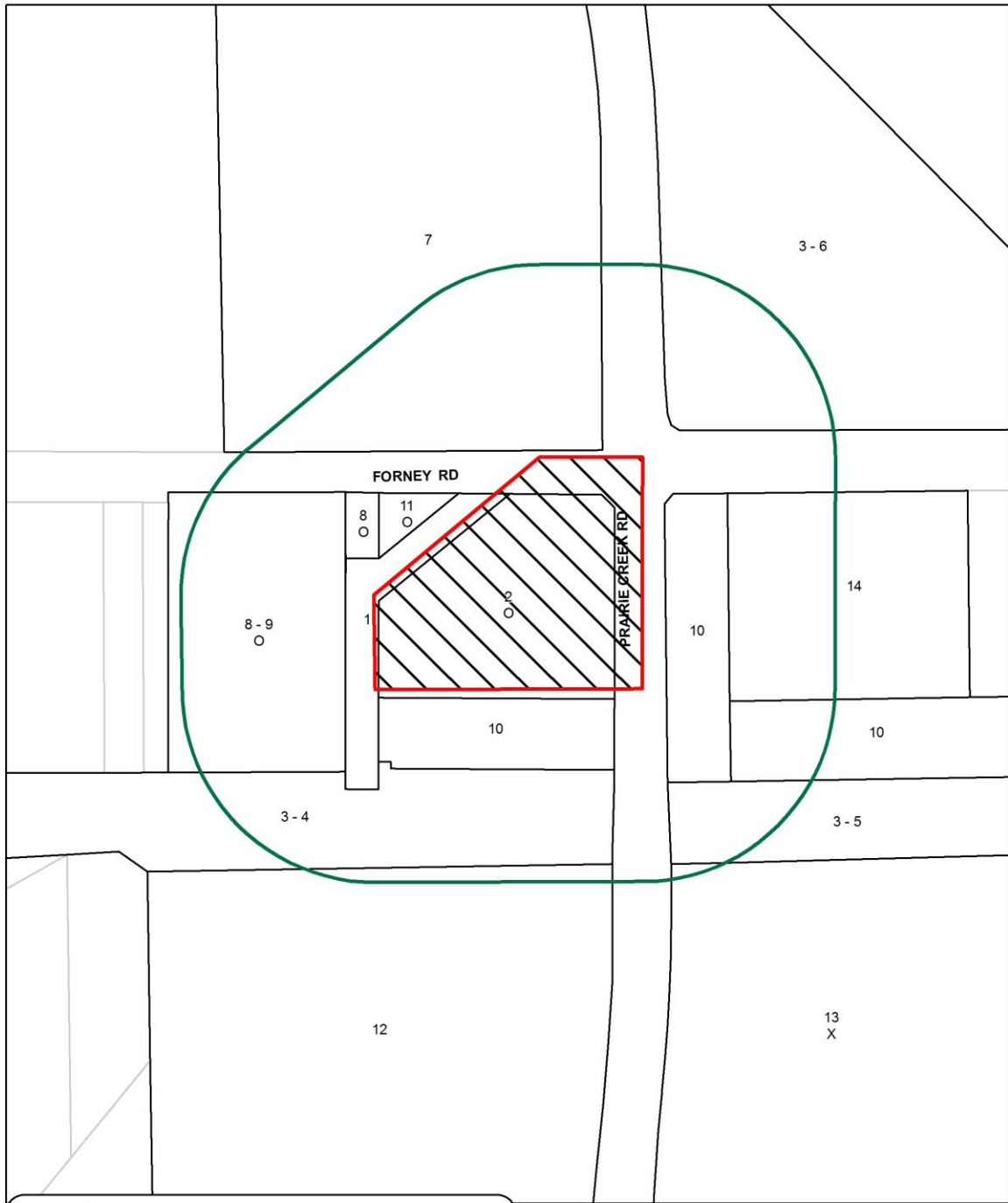
Speakers: None







CPC RESPONSES



<u>14</u>	Property Owners Notified (15 parcels)
<u>4</u>	Replies in Favor (4 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>300'</u>	Area of Notification
<u>9/1/2016</u>	Date

Z156-234
CPC



1:2,400

08/31/2016

Reply List of Property Owners***Z156-234******14 Property Owners Notified******4 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	9202 FORNEY RD	COUNTY OF DALLAS
O	2	9124 FORNEY RD	WEST TEXAS REBAR PLACERS INC
	3	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	4	9999 NO NAME ST	UNION PACIFIC RR CO
	5	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	6	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	7	1201 BIG TOWN BLVD	BAPTIST FOUNDATION OF TX
O	8	9090 FORNEY RD	GILLIS EDWARD T &
O	9	9090 FORNEY RD	GILLIS EDDIE
	10	4501 PRAIRIE CREEK RD	TEXAS UTILITIES ELEC CO
O	11	9124 FORNEY RD	GILLIS EDWARD TRAVIS & DEBORAH KAY GILLIS
	12	4401 PRAIRIE CREEK RD	DAL TILE CORP
X	13	4400 N PRAIRIE CREEK RD	DWL REAL ESTATE INC
	14	9208 FORNEY RD	BERRY MARK W &

AGENDA ITEM # 58

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 6
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 42 R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a Class A dance hall on property zoned a CR Community Retail District on the northwest corner of Singleton Boulevard and Peoria Avenue
Recommendation of Staff: Approval for a two-year period, subject to conditions
Recommendation of CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions
Z156-241(WE)

Note: This item was considered by the City Council at public hearings on August 10, 2016, and September 14, 2016, and was deferred until October 26, 2016, with the public hearing open

FILE NUMBER: Z156-241(WE)

DATE FILED: March 29, 2016

LOCATION: Singleton Boulevard and Peoria Avenue, northwest corner

COUNCIL DISTRICT: 6

MAPSCO: 42R

SIZE OF REQUEST: Approx. 0.77 acres

CENSUS TRACT: 106.01

APPLICANT / OWNER: Flores Ballroom

REPRESENTATIVE: Rodolfo R. Flores

REQUEST: An application for the renewal of Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a Class A dance hall on property zoned a CR Community Retail District.

SUMMARY: The purpose of the request is to allow for the continued use of a dance floor within an existing structure that is operating as a ballroom/banquet hall [Flores Ballroom 4615].

STAFF RECOMMENDATION: Approval for a two-year period, subject to conditions.

CPC RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing structure is being used as a ballroom/banquet hall. The request site is adjacent to community retail type uses that are on Singleton Boulevard. The surrounding area is developed with a mix of community retail, commercial, industrial and single family uses. The surface parking lot on the request site is a buffer between the commercial amusement (inside) use and the adjacent residential uses. The applicant proposes to continue this use on the property and is not requesting any changes to existing conditions or site plan.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The commercial amusement inside use is considered compatible with the adjacent land uses, and was not considered detrimental to the public health, safety, or general welfare of the city when the SUP was originally issued.
3. *Not a detriment to the public health, safety, or general welfare* – This use will not be a detriment to the public health, safety or general welfare of the community.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request site conforms to all applicable zoning regulations and standards.

Zoning History: There have been two zoning case in the area over the past five years.

1. Z112-128 On April 16, 2012, the City Council approved Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a dance hall for a two year period. [request site]
2. Z134-172 On August 13, 2014, the City Council approved Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a dance hall for a two year period. [request site]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Singleton Boulevard	Principal Arterial	80 ft.	100 ft.
Peoria Avenue	Local	50 ft.	50 ft.

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

COMPREHENSIVE PLAN: The Comprehensive Plan does not make a specific land use recommendation related to the request. The *forwardDallas!* Vision Illustration is comprised of a series of Building Blocks that show general land use patterns. They are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The Comprehensive Plan shows that the request site is on the outer edge of an Industrial area.

Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. Evolving technology and the need for freight movement through Dallas to the rest of the country and internationally means this sector can offer good opportunities for jobs. Logistics and warehousing, a growing industry with strong potential for upward mobility of skilled workers, would thrive in such areas. Examples include Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area. These areas include a mix of low- and medium-density industrial buildings and industrial yards and have large surface parking for cars and trucks. Industrial Areas rely on quality road access and may be linked to rail for freight purposes. Street lanes are wide and intersections are large. Transit, sidewalks and other pedestrian improvements are limited.

Community Retail Districts may be appropriate at key intersections to support the surrounding neighborhood. Specific Use Permits are utilized to ensure compatibility of certain uses at the edges of these neighborhoods.

Land Use Compatibility: The surrounding land uses are residential to the north, vacant retail to the east, retail to the west, and industrial uses to the south. Adjacent property is sparsely developed with single-family uses and vacant parcels.

	Zoning	Land Use
Site	CR w/SUP No. 1954	Commercial amusement (inside)
North	R-5(A)	Single Family
South	IM	Industrial
East	CS	Commercial
West	CR	Retail and personal service

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.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		<u>Density</u>	<u>Height</u>	<u>Lot Coverage</u>	<u>Special Standards</u>	<u>PRIMARY Uses</u>
	<u>Front</u>	<u>Side/Rear</u>					
CR Community Retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended. Since there is no additional impervious coverage, no additional landscaping is required.

Parking: The off-street parking requirements for a commercial amusement (inside) use is one space for each 100 square feet of floor area and a dance hall is one space per 25 square feet of floor area. The applicant is providing the required 109 off-street parking spaces.

CPC Action (June 2, 2016)

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a Class A dance hall for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions on property zoned a CR Community Retail District on the northwest corner of Singleton Boulevard and Peoria Avenue.

Maker: Anglin
Second: Houston
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid, Abtahi,
Haney, Jung, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 2 - Anantasomboon, Housewright
Vacancy: 0

Notices: Area: 300 Mailed: 26
Replies: For: 2 Against: 0

Speakers: None

<p>LIST OF OFFICERS Flores Ballroom</p>
--

- Rodolfo Flores, Partner
- Marcus Flores, Partner
- David Flores, Partner

CPC SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is commercial amusement (inside) limited to a Class A dance hall.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation

3. TIME LIMIT: This specific use permit expires on [~~August 13, 2016~~] two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional two-year period, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).

Staff's Recommendation

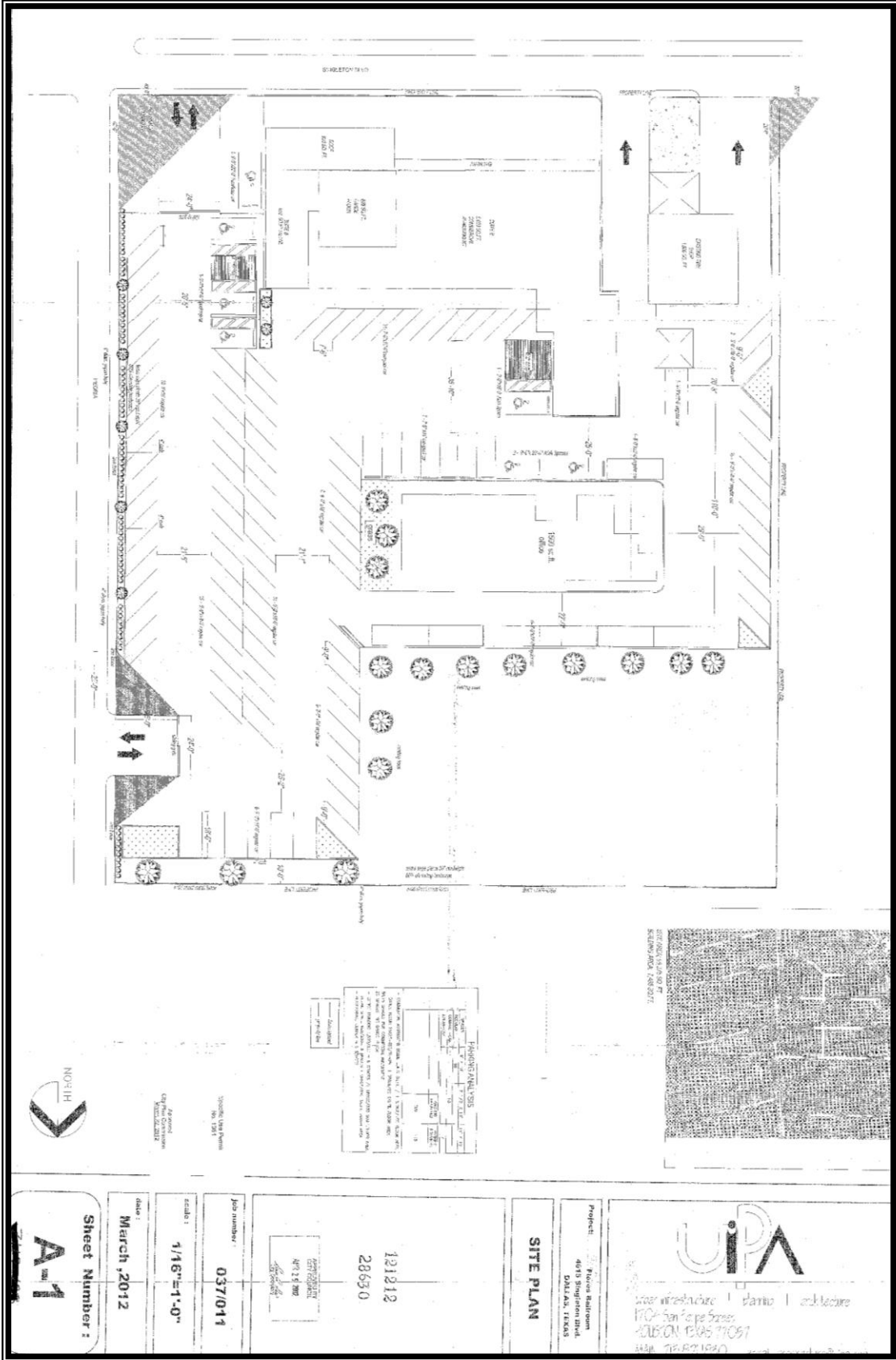
3. TIME LIMIT: This specific use permit expires on [~~August 13, 2016~~], (two-year period from the passage of this ordinance.

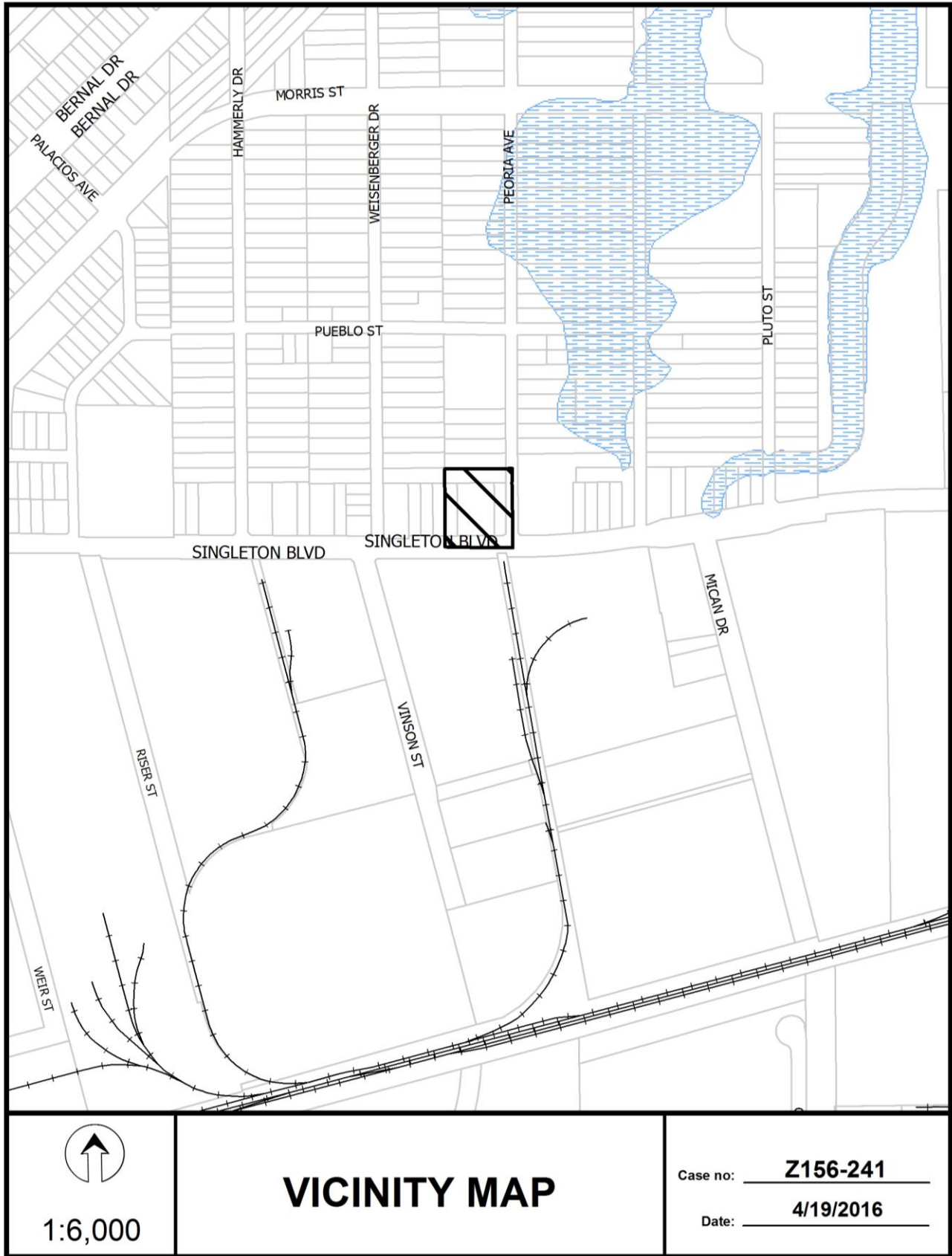
4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan.
5. FLOOR AREA: The maximum dance floor area is 625 square feet in the location shown on the site plan.
6. HOURS OF OPERATION: The commercial amusement (inside) limited to a Class A dance hall may only operate between 8:00 a.m. and 10:00 p.m., Monday through Thursday, and between 8:00 a.m. and 1:00 a.m. (the next day), Friday and Saturday.
7. PARKING: Parking must be located as shown on the attached site plan. Delta credits may not be used to meet the off-street parking requirements.
8. SCREENING: [~~Before the issuance of a certificate of occupancy,~~] A[a] solid screening fence must be maintained [~~installed~~] along the northern Property line in the locations shown on the attached site plan.

9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. 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.

APPROVED SITE PLAN





1:6,000

VICINITY MAP

Case no: Z156-241

Date: 4/19/2016

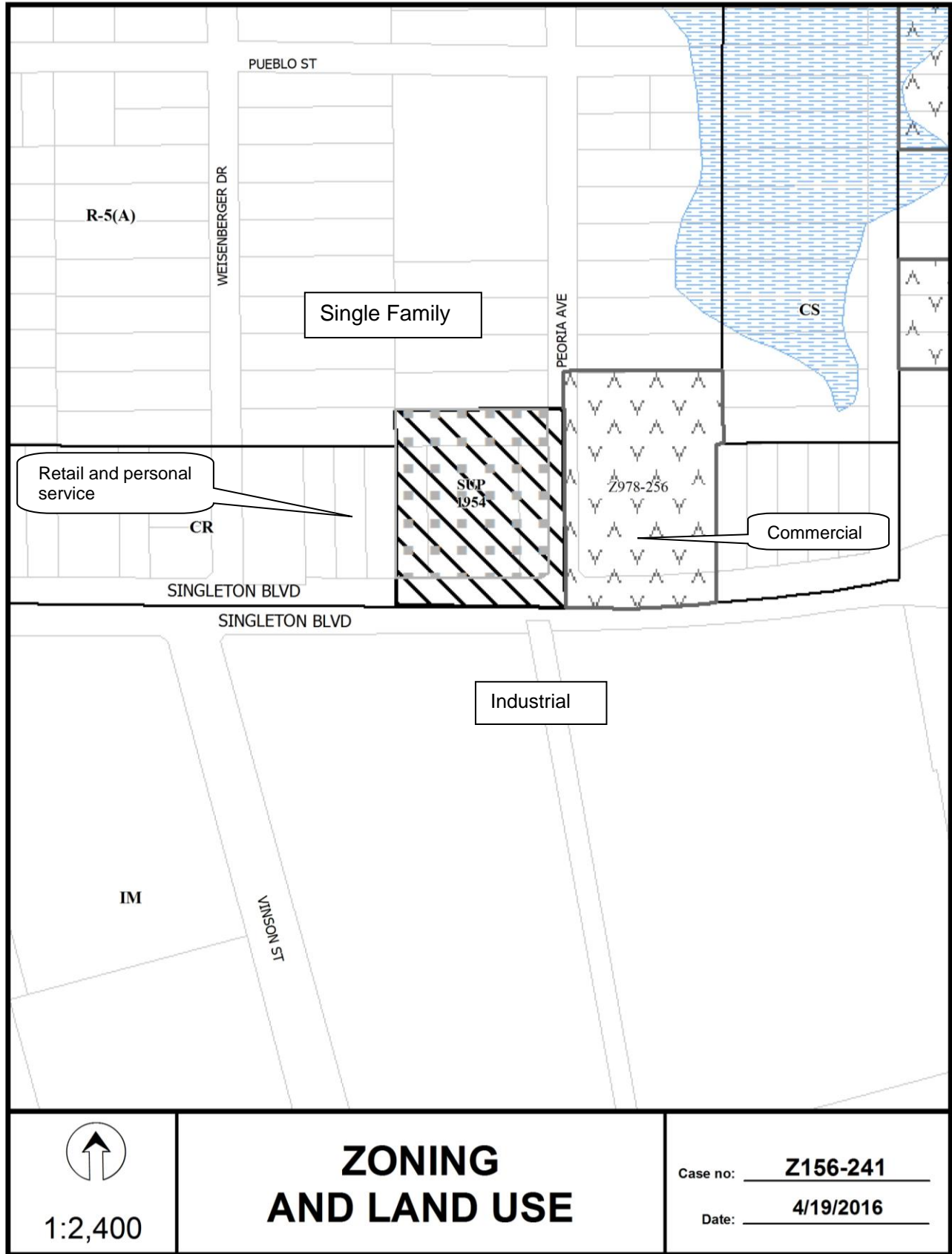


1:2,400

AERIAL MAP

Case no: Z156-241

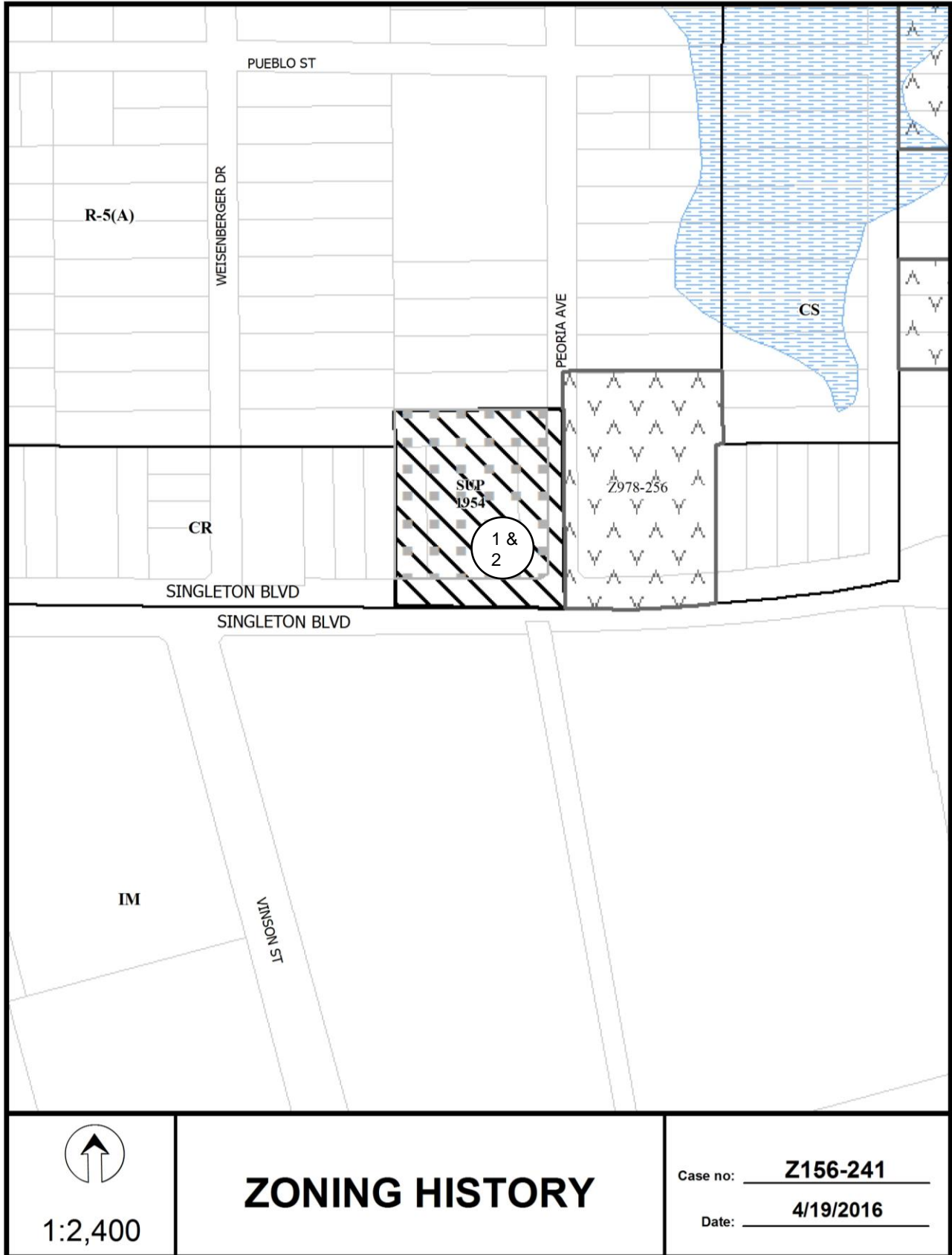
Date: 4/19/2016



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ZONING AND LAND USE

Case no: Z156-241
Date: 4/19/2016



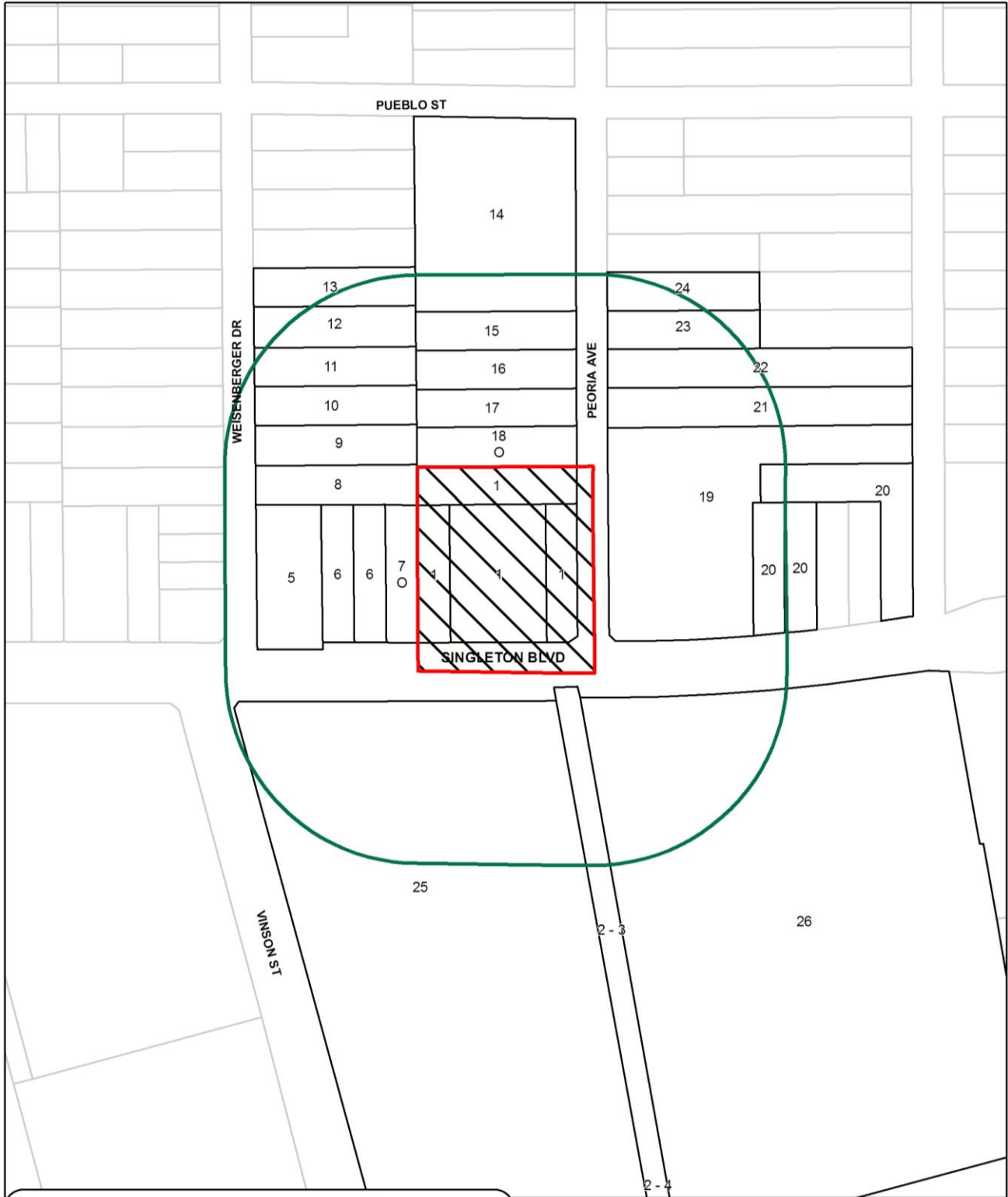
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ZONING HISTORY

Case no: Z156-241

Date: 4/19/2016

CPC RESPONSES



<u>26</u>	Property Owners Notified (31 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>6/2/2016</u>	Date

Z156-241
CPC



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Notification List of Property Owners

Z156-241

26 Property Owners Notified 2 Property Owners in Favor 0 Property Owners Opposed

Reply	Label #	Address	Owner
	1	3021 PEORIA AVE	FLORES DAVID &
	2	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	3	9999 NO NAME ST	UNION PACIFIC RR CO
	4	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	5	4639 SINGLETON BLVD	CHU DAVID
	6	4631 SINGLETON BLVD	CHU DAVID C
O	7	4623 SINGLETON BLVD	CHU DAVID CHAEWUNG
	8	3020 WEISENBERGER DR	HERNANDEZ ADRIANA
	9	3026 WEISENBERGER DR	IBARRA LUVIA & RUBEN
	10	3030 WEISENBERGER DR	SANTIAGO MARIBEL HERNANDEZ DE
	11	3102 WEISENBERGER DR	MARTINEZ GABERIEL H
	12	3108 WEISENBERGER DR	PENA FLORENTINA EST OF
	13	3112 WEISENBERGER DR	QUEZADA ALEJANDRA P
	14	3125 PEORIA AVE	FIRST LAOTIAN BAPTIST CHURCH OF DALLAS
	15	3107 PEORIA AVE	DABOUB CATHERINE MARY
	16	3103 PEORIA AVE	SANCHEZ MARIO
	17	3031 PEORIA AVE	VARGAS ANTONIO & LUCILA
O	18	3025 PEORIA AVE	RAMOS JESUS ANTONIO &
	19	4535 SINGLETON BLVD	BENITEZ FREDIS
	20	4519 SINGLETON BLVD	VILLATOLE FREDIS BENITEZ
	21	3030 PEORIA AVE	SALAZAR MANUEL &
	22	3102 PEORIA AVE	LUNA JOHN JR &
	23	3108 PEORIA AVE	LUNA JOHN & GENOVEA
	24	3112 PEORIA AVE	LUNA JOHN & GENOVEVA
	25	4606 SINGLETON BLVD	G T INDUSTRIAL PROPERTIES INC
	26	4528 SINGLETON BLVD	HEAT TREATMENT SVCS INC

AGENDA ITEM # 59

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 4
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 54 X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District on property zoned an MF-2(A) Multifamily District, on the southeast corner of West Kiest Boulevard and South Polk Street
Recommendation of Staff and CPC: Approval
Z156-256(WE)

Note: This item was considered by the City Council at a public hearing on August 24, 2016, and was deferred until October 26, 2016, with the public hearing open

FILE NUMBER: Z156-256(WE)

DATE FILED: April 26, 2016

LOCATION: West Kiest Boulevard and South Polk Street, southeast corner

COUNCIL DISTRICT: 4

MAPSCO: 54-X

SIZE OF REQUEST: Approx. 1.22 acres

CENSUS TRACT: 60.01

APPLICANT: Akber Allana

OWNER: Zavaka Investment LLC

REPRESENTATIVE: Ryan Kim

REQUEST: An application for a CR Community Retail District on property zoned an MF-2(A) Multifamily District.

SUMMARY: The purpose of this request is to develop the site with a mix of office and retail uses. The proposed development will be restricted in height due to the residential adjacency.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed request for a CR Community Retail District should not have a negative performance impact on the surrounding area. The redevelopment of the site with retail and office uses will be consistent with the existing retail development that is located west of the request site, across South Polk Street. The site's adjacency to multifamily district will restrict the structure height of the propose development. In addition, the proposed development will have a greater side and rear yard setback than the existing MF-2(A) District. The MF-2(A) District requires a side and rear yard setback of 15 feet and a CR District requires 20 feet. The proposed CR Community Retail District should not have a negative impact on the surrounding uses.
2. *Traffic impact* – Staff has reviewed the request and has determined that the surrounding roadway system can accommodate the additional trips.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site in located in an Urban Mixed-Use Building Block. The request complies with the *forwardDallas! Comprehensive Plan* for the Area.

BACKGROUND INFORMATION:

- According to the Dallas Appraisal Office, in 1945, the site was developed with a church use.
- In October 2015, the applicant filed an application for a CR Community Retail District to develop the site with office and retail uses. However, staff met with the applicant and agreed to a WMU-5 Walkable Mixed Use District. The WMU-5 District would have required the proposed development to be constructed closer to the street's edge, creating a walkable pedestrian environment as well as having the off-street parking away from the street.
- The purpose of initially recommending a form based zoning district was to provide for an additional tool for the implementation of *forwardDallas!* and to create walkable urban neighborhoods where higher density mixed uses and mixed housing-types promote less dependence on the automobile. However, the proposed CR Community Retail District is consistent with the zoning district to the west of the proposed site, across South Polk Street.
- In January 2016, the City Plan Commission denied without prejudice the applicant's request for a WMU-5 District. The applicant did not appeal the denial.
- Since then, the structure has been demolished.

Zoning History: There has been one recent zoning changes requested in the area within the last five years.

1. Z145-115 On February 18, 2016, the City Plan Commission recommended denial without prejudice of a WMU-5 Walkable Mixed Use District on property zoned an MF-2(A) Multifamily District on the southeast corner of West Kiest Blvd and South Polk Street. The applicant did not appeal.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
West Kiest Blvd.	Principal Arterial	100 ft.	100 ft.
South Polk Street	Principal Arterial	95 ft.	95 ft.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

COMPREHENSIE PLAN: The comprehensive plan does not make a specific land use recommendation related to the request; however, the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depict 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 request site is located in an Urban Mixed-Use Building Block which incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

LAND USE ELEMENT:

GOAL 1.2 Promote desired development.

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

Land Use:

	Zoning	Land Use
Site	MF-2(A)	Undeveloped
North	TH-3(A)	Single Family
South	MF-2(A)	Multifamily
East	MF-2(A)	Multifamily
West	CR	Retail

Land Use Compatibility: Currently, the request site is undeveloped. The composition of land uses along West Kiest Boulevard is very diverse. East of South Polk Street along the north side of West Kiest Boulevard is split with single family homes on the north side and multifamily units along the south side. West of South Polk Street along West Kiest Boulevard is predominantly retail uses and churches on the south side and Dr. Barbara Jordan Elementary school on the north side. The site is underutilized and is located at the intersection of two major thoroughfares within a transitional area that is becoming more urban in nature.

The proposed CR Community Retail District will allow for additional community-related uses in the area to serve the surrounding areas. A CR Community Retail District is to “provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities”. Any non-residential uses that are developed on the site will be restricted due to the residential adjacency to the north, south and east. These restrictions include the height, which will be limited by the 1 to 3 residential proximity slope from the TH-3(A) Townhouse District and an 1 to 1 slope up to 50 feet from the east and south, which is from the MF-2(A) Multifamily District. The distance from the TH-3(A) District where a building could be 54 feet in height is 162 feet. To determine the approximate site location where the proposed development can reach the maximum structure height of 54 feet, the 1 to 3 slope is measured from the property line of the TH-3(A) Townhouse District, which is across West Kiest Boulevard. The proposed CR Community Retail District should not have a negative impact on the surrounding uses. The CR District will also provide a greater side/rear setback, which would be 20 feet as opposed to 15 feet.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
MF-2(A) - existing Multifamily	15'	15'	Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family
CR - proposed Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping must be provided in accordance with Article X. The proposed development will have to provide a perimeter landscaping buffer due the residential adjacency. The buffer strip must be at least 10 feet wide, except for:

- a. any portion of the buffer strip adjacent to public street need not exceed 10 percent of the lot depth; and
- b. any portion of the buffer strip in the front yard and adjacent to the side lot need not exceed 10 percent of the lot width.

In addition, the applicant will have to provide the necessary screening to the loading area and parking area from any residential districts.

CPC Action (July 21, 2016)

Motion: It was moved to recommend **approval** of a CR Community Retail District on property zoned an MF-2(A) Multifamily District, on the southeast corner of West Kiest Boulevard and South Polk Street.

Maker: Davis
Second: Ridley
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Ridley, Tarpley

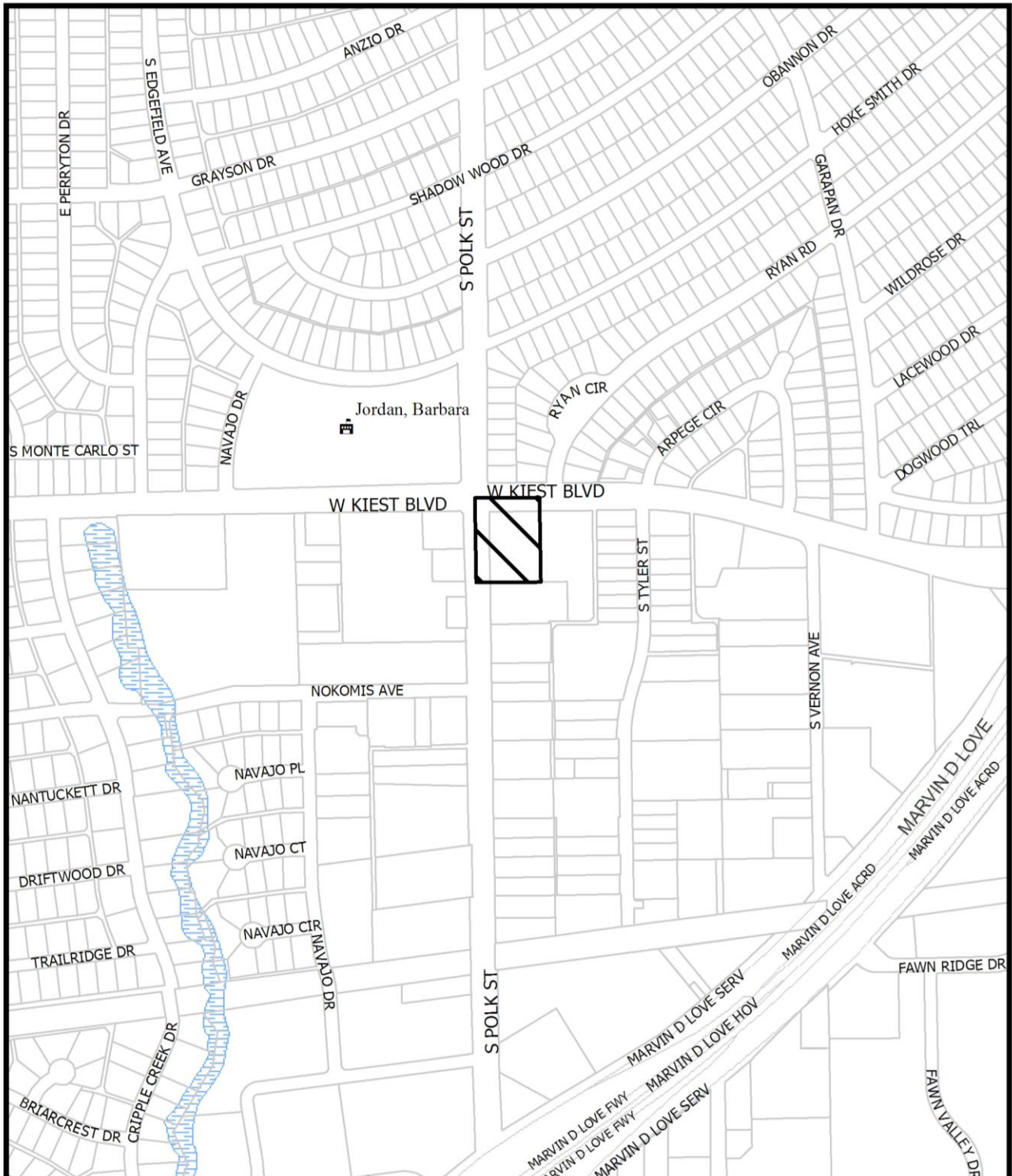
Against: 0
Absent: 2 - Shidid, Murphy
Vacancy: 0

Notices: Area: 300 Mailed: 33
Replies: For: 2 Against: 4

Speakers: For: Akber Allana, 1010 W. Kiest Blvd., Dallas, TX, 75211
Cynthia White, 1642 Watervaliet Dr., Dallas, TX, 75224
Against: David Klempin, 941 Golden Trophy Dr., Dallas, TX, 75232

LIST OF OFFICERS
Zavaka Investment LLC.

- Akber Allana
- Erum Allana
- Amaan Allana
- Aly Muhammed Allana

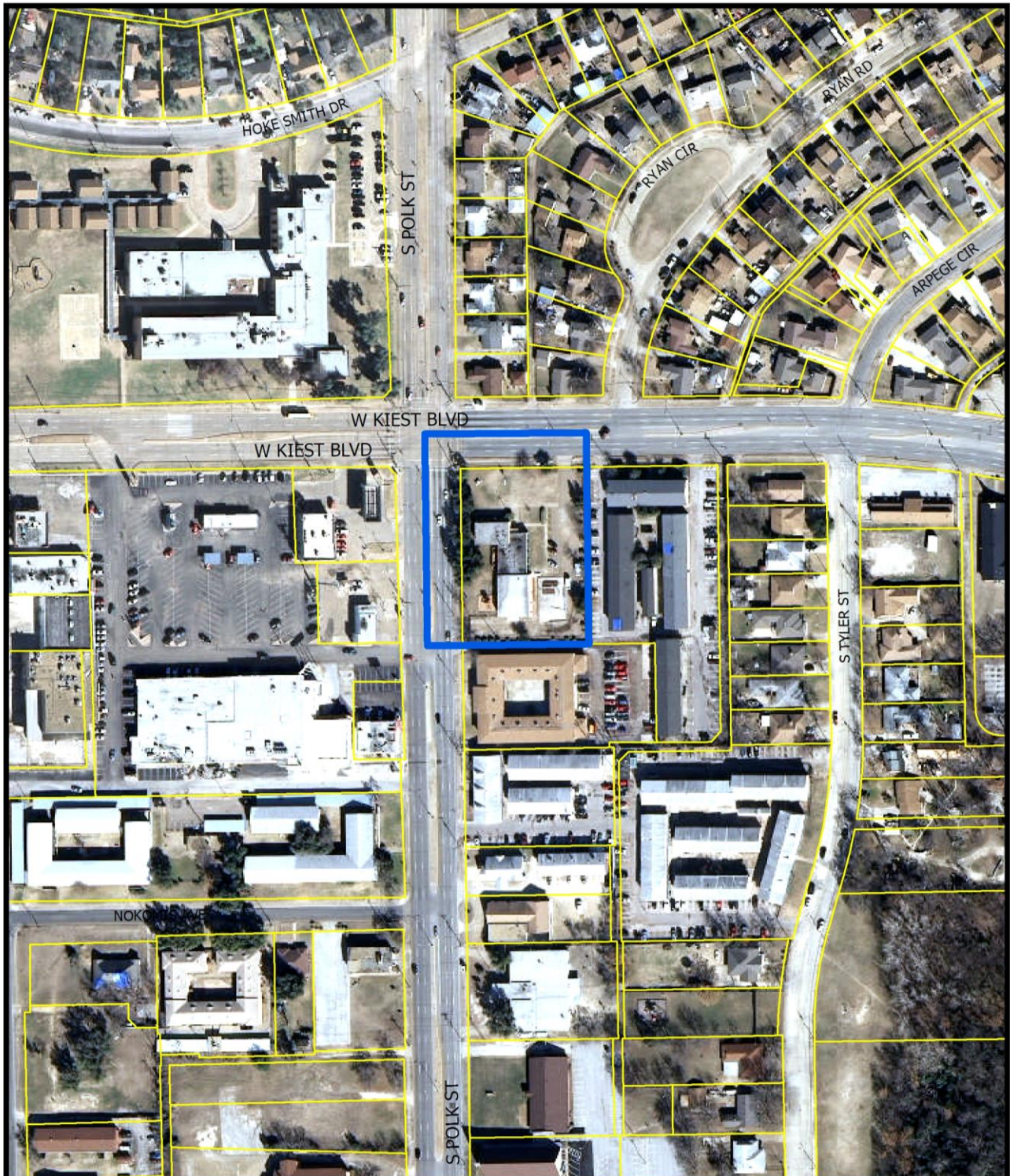


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VICINITY MAP

Case no: Z156-256

Date: 5/13/2016

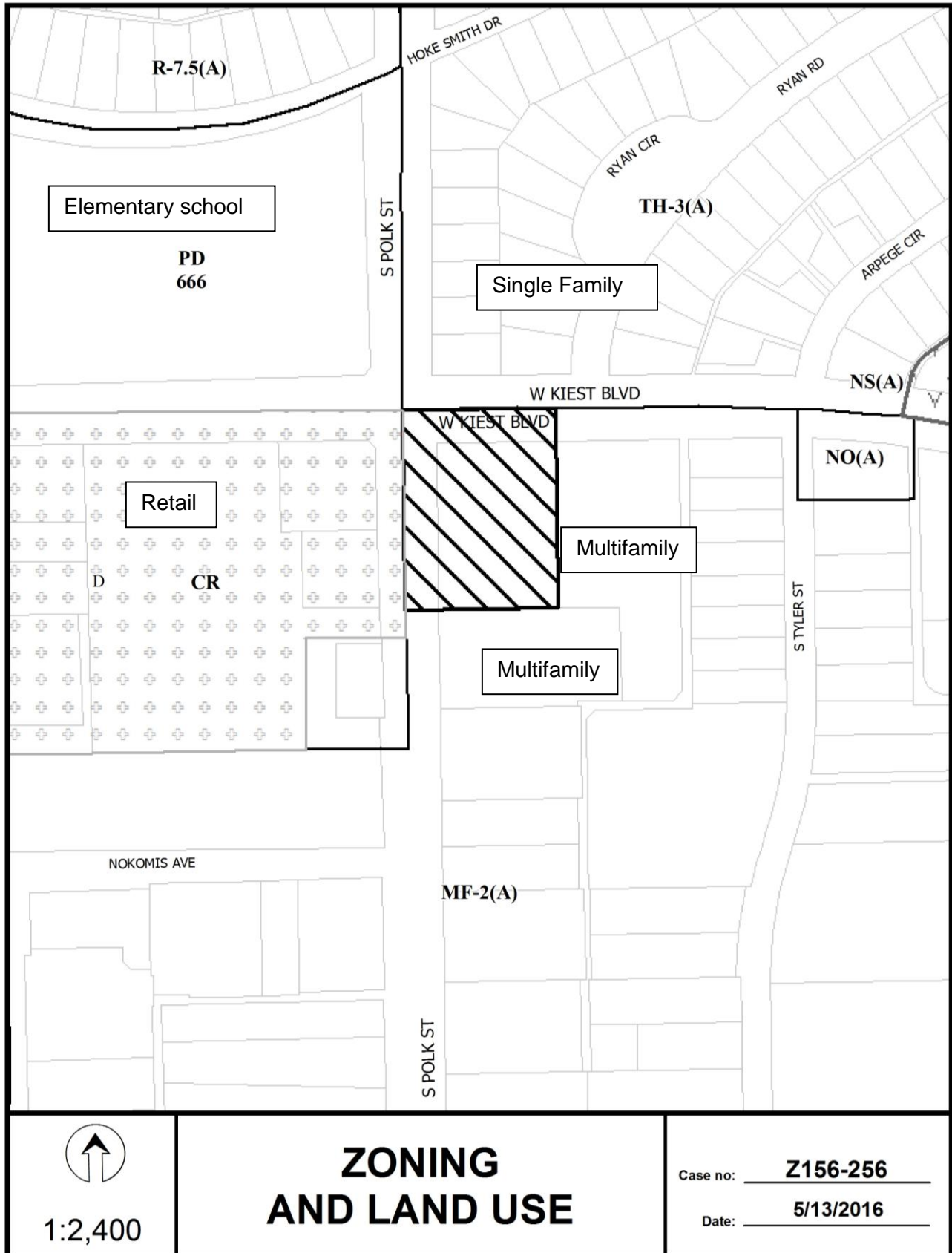


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AERIAL MAP

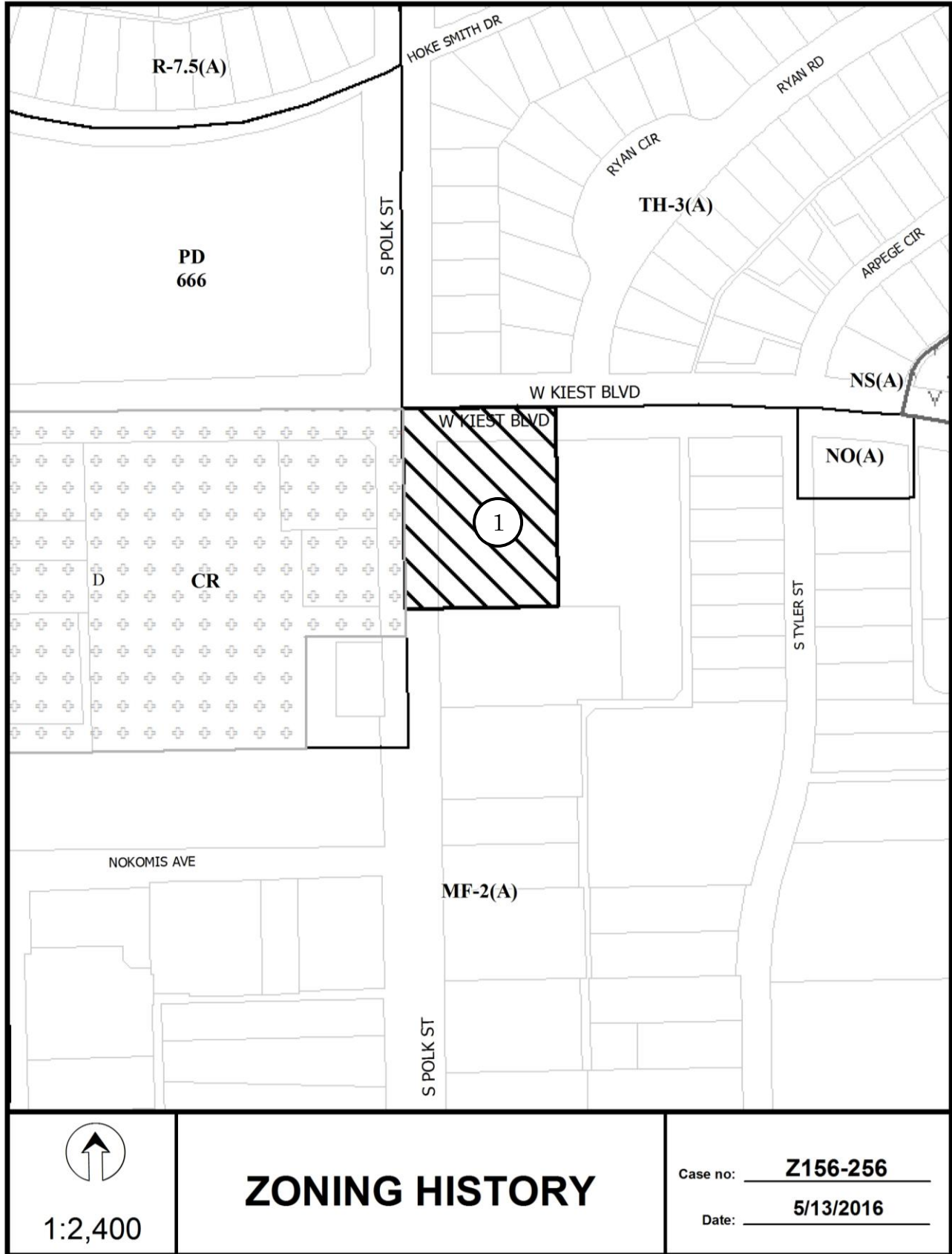
Case no: Z156-256

Date: 5/13/2016



ZONING AND LAND USE

Case no: Z156-256
Date: 5/13/2016



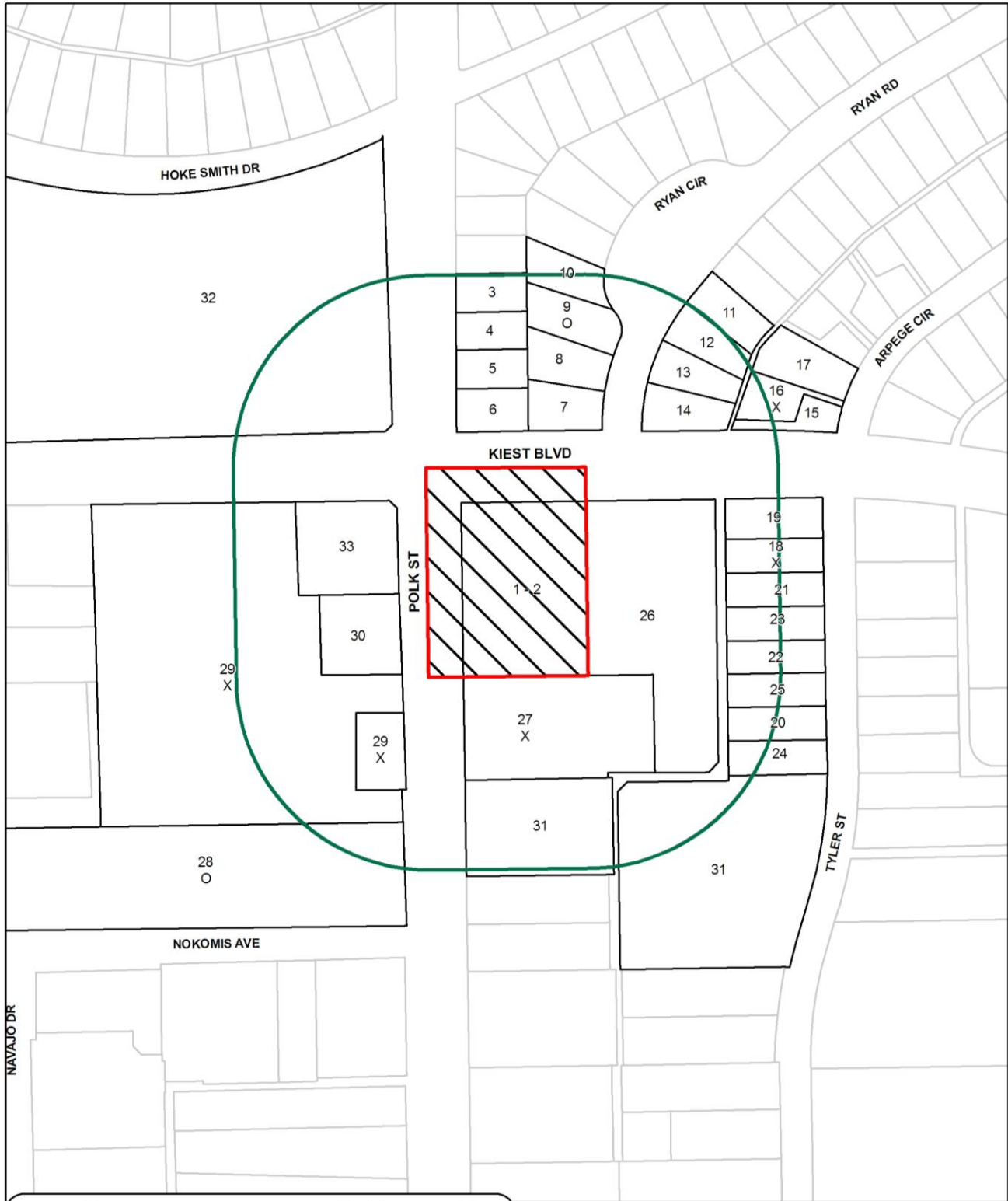
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ZONING HISTORY

Case no: Z156-256

Date: 5/13/2016

CPC RESPONSES



<u>33</u>	Property Owners Notified (34 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>4</u>	Replies in Opposition (5 parcels)
<u>300'</u>	Area of Notification
<u>7/21/2016</u>	Date

Z156-256
CPC



1:2,400

07/20/2016

Reply List of Property Owners***Z156-256******33 Property Owners Notified 2 Property Owners in Favor 4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1010 W Kiest Blvd	ZARKAVA INVESTMENTS LLC
	2	1010 W Kiest Blvd	NEW BAPTIST RESTORATION CHURCH
	3	3248 S Polk St	HERNANDEZ GREGORIO &
	4	3252 S Polk St	FULLWOOD PHYLLIS HARRIS
	5	3258 S Polk St	GAYTAN ANGEL
	6	3264 S Polk St	PATTERSON TIMOTHY RAY &
	7	975 Ryan Rd	TENISON RAYMOND
	8	971 Ryan Rd	RAMOS JOSE V & MARIA
O	9	967 Ryan Rd	BOOKER GLORIA J
	10	963 Ryan Cir	SIMPSON NOVELLA JEAN T
	11	950 Ryan Rd	ESPINOSA MARTIN
	12	956 Ryan Rd	REYNOLDS LEONARD
	13	960 Ryan Rd	RODRIGUEZ ANTONIO &
	14	966 Ryan Rd	ARANDA MIRNA &
	15	855 Arpege Cir	DYER RUTH L
X	16	857 Arpege Cir	LONDON KENNETH
	17	851 Arpege Cir	PERALTA JOSE
X	18	3207 S Tyler St	RAY WILLIE B
	19	3203 S Tyler St	WRIGHT GWENDOLYN
	20	3225 S Tyler St	MECCA APRIL INC
	21	3211 S Tyler St	GOVAN JULIA E
	22	3219 S Tyler St	ARMENTA JUAN A & MARIA
	23	3215 S Tyler St	SALAS MARICELA &
	24	3231 S Tyler St	MARTINEZ FRED L
	25	3221 S Tyler St	PETERS DWAIN C EST OF &
	26	950 W Kiest Blvd	SAILFISH LP

Z156-256(WE)

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	27	3276 S POLK ST	LEWIS BARBARA A &
O	28	3299 S POLK ST	LANDMARK AT POLK LLC
X	29	1150 W Kiest BLVD	AMB REAL ESTATE INC
	30	3275 S POLK ST	E & J DUARTE PROPERTIES INC
	31	3288 S POLK ST	LEBAR INC
	32	1111 W Kiest BLVD	Dallas ISD
	33	3271 S POLK ST	SEJ ASSET MANAGEMENT & INVESTMENT COMPANY

AGENDA ITEM # 60

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): All
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: All

SUBJECT

A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.217 and Section 51A-4.217, "Accessory Uses," providing regulations for book exchange structures as accessory outside storage and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA156-002

FILE NUMBER: DCA156-002

DATE INITIATED: April 7, 2016

TOPIC: Book Exchange Structures Regulations

CITY COUNCIL DISTRICTS: All

CENSUS TRACTS: All

PROPOSAL: Consideration of amending Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.217 and Section 51A-4.217, "Accessory Uses," providing regulations for book exchange structures as accessory outside storage.

SUMMARY: This proposal is to allow book exchange structures in required setbacks with regulations related to the location, dimensions, and maintenance of the structure. The Zoning Ordinance Advisory Committee considered the amendments over three meetings, with input from the public. Currently, the Development Code prevents these structures from being located in front yards.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND

Little Free Libraries (LFL's) is a concept to promote free book exchange by installing a box or receptacle that holds books to share, in a pedestrian friendly accessible location. There are organizations that promote, help plan, and register little free libraries at both national and local levels.

At a national level, Little Free Libraries, is a nationwide movement started in Wisconsin in 2009, based on a simple concept "take a book, leave a book." Per the national organization (littlefreelibrary.org), there are over 32,000 registered little free libraries in all 50 U.S. states and over 70 countries. Interested residents can establish a little free library by purchasing a kit from the national organization or build their own. Per the map at littlefreelibrary.org there are 29 registered little free libraries in Dallas.

At the local level, Libros Libres Dallas is a community driven project to build little free libraries in multifamily developments and community centers in West Dallas, South Dallas/Fair Park, and South Oak Cliff areas. Libros Libres Dallas is a collaboration between Big Thought, bcWORKSHOP, and the Dallas Public Library. The Dallas Public Library's role in this collaboration is to supply books when the little free libraries are initially established. There are about 19 little free libraries that have been created with the help of Libros Libres.

The recent emergence of little free libraries, often times in single family neighborhoods in front yard setbacks, has come into conflict with the Dallas Development Code. The Code requires that front yards must be open and unobstructed except for fences. Consequently, Code Enforcement has received calls regarding more than one of these structures.

On November 9, 2015, and December 8, 2015, staff briefed the City Council Quality of Life & Environment Committee on the little free library concept. The Committee directed the staff to proceed to the Zoning Ordinance Advisory Committee (ZOAC) to define the little free libraries and allow them in setbacks.

During the process of developing the code amendment, staff met with bcWORKSHOP several times, researched if and how other cities addressed these structures, did field research, and built models to give scale to the dimensions being considered. During the ZOAC meetings consideration was given to the size of a structure that would be allowed in a front yard and where it could be located so as not to negatively impact on adjacent properties. Input was taken from the public on size and the need for accessibility at different heights to take into account a variety of users from children to adults and wheelchair accessibility.

The Zoning Ordinance Advisory Committee (ZOAC) considered this issue at three public meetings: April 7, 2016, April 21, 2016, and on May 19, 2016, recommended the proposed regulations to City Plan Commission.

On June 30, 2016, the City Plan Commission (CPC) reviewed the item and approved the ZOAC recommendation.

During the City Plan Commission hearing, bcWORKSHOP identified 4 out of 19 Libros Libres structures that did not meet the proposed regulations. Staff was asked to see what it would take for these structures to comply with proposed regulations.

On September 12, 2016, the City Council Quality of Life & Environment Committee was briefed on this matter. During the briefing, Staff provided options that would allow existing structures that do not fit within the parameters of the proposed regulations to potentially be able to comply. The Committee ultimately voted to send the City Plan Commission's recommendation on to City Council as recommended, with no changes.

Proposed Regulations:

Amend Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.217 and Section 51A-4.217, "Accessory Uses," providing regulations for book exchange structures as accessory outside storage.

Definition:

Book Exchange Structure means an enclosed structure that holds books or other literacy material to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

Regulations:

- a book exchange structure may be located in the required front, side, or rear yard setback in all zoning districts
- when a book exchange structure is located in a required front, side, or rear yard:
 - may be no larger than: 20" wide by 18" deep by 5' in height when measured from the ground
 - only one book exchange structure is allowed in the combined required front, side and rear yard setbacks per lot
 - made of material resistant to damage or deterioration from exposure to the outside environment
 - properly mounted, bolted, and protected to withstand wind, rain, and other seasonal changes
 - regular upkeep and monitoring by owner
 - cannot be used for selling or advertising purposes
 - cannot be placed in the visibility triangle
 - cannot be placed in the required parking spaces
 - cannot be located in the public right-of-way without a license
- distance between the book exchange structure and the adjacent property line shall not be less than 10 feet

- in an R, D, TH, and CH residential district:
 - when located in the primary yard or on a front porch it must meet the same requirements as when located in a required setback.
***Primary yard** means “the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.”*
 - only one book exchange structure is allowed per lot
- noncompliance with these regulations is subject to code enforcement

Issues raised during CPC surrounding existing book exchange structures:

bcWORKSHOP has indicated they have 19 book exchange structures affiliated with Libros Libres (refer to Exhibit 1 and Exhibit 2). Among them:

- One is still in the design stages
- Two are no longer at the address listed
- Twelve meet the proposed regulations
- Four do not meet the proposed regulations:
 - Three structures are too large - taller, wider, and deeper than the proposed dimensions (5' ht x 20" wide x 18" deep)
 - 4718 Collins Avenue, Mill City Urban Garden:
3'4" ht x 31" wide x 21" deep
 - 4830 Silver Avenue, Belay House:
6' ht x 24" wide x 46" deep
 - 3122 Tumalo Trail:
4' ht x 36" wide x 13" deep
 - One location exceeds the maximum number of structures allowed on a lot in a single family district (which is one):
 - 907 E. Ledbetter Dr., Mooreland YMCA - there are two structures

The Little Free Library (LFL) webpage, littlefreelibrary.org, identifies 29 registered LFL structures in Dallas (refer to Exhibit 3 and Exhibit 4). Among them:

- Five are no longer at the address listed
- Six meet the proposed dimensions (5' ht x 20" wide x 18" deep)
- Of the remaining 18:
 - 11 do not meet the proposed dimensions
 - Two may be too close to adjacent property line (within 10')
 - One may be in the visibility triangle and in the R.O.W.
 - One does not meet the proposed dimensions and may be too close to adjacent property line (within 10')
 - One does not meet the proposed dimensions and may be in the visibility triangle

- Two do not meet the proposed dimensions, may be in the visibility triangle, and may be too close to the adjacent property line (within 10')

There are approximately 20 LFL kits available for order from the national organization and of those, four would conform to the proposed dimensions.

Options to the proposed regulations:

Options to the proposed regulations that would allow many of the book exchange structures to conform:

1. Allow BDA to grant a special exception to the dimensions
 - could provide relief for the size of the structure if BDA were to grant the request
2. Allow an administrative waiver for non-residential uses in single family districts for size and maximum number provisions
3. Revise dimensions to allow for larger structures:
 - If allowable dimensions were increased to 6' ht. x 37" wide x 46" deep, the largest of the existing book exchange structures would conform in size
 - All bcWORKSHOP/Libros Libres would conform by size (one may have a location issue)
 - All existing LFL's would conform by size (seven may have location issues)
 - All LFL kits available for order from the national organization would conform by size
 - If allowable dimensions were increased to 6' ht. x 24" wide x 21" deep:
 - The three existing bcWORKSHOP/Libros Libres structures that do not conform to the proposed dimensions **would not** conform to the revised proposed dimensions
 - 14 of the 18 existing registered LFL's that do not conform to the proposed dimensions **would** conform to the revised proposed dimensions (six may have location issues)
 - All of the approximately 20 LFL kits available for order from the national organization **would** meet the revised proposed dimensions.
 - The larger dimensions would apply citywide for all book exchange structures
4. Revise required distance from the book exchange structure and the adjacent property line when in an R, D, TH and CH residential district:
 - Book exchange structure may not be in the required side yard setback; or
 - No distance from adjacent property line required

5. Create a special provision for non-residential uses in single family districts to allow more than one book exchange structure on the lot
 - Would provide relief for one of the issues

CPC ACTION
June 30, 2016

Motion: It was moved to recommend **approval** of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.217 and Section 51A-4.217, "Accessory Uses," providing regulations for book exchange structures as accessory outside storage.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Houston, Shidid, Anantasomboon, Abtahi,
Haney, Jung, Housewright, Schultz, Peadon,
Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - Rieves, Davis
Vacancy: 0

Speakers: None

Exhibit 1: bcWORKSHOP/Libros Libres in Dallas								
Map ID	Location	Zoning	CC	Height (5')	Width (20")	Depth (18")	Issues (Yes/No)	Notes
7	2500 Lone Star Dr	IR	6					In design stage
10	5106 Bexar Street	PDD No. 557	7					No structure there
17	2922 MLK Blvd	PDD No. 320	7					No structure there
1	1600 Pennsylvania Ave	PDD No. 597	7				N	Inside St. Philip's School and Community Center
6	2331 Custer Drive	R-7.5(A)	4				N	*In the rear community garden, not in setbacks
2	1610 S. Malcolm X Blvd	PDD No. 841	7				N	* Inside CitySquare Opportunity Center
13	3737 Goldman Ave	PDD No. 508 (tract 3)	6				N	*Lake West YMCA, near the entrance, not in setbacks
8	2800 N. Hampton Road	IR	6				N	*Inside the Dallas Habitat for Humanity Office
5	2223 Singleton Blvd	CR	6				N	*Leaders2Leaders West Dallas Office entrance, not in setbacks
14	3603 N. Winnetka Ave	TH-2(A)	6				N	*On Wheels
0	1018 Gallagher	R-5(A)	6				N	*VMLC, not in setbacks
3	1738 Gano St	PDD No. 317 (Subdistrict 6)	2				N	*City Park Elementary School, not in setbacks
9	6701 S. Hampton Road	R-10(A)	3				N	Oak Cliff YMCA, not in setbacks
15	3550 E Overton Drive	MF-2(A)	4				N	*Near apartment complex community garden, not in setbacks
4	1800 Bonnie View Road	R-7.5(A)	4				N	* Mark Cuban Hero's Basketball Indoor bookshelf/trophy case.
11	4830 Silver Ave	R-5(A)	7	6'	24"	46"	Y	too large / in R.O.W
12	4718 Collins Ave	PDD No. 595 (R-5(A))	7	3' 4"	31"	21"	Y	too large
16	3122 Tumalo Tr	R-5(A)	6	4'	36"	13"	Y	too large
18	907 E. Ledbetter Dr	R-7.5(A)	4				Y	2 Libros Libres on the lot

* As per bcWORKSHOP and Libros Libres website

Exhibit 2: Map of Libros Libres in Dallas:

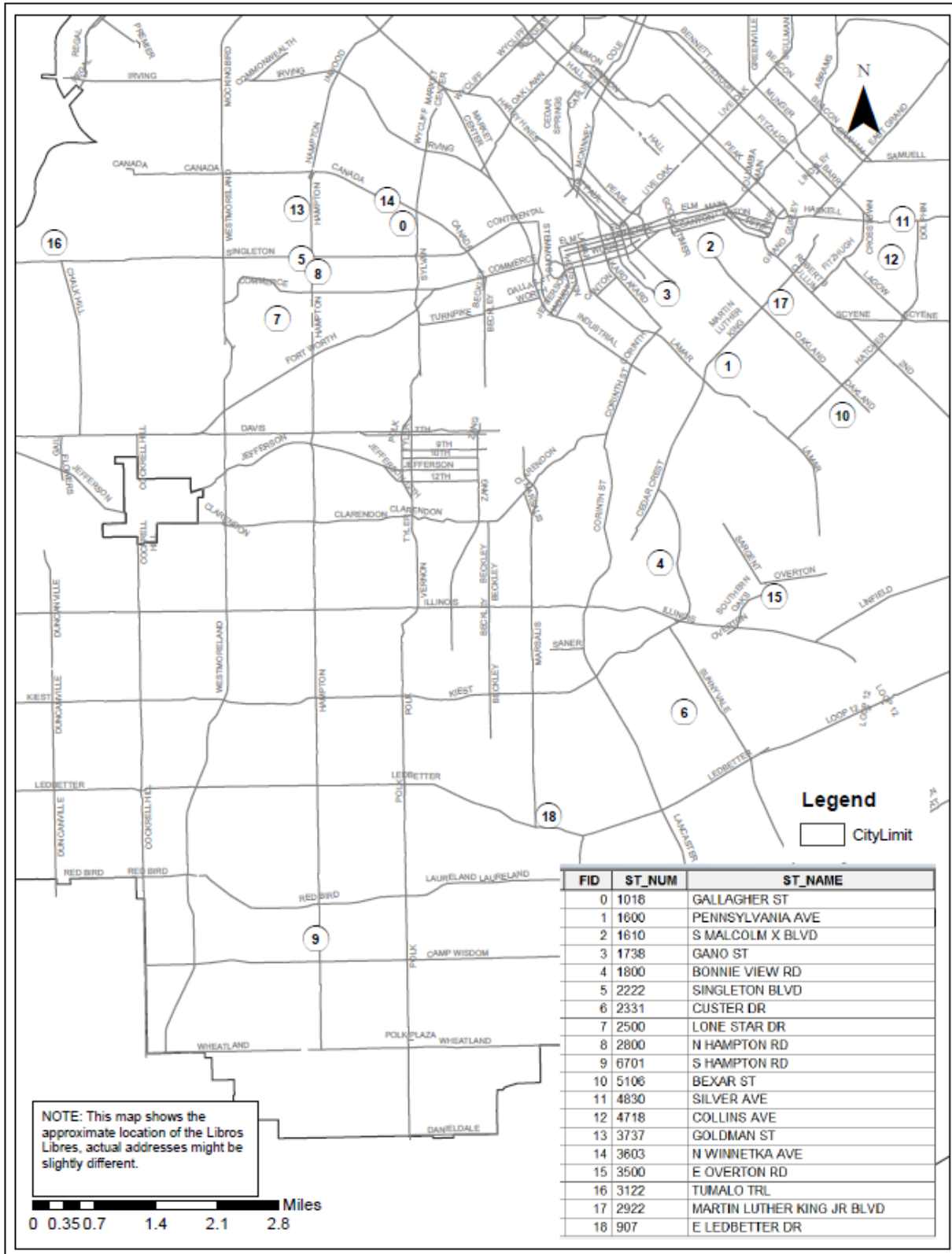
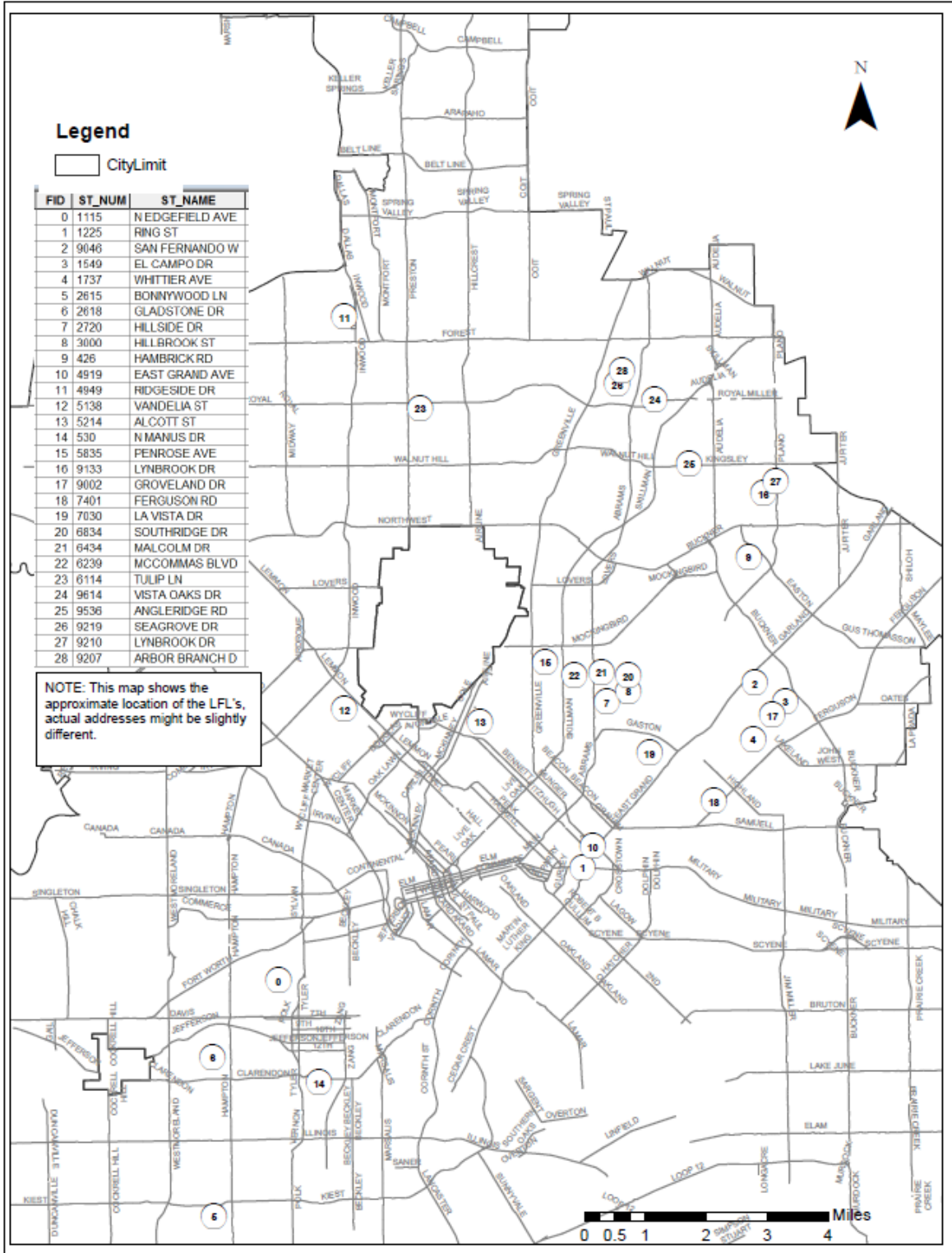


Exhibit 3: Registered LFL's in Dallas								
Map ID	Location	Zoning	CC District	Height (5')	Width (20")	Depth (18")	Issue (Yes/No)	Notes
19	7030 La Vista Drive	R-7.5(A)	14					No structure there
23	6114 Tulip Lane	R -16 (A)	13					No structure there
25	9536 Angleridge	R-7.5(A)	10					No structure there
14	530 N. Manus	R-7.5(A)	1					No structure there
1	1225 Ring Street	R-5(A)	2					As per the resident the LFL will be removed soon due to accessibility issues
10	4919 E. Grand Ave	PDD No. 864	2				N	Inside the school
8	3000 Hillbrook Street	PDD No. 964	9	5' 1"	44"	12.5"	N	near the school entrance, not in setbacks
15	5835 Penrose Avenue	CR	14	5' 1"	21.5"	19.5"	N	Methodist Church, not in setbacks
7	2720 Hillside Drive	PDD No. 952	9	5' 10"	20"	12"	N	Attached to the fence, height can be lowered
18	7401 Ferguson Rd	R-7.5(A)	9	6' 7"	18"	12"	N	Attached to the fence, height can be lowered
0	1115 E. Edgefield	CD No.13	1	5'	17"	15.5"	N	meets all proposed regulations
5	2615 Bonnywood	R-10(A)	3	5'	22"	15"	Y	too large
6	2618 Gladstone	CD No.8	1	5' 4"	20"	19"	Y	too large
26	9219 Seagrove Dr	R-7.5(A)	10	5' 1"	32"	13"	Y	too large
24	9614 Vista Oaks Dr	R-7.5(A)	10	5' 3"	34"	18.5"	Y	too large
16	9133 Lynbrook Dr	R-7.5(A)	10	5' 3"	22"	16.5"	Y	too large
13	5214 Alcott Street	R-5(A)	14	5' 4"	18.5"	16"	Y	too large
4	1737 Whittier Ave	R-10(A)	9	5' 3.5"	19"	12.5"	Y	too large
2	1340 Old Gate Dr	R-7.5(A)	9	5' 3"	24"	13"	Y	too large
20	6834 Southridge Drive	R-7.5(A)	9	5'	27.5"	19"	Y	too large
11	4949 Ridgeside Dr	R -16 (A)	13	5'	21"	18.5"	Y	too large
22	6239 McCommas	R-7.5(A)	14	5' 8"	23"	8"	Y	too large
27	9210 Lynbrook Dr	R-7.5(A)	10	6 ft	37"	24"	Y	too large / may be too close to adjacent property line / in visibility triangle
9	426 Hambrick	R-7.5(A)	9	4' 5"	22"	13"	Y	too large / may be in visibility triangle
12	5138 Vandelia Street	PDD No.193 (MF-2)	2	4' 9"	22.5"	19"	Y	too large / may be too close to adjacent property line / in visibility triangle
17	9002 Eustis Ave	R-7.5(A)	9	4' 7"	17"	13"	Y	too large / may be too close to adjacent property line
3	1529 El Campo Dr	R-10(A) NSO No. 5	9	5' 4"	20.5"	17"	Y	may be too close to adjacent property line
28	9207 Arbor Branch Dr	R-7.5(A)	10	5'	19"	17"	Y	in visibility triangle / possibly in R.O.W.
21	6434 Malcolm Drive	R-7.5(A)	9	5' 2"	21"	13"	Y	may be too close to adjacent property line

Exhibit 4: Map of registered LFL's in Dallas:



ORDINANCE NO. _____

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51-4.217; providing regulations for book exchange structures as accessory outside storage; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Paragraph (6), "Accessory Outside Storage," of Subsection (b), "Specific Accessory Uses," of Section 51A-4.217, "Accessory Uses," of Division 51A-4.200, "Use Regulations" of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(6) Accessory outside storage.

(A) Definitions:

(i) ACCESSORY OUTSIDE STORAGE means t[~~T~~]he outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

(ii) BOOK EXCHANGE STRUCTURE means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.

(iii) Except as otherwise provided in this subsection, accessory outside storage is not permitted in the primary [~~front~~] yard or on a front porch of a residential building. For purposes of this subsection, PRIMARY YARD [~~a front yard~~] means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.

(iv) It is a defense to prosecution under Subsection (E)(iii) that the item is:

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;

(bb) a boat, trailer, or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an area behind the primary [~~front~~] yard;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed in the primary [~~front~~] yard or on the front porch for landscaping purposes;

(dd) lawn furniture made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street;
or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

(v) A person shall not use more than five percent of the lot area of a premise for accessory outside storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot.

(vi) A book exchange structure is accessory outside storage.

(aa) Book exchange structures are allowed in a required front side, or rear yard.

(bb) For a book exchange structure located in a required front, side, or rear yard the maximum dimensions are 20 inches wide, 18 inches deep, and five feet in height.

(cc) For a book exchange structure located in a primary yard or on a front porch in a single family district, duplex district, townhouse district, or clustered housing district the maximum dimensions are 20 inches wide, 18 inches deep, and five feet in height.

(dd) A maximum of one book exchange structure is allowed in the combined setbacks on a lot.

(ee) A maximum of one book exchange structure is allowed on a lot in a single family district, duplex district, townhouse district, or clustered housing district.

(ff) Book exchange structures must be located a minimum of 10 feet from adjacent property lines.

(vii) The board may grant a special exception to the additional provisions of this subsection relating to accessory outside storage in the primary [front] yard or on a front porch of a residential building when, in the opinion of the board, the special exception will not adversely affect neighboring property."

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

SECTION 3. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

DRAFT

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing/Community Services
CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611
MAPSCO: 55B

SUBJECT

A public hearing to receive comments on the proposed sale of nine unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Housing Acquisition and Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim nine unimproved properties to Dallas Housing Acquisition and Development Corporation, using the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any (list attached) - Revenue: \$9,000

BACKGROUND

The HB110 process of the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, that it acquired from the Sheriff through tax foreclosure and which it holds, as a trustee, for itself and the other taxing jurisdictions, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions.

Property eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deed that includes a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed. The quitclaim deed must also include deed restrictions that require the desired development of the property and maintain the affordability of the property as required by the Code. Per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records.

BACKGROUND (continued)

Prior to the approval of any sale, the Code requires that the City Council provide certain notices to the public and hold a public hearing to receive comments on the proposed sale of the land.

Dallas Housing Acquisition and Development Corporation (DHADC) will construct nine (9) single-family homes on the unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by low to moderate income homebuyers with construction to begin in the Spring of 2017.

This item calls for a public hearing to allow the public an opportunity to comment on the proposed sale of the nine unimproved properties to DHADC, and, at the close of the public hearing, authorizes the sale of the properties to DHADC, by quitclaim deed and the release of the City's non-tax liens included in the foreclosure judgment and the post-judgment non-tax liens, if any.

In conformance with the Code, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 28, 2016, City Council authorized a public hearing to receive comments on the proposed sale by quitclaim deed of nine unimproved properties acquired by the taxing authorities from the Sheriff to DHADC, by Resolution No. 16-1619.

Information about this item will be provided to the Housing Committee on October 17, 2016.

FISCAL INFORMATION

Revenue - \$9,000

MAP

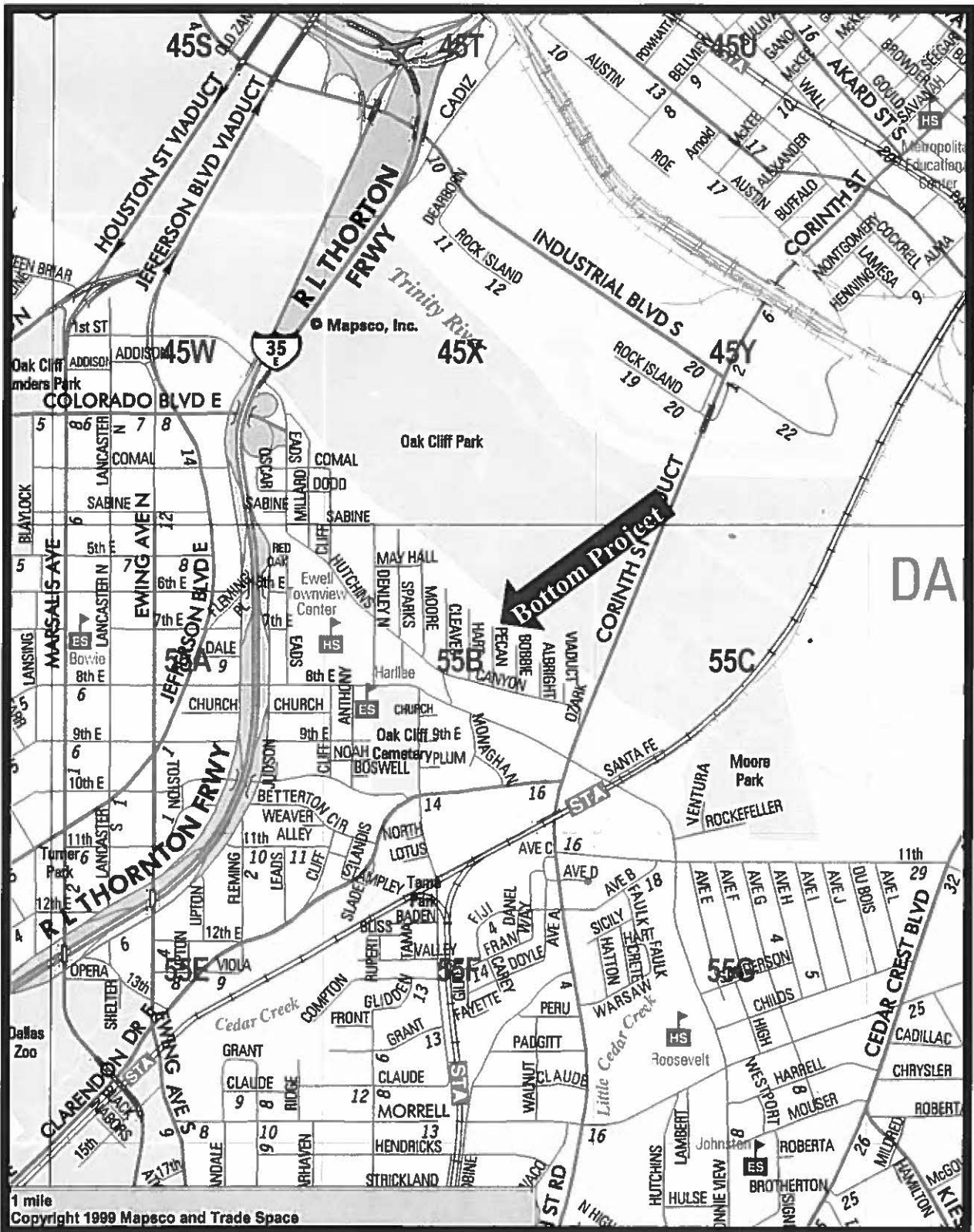
Attached

Tax Foreclosure and Seizure Property Resale

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/Imp</u>	<u>Zoning</u>	<u>Council District</u>
1.	402 Cleaves	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
2.	408 Cleaves	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
3.	431 Cleaves	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
4.	438 Cleaves	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
5.	457 Hart	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
6.	407 Pecan	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5 (A)	4

Tax Foreclosure and Seizure Property Resale

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>	<u>Council District</u>
7.	408 Pecan	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
8.	411 Pecan	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4
9.	405 Albright	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000.00	V	R-5(A)	4



MAPSCO 55B

October 26, 2016

WHEREAS, the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, that it acquired from the Sheriff through tax foreclosure and which it holds, as a trustee, for itself and the other taxing jurisdictions, to a qualified non-profit organization for the purpose of providing housing, subject to the consent of the other taxing jurisdictions; and

WHEREAS, property eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deed that includes a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed; and

WHEREAS, the quitclaim deed must also include deed restrictions that require the desired development of the property and maintain the affordability of the property as required by the Code; and

WHEREAS, per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records; and

WHEREAS, prior to the approval of any sale, the Code requires that the City Council provide certain notices to the public and hold a public hearing to receive comments on the proposed sale of the land; and

WHEREAS, Dallas Housing Acquisition and Development Corporation will construct nine (9) single-family homes on the unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by low to moderate income homebuyers with construction to begin in the Spring of 2017; and

WHEREAS, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News;

NOW, THEREFORE,

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

October 26, 2016

Section 1. That upon receipt of the requisite monetary consideration from Dallas Housing Acquisition and Development Corporation, (hereinafter the “non-profit organization”) and the approval of the governing bodies of the other affected taxing jurisdictions, the City Manager is hereby authorized to execute a quitclaim deed, approved as to form by the City Attorney and attested by the City Secretary, quitclaiming the property, acquired by the taxing authorities from the Sheriff, to the non-profit organization, subject to the conditions contained in this resolution.

Section 2. That the City Manager is hereby authorized to execute instruments, approved as to form by the City Attorney, releasing the City’s non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any, on the property.

Section 3. That the quitclaim deed shall contain:

- (a) A possibility of reverter with right of re-entry if the Director of Housing/Community Services determines that the non-profit organization:
 - (i) has failed to take possession of the property within ninety calendar days after receiving the quitclaim deed;
 - (ii) has failed to complete construction of housing on the property within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code;
 - (iii) is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;
 - (iv) has incurred a lien on the property because of violations of the Code or other City ordinances within three years after receiving the quitclaim deed; and
 - (v) has sold, conveyed, or transferred the property without the consent of the City and the other affected taxing jurisdictions within three years after receiving the quitclaim deed.
- (b) Deed restrictions requiring the purchaser to:
 - (i) restrict the sale and resale of owner-occupied property to low to moderate income individuals or families for five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located;

October 26, 2016

- (ii) require the non-profit organization to develop all proposed housing units on the property in accordance with the Code and all applicable City ordinances and state and federal laws within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code, and to obtain inspections and approval of the housing units by the City before initial occupancy; and
 - (iii) require any low-income individual or family who purchases a housing unit on a property to maintain the housing unit in accordance with the Code and all applicable City ordinances and state and federal laws for a period of five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located.
- (c) An indemnification by the non-profit organization of the City and other affected taxing jurisdictions.
- (d) A statement and acknowledgment that the quitclaim deed for the property is subject to all redemption rights provided by state law.
- (e) The non-profit organization's representation and agreement that it did not purchase the property on behalf of a "prohibited person" and will not sell or lease the property to a "prohibited person" for five years from the date of the quitclaim deed. A "prohibited person" is any party who was named as a defendant in the legal proceedings where the City obtained a final judgment for delinquent taxes and an order to foreclose its tax lien on the property or person in the judgment or seizure tax warrant, or the Sheriff's deed as the owner of the property, authorized seized and ordered sold for delinquent taxes and any municipal health and safety liens.

Section 4. That the City Manager is authorized to execute instruments, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of re-entry and terminating the deed restrictions to the property upon compliance with all terms and conditions of Section 2-26 of the Code and the quitclaim deed, including the deed restrictions and the proposal.

Section 5. That the non-profit organization shall be responsible for the pro-rata taxes assessed on the property from the date of closing for the remaining part of the then-current calendar year. The property shall be placed back on the tax rolls effective as of the date of execution of the quitclaim deed.

October 26, 2016

Section 6. That any procedures required by Section 2-24 of the Code that are not required by state law are hereby waived with respect to conveyance of the property.

Section 7. That the monetary consideration received from the non-profit organization shall be distributed pursuant to the Section 34.06 of the Texas Tax Code.

Section 8. That any and all proceeds for the City's sale of the property to the non-profit organization be deposited to General Fund 0001, Agency DEV, Balance Sheet Account 0519.

Section 9. That upon receipt of the monetary consideration from the non-profit organization, the Chief Financial Officer is authorized to disburse proceeds of the sale of the property in accordance with Section 34.06 of the Texas Tax Code, and which calculations for disbursement shall be provided by the Director of Sustainable Development and Construction, to the City of Dallas Land Based Receivables, the Dallas County District Clerk and the Dallas County Tax Office from the account specified in Section 8 above.

Section 10. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT "A"

LAND TRANSFER PROPERTIES					
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT	
1	402 Cleaves Lot 2, Meadowmere Addition Block 2/7676	Dallas Housing Acquisition & Development Corporation	1	\$1,000.00	
2	408 Cleaves Lot 5, Meadowmere Addition Block 2/7676	Dallas Housing Acquisition & Development Corporation	1	\$1,000.00	
3	431 Cleaves Lot 3, Meadowmere Annex Addition Block 1/7678	Dallas Housing Acquisition & Development Corporation	1	\$1,000.00	
4	438 Cleaves Lot 7, Meadowmere Addition Block 2/7678	Dallas Housing Acquisition & Development Corporation	1	\$1,000.00	
5	457 Hart Lot 12, Meadowmere Addition Block 2/7678	Dallas Housing Acquisition & Development Corporation	1	\$1,000.00	
6	407 Pecan N 22' Lot 3 & S 18' Lot 4, Meadowmere No. 3 Addition Block 5/7679	Dallas Housing Acquisition & Development Corporation	1	\$1,000.00	
7	408 Pecan Lot 5, Meadowmere No. 3 Addition Block 6/7679	Dallas Housing Acquisition & Development Corporation	1	\$1,000.00	
8	411 Pecan N 22' Lot 5 & S 18' Lot 6, Meadowmere No. 3 Addition Block 5/7679	Dallas Housing Acquisition & Development Corporation	1	\$1,000.00	
9	405 Albright Lot 16, Meadowmere 3 Addition Block 7/7679	Dallas Housing Acquisition & Development Corporation	1	\$1,000.00	
TOTAL				\$9,000.00	

**OCTOBER 26, 2016 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated October 26, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



M. Elizabeth Reich
Chief Financial Officer



Date

RECEIVED

2016 OCT 21 PM 3: 58

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, OCTOBER 26, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

REVISED ORDER OF BUSINESS

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

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

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 46

CONSENT ADDENDUM

Items 1 - 3

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 47 - 48

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 49 - 61

Handgun Prohibition Notice for Meetings of Government 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 pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

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

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

**ADDENDUM
CITY COUNCIL MEETING
OCTOBER 26, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

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

- Legal issues related to meet and confer negotiations between the City and police and fire associations.
- Legal issues related to the Dallas Police & Fire Pension System.
- David Sewell et al. v. Dallas County Schools, The City of Dallas, and the City of Carrollton, Cause No. DC-16-13227.

CONSENT ADDENDUM

Aviation

1. Authorize appointments to the Board of Directors of the Love Field Airport Modernization Corporation - Financing: No cost consideration to the City

Office of Financial Services

2. Authorize adoption of the 2017 City Calendar - Financing: No cost consideration to the City

Sustainable Development and Construction

3. An ordinance abandoning a portion of Quality Lane to Ainbinder Northwest Highway LLC, the abutting owner, containing approximately 36,127 square feet of land, located near the intersection of Abrams Road and Northwest Highway; authorizing the quitclaim and providing for the dedication of approximately 17,002 square feet of land needed for an easement - Revenue: \$975,068, plus the \$20 ordinance publication fee

DELETION:

Planning and Urban Design

40. Authorize a personal service contract with Brent Brown of buildingcommunity Workshop to serve as Consulting Design Director for the Planning and Design Studio for the period November 1, 2016 through September 30, 2017 - Not to exceed \$77,917 - Financing: Current Funds

ADDENDUM DATE October 26, 2016

ITEM	IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			2	C	AVI	NC	NA	NA	Authorize appointments to the Board of Directors of the Love Field Airport Modernization Corporation - Financing: No cost consideration to the City
2			N/A	C	OFS	NC	NA	NA	Authorize adoption of the 2017 City Calendar - Financing: No cost consideration to the City
3			9	C	DEV	REV \$975,068	NA	NA	An ordinance abandoning a portion of Quality Lane to Ainbinder Northwest Highway LLC, the abutting owner, containing approximately 36,127 square feet of land, located near the intersection of Abrams Road and Northwest Highway; authorizing the quitclaim and providing for the dedication of approximately 17,002 square feet of land needed for an easement - Revenue: \$975,068, plus the \$20 ordinance publication fee

TOTAL \$0.00

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34E

SUBJECT

Authorize appointments to the Board of Directors of the Love Field Airport Modernization Corporation - Financing: No cost consideration to the City

BACKGROUND

This item is submitted on the addendum to ensure the proposed bond issuance for the completion of parking garage C at Dallas Love Field remains on schedule.

The City Manager recommends the appointment of M. Elizabeth Reich, Chief Financial Officer; Errick Thompson, Director of Equipment and Building Services; and Jing Xiao, Assistant City Controller, to the Love Field Airport Modernization Corporation Board for a two-year term.

In 2008, the City Council authorized the creation of a local government corporation, the Love Field Airport Modernization Corporation to: (1) finance the Love Field Modernization Program (LFMP), (2) expedite construction in order to complete the LFMP, by 2014, (3) realize savings in construction costs, and (4) accomplish other activities, as permitted, in furtherance of the LFMP.

The Corporation's Board of Directors shall consist of three (3) persons appointed by the City Council, upon recommendation of the City Manager. To be eligible to serve as a Director, a person must be a resident and qualified elector of the City. All Directors with voting rights must also be employees of the City. The proposed candidates meet these criteria.

Board members will serve two year terms, or until their successors are appointed, and are eligible for reappointment; provided, however, no Board member may serve for more than six years consecutively, unless required to complete an unexpired term. Two of the current Board of Directors are term-limited and one is no longer employed with the City.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Established the Love Field Airport Modernization Corporation and appointed the initial Board of Directors, on June 25, 2008, by Council Resolution No. 08-1876.

Authorized changes to the Board of Directors of the Love Field Airport Modernization Corporation, on February 10, 2010, by Council Resolution No. 10-0454.

Information about this item was provided to the Budget, Finance, and Audit Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City.

October 26, 2016

WHEREAS, pursuant to the Articles of Incorporation, upon the recommendation of the City Manager, the City Council be authorized to approve appointments to the Board of Directors of the Love Field Airport Modernization Corporation.

Now, Therefore,

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

Section 1. That M. Elizabeth Reich, Errick Thompson, and Jing Xiao are appointed to the Board of Directors for the Love Field Airport Modernization Corporation, each for a two-year term, or, until their successors are appointed.

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

ADDENDUM ITEM # 2

KEY FOCUS AREA: E-Gov
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Office of Financial Services
CMO: Elizabeth Reich, 670-7804
MAPSCO: N/A

SUBJECT

Authorize adoption of the 2017 City Calendar - Financing: No cost consideration to the City

BACKGROUND

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

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Council was briefed on October 19, 2016.

FISCAL INFORMATION

No cost consideration to the City.

October 26, 2016

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

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

WHEREAS, the annual City Calendar should be presented to the City Council for adoption in October of each year for the upcoming calendar year; and

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

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

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

Now, Therefore,

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

Section 1. That the Dallas City Council hereby adopts the 2017 City Calendar per Attachment A.

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

January 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Committee Meetings moved to January 3rd New Year's Day - City Holiday	3 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit	4 Council Briefing 9:00am	5	6	7 Orthodox Christmas Day
8	9 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	10	11 Council Agenda 9:00am	12	13	14 Orthodox New Year
15	16 Committee Meetings moved to January 17th Martin Luther King, Jr. Day -City Holiday	17 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit 3:00pm-Arts, Culture, & Libraries Campaign Finance Report Due - Semi Annual	18 Council Briefing 9:00am	19	20	21
22	23 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	24	25 Council Agenda 9:00am	26	27	28 Chinese New Year
29	30 Fifth Monday - No Council Committee Meetings	31				

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

February 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Council Briefing 9:00am	2	3	4
5	6 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit	7	8 Council Agenda 9:00am	9	10	11
12	13 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	14 Valentine's Day	15 Council Meeting Canceled Council-Staff Planning Session	16 Council-Staff Planning Session	17	18
19	20 Committee Meetings moved to February 21 st President's Day – City Holiday	21 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit 3:00pm-Arts, Culture, & Libraries	22 Council Agenda 9:00am	23	24	25
26	27 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	28				

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

March 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Council Briefing 9:00am Budget Workshop	2 Texas Independence Day	3	4
5	6 Council Committee Meetings Canceled Council Recess	7 Council Recess City of Dallas Legislative Reception – Austin, TX	8 Council Meeting Canceled Council Recess	9 Council Recess	10 Council Recess	11 National League of Cities Congressional City Conference - Washington, DC
12 National League of Cities Congressional City Conference - Washington, DC Daylight Savings Time Begins	13 Council Committee Meetings Canceled Council Recess National League of Cities Congressional City Conference - Washington, DC	14 Council Recess National League of Cities Congressional City Conference - Washington, DC	15 Council Meeting Canceled Council Recess National League of Cities Congressional City Conference - Washington, DC	16 Council Recess	17 Council Recess St. Patrick's Day	18
19	20 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit 3:00pm-Arts, Culture, & Libraries	21	22 Council Agenda 9:00am Budget Public Hearing	23	24	25
26	27 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	28	29 Fifth Wednesday – No City Council Meeting	30	31 Cesar Chavez Day	

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

April 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit	4	5 Council Briefing 9:00am	6	7	8
9	10 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project Passover (Begins at Nightfall)	11	12 Council Agenda 9:00am	13	14	15
16 Easter Sunday	17 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit 3:00pm-Arts, Culture, & Libraries	18	19 Council Briefing 9:00am	20	21	22
23	24 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project General Election Early Voting begins	25	26 Council Agenda 9:00am	27	28	29
30						

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

May 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Council Committee Meetings Canceled	2 General Election Early Voting ends	3 Council Meeting Canceled	4	5	6 Election Day
7 Public Service Recognition Week (7-13)	8 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	9	10 Council Agenda 9:00am	11	12	13
14 Mother's Day	15 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit 3:00pm-Arts, Culture, & Libraries	16	17 Council Briefing 9:00am Budget Workshop Canvass General Election Results Call Runoff Election (if necessary)	18	19	20
21	22 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	23	24 Council Agenda 9:00am Budget Public Hearing	25	26	27 Ramadan Starts
28	29 Fifth Monday – No Council Committee Meetings Memorial Day – City Holiday Runoff Early Voting begins (subject to change)	30	31 Fifth Wednesday – No Council Meeting			

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

June 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2 Campaign Finance Report due – 8 Days before Runoff Election	3
4	5 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit 3:00pm-Arts, Culture, & Libraries	6 Runoff Early Voting ends (subject to change)	7 Council Briefing 9:00am	8	9	10 Runoff Election Day (subject to change)
11	12 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	13	14 Council Agenda 9:00am Flag Day	15	16	17
18 Father's Day	19 Council Committee Meetings Canceled Canvass Runoff Election Results Inauguration (morning) & Office/Seating Selections (afternoon) Emancipation Day	20	21 Council Briefing 9:00am Budget Workshop	22	23 U.S. Conference of Mayors Miami Beach, FL	24 U.S. Conference of Mayors Miami Beach, FL
25 U.S. Conference of Mayors Miami Beach, FL Eid Al-Fitr	26 Council Committee Meetings Canceled U.S. Conference of Mayors Miami Beach, FL	27	28 Council Agenda 9:00am	29	30	

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

July 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 Council Recess Per Resolution 90-2673 Passed August 22, 1990	4 Independence Day – City Holiday	5 Council Recess Per Resolution 90-2673 Passed August 22, 1990	6	7	8
9	10 Council Recess Per Resolution 90-2673 Passed August 22, 1990	11	12 Council Recess Per Resolution 90-2673 Passed August 22, 1990	13	14	15 Campaign Finance Report due – Semi Annual
16	17 Council Recess Per Resolution 90-2673 Passed August 22, 1990	18	19 Council Recess Per Resolution 90-2673 Passed August 22, 1990	20	21	22
23	24 Council Recess Per Resolution 90-2673 Passed August 22, 1990	25	26 Council Recess Per Resolution 90-2673 Passed August 22, 1990	27	28	29
30	31 Council Recess Per Resolution 90-2673 Passed August 22, 1990					

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

August 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Council Briefing 9:00am	3	4	5
6	7 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit	8 Budget Workshop (Presentation of City Manager's recommended Budget 9:00am) Town Hall Meetings Begin	9 Council Agenda 9:00am	10	11	12
13	14 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	15	16 Council Briefing 9:00am Budget Workshop	17	18	19
20	21 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit 3:00pm-Arts, Culture, & Libraries	22	23 Council Agenda 9:00am Budget Public Hearing	24	25	26 Women's Equality Day
27 Lyndon Baines Johnson Day	28 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	29	30 Budget Workshop (optional) 9:00am	31		

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

September 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Town Hall Meetings End Eid Al-Adha	2
3	4 Committee Meeting Moved to September 5th Labor Day/Cesar E. Chavez Day – City Holiday	5 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit	6 Council Briefing 9:00am Budget Workshop Vote to Adopt Budget 1 st Reading	7	8	9
10	11 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project Patriot Day	12 Budget Workshop (Optional) 9:00am	13 Council Agenda 9:00am	14	15	16
17 Constitution Day Citizenship Day	18 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit 3:00pm-Arts, Culture, & Libraries	19	20 Council Briefing 9:00am Vote to Adopt Budget 2 nd Reading	21 Rosh Hashanah (Begins at Sundown)	22 Rosh Hashanah	23
24	25 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	26	27 Council Agenda 9:00am	28	29	30 Yom Kippur

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

October 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit	3 Texas Municipal League Annual Conference – Houston, Texas	4 Council Meeting Canceled Texas Municipal League Annual Conference – Houston, Texas	5 Texas Municipal League Annual Conference – Houston, Texas	6 Texas Municipal League Annual Conference – Houston, Texas	7
8	9 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	10	11 Council Agenda 9:00am	12	13	14
15	16 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance, & Audit 3:00pm-Arts, Culture, & Libraries	17	18 Council Briefing 9:00am	19	20	21
22	23 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	24	25 Council Agenda 9:00am	26	27	28
29	30 Fifth Monday – No Council Committee Meeting	31 Halloween				

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

November 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Council Briefing 9:00am	2	3	4
5 Daylight Savings Time Ends	6 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	7	8 Council Agenda 9:00am	9	10	11 Veterans Day
12	13 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	14 Council Briefing 9:00am	15 Council Meeting Moved to November 14 th National League of Cities Conference - Charlotte, NC	16 National League of Cities Conference - Charlotte, NC	17 National League of Cities Conference - Charlotte, NC	18 National League of Cities Conference - Charlotte, NC
19	20 Council Committee Meetings Canceled	21	22 Council Meeting Canceled	23 Thanksgiving Day - City Holiday	24 Day after Thanksgiving Day - City Holiday	25
26	27 Council Committee Meetings Canceled	28	29 Fifth Wednesday – No Council Meeting	30		

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

December 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	5	6 Council Briefing 9:00am	7	8	9
10	11 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	12 Hanukkah Begins	13 Council Agenda 9:00am	14	15	16
17	18 Council Committee Meetings Canceled	19	20 Council Meeting Canceled Hanukkah Ends	21	22	23
24 Christmas Eve	25 Council Committee Meetings Canceled Christmas Day – City Holiday	26 Kwanzaa Begins	27 Council Meeting Canceled	28	29	30
31 New Year's Eve						

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 9
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 26-Z

SUBJECT

An ordinance abandoning a portion of Quality Lane to Ainbinder Northwest Highway LLC, the abutting owner, containing approximately 36,127 square feet of land, located near the intersection of Abrams Road and Northwest Highway; authorizing the quitclaim and providing for the dedication of approximately 17,002 square feet of land needed for an easement - Revenue: \$975,068, plus the \$20 ordinance publication fee

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the abandonment of a portion of Quality Lane to Ainbinder Northwest Highway LLC, the abutting owner. The area will be included with the property of the abutting owner for a retail center. The owner will dedicate approximately 17,002 square feet of land needed for an easement. The abandonment fee is based on an independent appraisal.

Notices were sent to five property owners located within 300 feet of the proposed abandonment area. There was one response received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Revenue: \$975,068, plus the \$20 ordinance publication fee

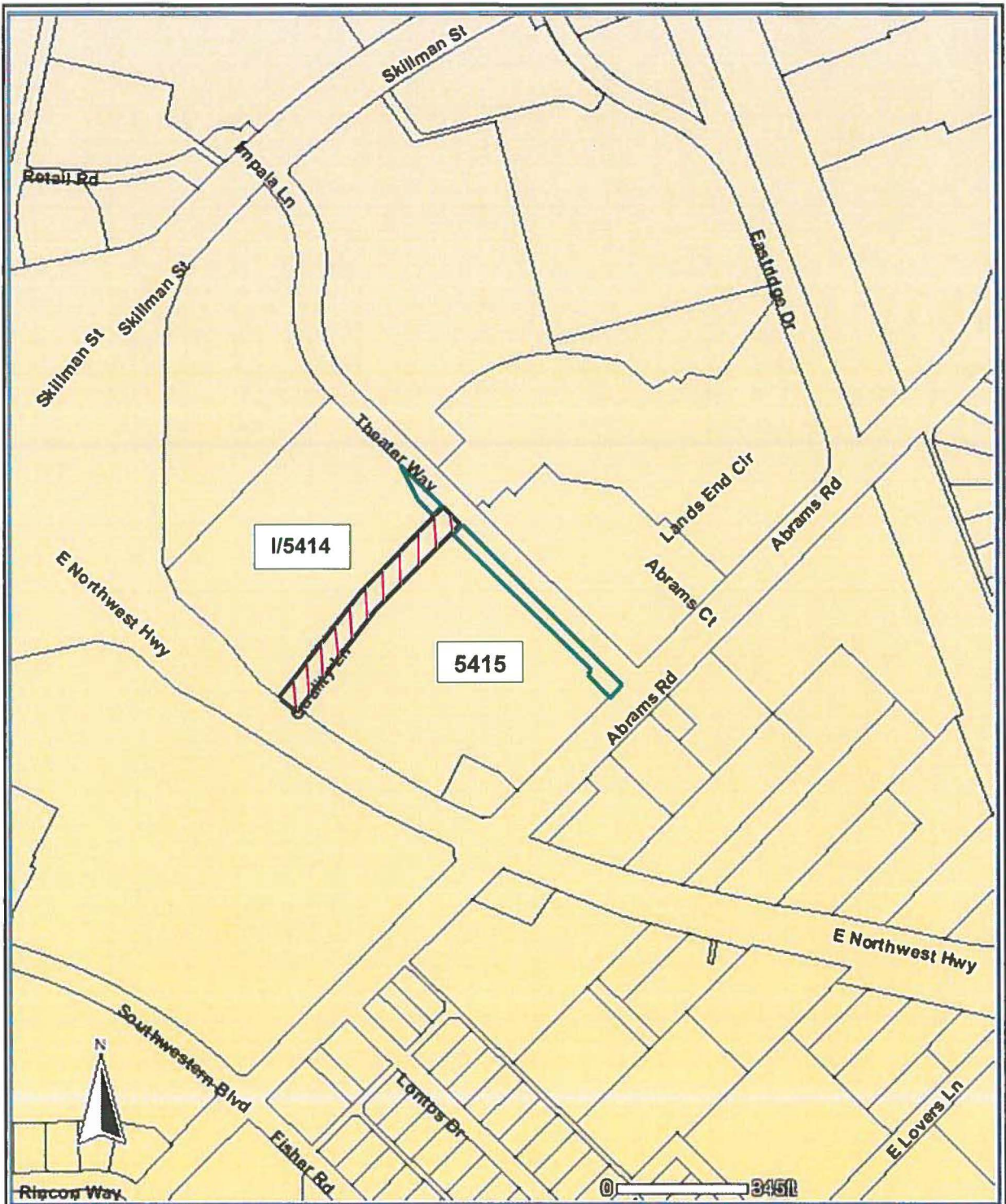
OWNER

Ainbinder Northwest Highway LLC

Barton L. Duckworth, Manager

MAP

Attached



**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Abandonment Area



Dedication Area

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Quality Lane located adjacent to City Blocks I/5414 and 5415 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Ainbinder Northwest Highway LLC; 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 Ainbinder Northwest Highway LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of Quality Lane 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 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 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 conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **NINE HUNDRED SEVENTY-FIVE THOUSAND AND SIXTY EIGHT AND NO/100 DOLLARS (\$975,068.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

SECTION 5. That the abandonment 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 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 record a final replat of the adjoining properties within one year of the effective date of this ordinance showing the dedication by easement of not less than 17,002 square feet in City Block 5415 for the extension of Theater Way street eastward to connect to Abrams Road. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- a) upon final replat, extend, at no cost to the City, Theater Way street eastward to connect to Abrams Road via street easement pursuant to Section 9 above to provide vehicular and pedestrian access and include a minimum six feet sidewalk and minimum ten feet landscape buffer reviewed by Planning and Urban Design and Sustainable Development and Construction.
- b) upon approval by City Council Zoning and City Plan Commission of zoning case Z156-255, **GRANTEE** shall ensure the Planned Development (PD) includes provisions for a pedestrian connection from Northwest Highway to the main building entrance of the development of at least five feet minimum width with plans reviewed by Planning and Urban Design and Sustainable Development and Construction.
- c) shall contact 1-800-DIG-TESS to have Time Warner Cable facilities marked and located within affected easements before any excavations are begun.

d) at **GRANTEE's** expense, **GRANTEE** shall relocate City of Dallas emergency response outdoor warning siren #136 located adjacent City Block I/5414. Relocation of the existing siren must occur within 90 days of written notice given to Office of Emergency Management (OEM) city department. Relocation must be approved and coordinated with OEM. **GRANTEE** shall agree to acceptable insurance and indemnification requirements as set forth reviewed and approved by OEM.

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 abandonment, 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, and the filing of the final replat set forth in Section 9, 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, 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 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

DAVID COSSUM

Director of Department of Sustainable
Development and Construction

BY


Assistant Director

Passed _____.

EXHIBIT A

**STREET ABANDONMENT
QUALITY LANE
ADJACENT TO BLOCKS 5415 & I/5414
BUFFALO BAYOU, BRAZOS & COLORADO RAILROAD COMPANY SURVEY,
ABSTRACT NO. 191
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 36,127 square foot (0.8294 acre) tract of land situated in the Buffalo Bayou, Brazos & Colorado Railroad Company Survey, Abstract Number 191, City of Dallas, Dallas County, Texas, adjacent to City of Dallas Block Numbers 5415 and I/5414, and being part of Quality Lane (a 60-foot wide right-of-way), as dedicated by plat of MEDALLION CENTER NO. 2, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 51, Page 221 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod on the northwest right-of-way line of Abrams Road (a variable width right-of-way) for the east corner of Block 5415 of said MEDALLION CENTER NO. 2 addition, the south corner of a called 12.944 acre tract of land described in deed to WPA Investment Group, Ltd., as recorded in Instrument Number 200900094431 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and the east corner a called 7.3139 acre tract of land described as Tract 1 in deed to Ainbinder Northwest HWY LLC, as recorded in Instrument Number 201600127601, O.P.R.D.C.T., the same being a called 7.314 acre tract of land described as Tract 1 in deed to Ainbinder Northwest HWY LLC, as recorded in Instrument Number 201600127602, O.P.R.D.C.T.;

THENCE North 45 degrees 35 minutes 11 seconds West, with the northeast line of said MEDALLION CENTER NO. 2 addition, with the northeast line of said 7.3139 acre and 7.314 acre tracts, and with the southwest line of said 12.944 acre tract, passing at a distance of 295 feet a point (not monumented) for the approximate location of the northwest line of the William Irwin Survey, Abstract Number 668 and the southeast line of said Buffalo Bayou, Brazos & Colorado Railroad Company Survey, Abstract Number 191, and continuing with the northeast line of said MEDALLION CENTER NO. 2 addition, the northeast line of said 7.3139 acre and 7.314 acre tracts, and the southwest line of said 12.944 acre tract, in all, a total distance of 590.00 feet to a 1/2-inch set iron rod with a plastic cap stamped "HALFF" for the POINT OF BEGINNING, said point being the common east corner of said Quality Lane and north corner of said MEDALLION CENTER NO. 2 addition, a west corner of said 12.944 acre tract, the north corner of said 7.3139 acre and 7.314 acre tracts, and the south corner of Theater Way (formerly known as Impala Lane, a 60-foot wide right-of-way), as recorded in Volume 795, Page 1325 of the Deed Records of Dallas County, Texas (D.R.D.C.T.);

(For SPRG use only)	
Reviewed by:	<u>David Scott</u>
Date:	<u>10.5.16</u>
SPRG No.	<u>3692</u>

EXHIBIT A

STREET ABANDONMENT
QUALITY LANE
ADJACENT TO BLOCKS 5415 & I/5414
BUFFALO BAYOU, BRAZOS & COLORADO RAILROAD COMPANY SURVEY,
ABSTRACT NO. 191
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 44 degrees 24 minutes 49 seconds West, with the common southeast right-of-way line of said Quality Lane and northwest line of said MEDALLION CENTER NO. 2 addition, and with the northwest line of said 7.3139 acre and 7.314 acre tracts, a distance of 279.65 feet to a 5/8-inch found iron rod with a plastic cap stamped "RPLS 2304" for the point of curvature of a tangent circular curve to the left having a radius of 1,289.69 feet, whose chord bears South 40 degrees 04 minutes 49 seconds West, a distance of 194.89 feet;

THENCE Southwesterly, continuing with the common southeast right-of-way line of said Quality Lane and northwest line of said MEDALLION CENTER NO. 2 addition, the northwest line of said 7.3139 acre and 7.314 acre tracts, and with said curve, through a central angle of 08 degrees 40 minutes 00 seconds, an arc distance of 195.08 feet to a 5/8-inch found iron rod with a plastic cap stamped "RPLS 2304" for the point of tangency;

THENCE South 35 degrees 44 minutes 49 seconds West, continuing with the common southeast right-of-way line of said Quality Lane and northwest line of said MEDALLION CENTER NO. 2 addition, and the northwest line of said 7.3139 acre and 7.314 acre tracts, a distance of 123.51 feet to a point (not monumented) for corner, from which a 5/8-inch found iron rod bears South 35 degrees 44 minutes 49 seconds West, a distance of 40.00 feet for the common south corner of said Quality Lane and west corner of said MEDALLION CENTER NO. 2 addition, and the west corner of said 7.3139 acre and 7.314 acre tracts at the intersection of the southeast right-of-way line of said Quality Lane with the northeast right-of-way line of Northwest Highway/Loop 12 (a variable width right-of-way);

THENCE North 52 degrees 58 minutes 54 seconds West, departing the common southeast right-of-way line of said Quality Lane and northwest line of said MEDALLION CENTER NO. 2 addition, and the northwest line of said 7.3139 acre and 7.314 acre tracts, over and across said Quality Lane, a distance of 60.01 feet to a point (not monumented) on northwest right-of-way line of said Quality Lane, the southeast line of the remainder of Lot A, Block I/5414 of MEDALLION CENTER NO. 3, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 877, Page 1456, D.R.D.C.T., and the southeast line of a called 5.973 acre tract of land described as Tract 2 in deed to Ainbinder Northwest HWY LLC, as recorded in Instrument Number 201600127601, O.P.R.D.C.T., the same being a called 5.979 acre tract of land described as Tract 2 in deed to Ainbinder Northwest HWY LLC, as recorded in Instrument Number 201600127602, O.P.R.D.C.T., from which a 5/8-inch found iron rod bears South 35 degrees 44 minutes 49 seconds West, a distance of 40.55 feet for the south corner of said Lot A, Block I/5414 and the south corner of said 5.973 acre and 5.979 acre tracts at the intersection of the projection of the northwest right-of-way line of said Quality Lane with the northeast right-of-way line of said Northwest Highway/Loop 12;

(For SPRG use only)	
Reviewed by:	<u>David Scott</u>
Date:	<u>10-5-16</u>
SPRG No.	<u>3692</u>

EXHIBIT A

STREET ABANDONMENT
QUALITY LANE
ADJACENT TO BLOCKS 5415 & I/5414
BUFFALO BAYOU, BRAZOS & COLORADO RAILROAD COMPANY SURVEY,
ABSTRACT NO. 191
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE North 35 degrees 44 minutes 49 seconds East, with the northwest right-of-way line of said Quality Lane, with the southeast line of said Lot A, Block I/5414, and with the southeast line of said 5.973 acre and 5.979 acre tracts, a distance of 122.18 feet to a 1/2-inch set iron rod with a plastic cap stamped "HALFF" for the point of curvature of a tangent circular curve to the right having a radius of 1,349.69 feet, whose chord bears North 40 degrees 04 minutes 49 seconds East, a distance of 203.96 feet;

THENCE Northeasterly, continuing with the northwest right-of-way line of said Quality Lane, the southeast line of said Lot A, Block I/5414, the southeast line of said 5.973 acre and 5.979 acre tracts, and with said curve, through a central angle of 08 degrees 40 minutes 00 seconds, passing at an arc distance of 184.65 feet a point (not monumented) for the common east corner of said Lot A, Block I/5414 and south corner of Lot B, Block I/5414 of said MEDALLION CENTER NO. 3 addition, and continuing with the northwest right-of-way line of said Quality Lane, the southeast line of said 5.973 acre and 5.979 acre tracts, and said curve, and with the southeast line of said Lot B, Block I/5414, in all, a total arc distance of 204.16 feet to a point (unable to set) for the point of tangency;

THENCE North 44 degrees 24 minutes 49 seconds East, continuing with the northwest right-of-way line of said Quality Lane, the southeast line of said 5.973 acre and 5.979 acre tracts, and the southeast line of said Lot B, Block I/5414, a distance of 279.65 feet to a found fence corner post (cut off at base of post) for the north corner of said Quality Lane, from which a 1/2-inch set iron rod with a plastic cap stamped "HALFF" bears North 44 degrees 24 minutes 49 seconds East, a distance of 0.84 feet for the east corner of said Lot B, Block I/5414, the east corner of said 5.973 acre and 5.979 acre tracts at the intersection of the projection of the northwest right-of-way line of said Quality Lane with the southwest right-of-way line of said Theater Way;

THENCE South 45 degrees 35 minutes 11 seconds East, departing the southeast line of said Lot B, Block I/5414 and the southeast line of said 5.973 acre and 5.979 acre tracts, and with the northeast right-of-way line of said Quality Lane and with the southwest right-of-way line of said Theater Way, a distance of 60.00 feet to the POINT OF BEGINNING and containing 36,127 square feet or 0.8294 of an acre, more or less.

(For SPRG use only)	
Reviewed by:	<u>David Scott</u>
Date:	<u>10.5.16</u>
SPRG No.	<u>3692</u>

EXHIBIT A

STREET ABANDONMENT
QUALITY LANE
ADJACENT TO BLOCKS 5415 & I/5414
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CITY OF DALLAS, DALLAS COUNTY, TEXAS

The Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011.

Heath W. B. 3-17-2015

Heath W. Brown
Registered Professional Land Surveyor
Texas No. 6189
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
214-346-6326
TBPLS Firm No. 10029600



(For SPRG use only)	
Reviewed by:	<u>David Scott</u>
Date:	<u>10.5.16</u>
SPRG No.	<u>3692</u>

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.

KEY FOCUS AREA: E-Gov
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): All
DEPARTMENT: City Attorney's Office
CMO: Larry Casto, 670-3491
MAPSCO: N/A

SUBJECT

Consideration of two alternative ordinances amending Chapter 20A, "Fair Housing," of the Dallas City Code to either **(1)** prohibit discrimination in housing on the basis of source of income; or **(2)** prohibit discrimination in housing on the basis of source of income, except as prohibited by state law - Financing: No cost consideration to the City

BACKGROUND

In 2014, the City entered into a Voluntary Compliance Agreement ("VCA") with the U.S. Department of Housing and Urban Development. The VCA requires that the city council consider adoption of an ordinance that would prohibit discrimination in housing on the basis of source of income, including housing choice vouchers. An ordinance that complies with our VCA obligations is attached as "**Ordinance 1.**" Consideration of Ordinance 1 is sufficient to satisfy our VCA obligation; the VCA does not require that the city council approve this alternative.

After the City entered into the VCA, the Texas Legislature enacted a law that prohibits municipalities from adopting source of income ordinances related to federal housing assistance (except as to military veterans and voluntary programs). In light of the change to state law, the Housing Committee recommended an ordinance that would prohibit source of income discrimination, except as barred by state law. The Housing Committee's recommendations are reflected in the attached "**Ordinance 2.**" ~~Also, as permitted by state law, the Housing Committee recommended that residential developments receiving city subsidies or increases in zoning density refrain from source of income discrimination, including housing choice vouchers~~ Also, as permitted by state law, the Housing Committee recommended that (i) residential units receiving city subsidies or increases in zoning density refrain from discrimination against holders of federally funded housing vouchers, and (ii) multifamily projects receiving city subsidies lease 10% of units to holders of housing vouchers.

BACKGROUND (Continued)

Finally, Ordinance 2 adds a new “safe harbor” defense, which states that property owners are safe from source of income discrimination claims if 10% of their residential units are leased to housing choice voucher holders.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing Committee was briefed on the source of income discrimination ordinance on January 4, and reviewed the alternative ordinances on May 2, 2016.

This item was deferred at the request of Councilmember Griggs on June 15, 2016.

The Housing Committee reviewed the two alternative ordinances on August 29, 2016.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 20A, “Fair Housing,” of the Dallas City Code by amending Sections 20A-2, 20A-3, 20A-4, 20A-5, 20A-7, and 20A-10; adding and amending definitions; prohibiting discrimination in housing practices on the basis of source of income; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 20A-2, “Declaration of Policy,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-2. DECLARATION OF POLICY.

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain housing without regard to race, color, sex, religion, handicap, familial status, ~~[ø]~~ national origin, or source of income. This policy is grounded upon a recognition of the right of every person to have access to adequate housing of the person's own choice, and the denial of this right because of race, color, sex, religion, handicap, familial status, ~~[ø]~~ national origin, or source of income is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent.”

SECTION 2. That Section 20A-3, “Definitions,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-3. DEFINITIONS.

In this chapter, unless the context requires a different definition:

(1) ACCESSIBLE means that an area of a housing accommodation can be approached, entered, and used by a person with a physical handicap.

(2) ACCESSIBLE ROUTE means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person

with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.

(3) ADMINISTRATOR means the administrator of the fair housing office designated by the city manager to enforce and administer this chapter and includes the administrator's designated representative.

(4) AGGRIEVED PERSON means a person claiming to be injured by a discriminatory housing practice.

(5) BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.

(6) COMPLAINANT means a person, including the administrator, who files a complaint under Section 20A-7.

(7) COVERED MULTI-FAMILY DWELLING means:

(A) a building consisting of four or more dwelling units if the building has one or more elevators; and

(B) a ground floor dwelling unit in any other building consisting of four or more dwelling units.

(8) DEFENSE means a defense to criminal prosecution in municipal court as explained in the Texas Penal Code. Defense also means, where specifically provided, an exemption from a civil action.

(9) DISCRIMINATORY HOUSING PRACTICE means conduct that is an offense under Section 20A-4 of this chapter.

(10) DWELLING UNIT means a single unit of residence for a family.

(11) FAMILIAL STATUS means the status of a person resulting from being:

(A) pregnant;

(B) domiciled with an individual younger than 18 years of age in regard to whom the person:

(i) is the parent or legal custodian; or

(ii) has the written permission of the parent or legal custodian for domicile with the individual; or

(C) in the process of obtaining legal custody of an individual younger than 18 years of age.

(12) FAMILY includes a single individual.

(13) HANDICAP:

(A) means:

(i) a physical or mental impairment that substantially limits one or more major life activities;

(ii) a record of an impairment described in Subparagraph (i) of this paragraph; or

(iii) being regarded as having an impairment described in Subparagraph (i) of this paragraph; and

(B) does not mean a current, illegal use of or addiction to a drug or illegal or federally-controlled substance.

(14) HOUSING ACCOMMODATION means:

(A) any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy, as a residence for one or more families; or ~~and~~

(B) any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by Paragraph (A) of this subsection.

(15) PERSON means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, receiver, or fiduciary or any employee, representative, or agent of the person.

(16) RENT means lease, sublease, or otherwise grant for a consideration the right to occupy premises that are not owned by the occupant.

(17) RESIDENCE does not include a hotel, motel, or similar public accommodation where occupancy is available exclusively on a temporary, day-to-day basis.

(18) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION means:

(A) the making or purchasing of loans or the providing of other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or

(ii) secured by residential real estate; or

(B) the selling, brokering, or appraising of residential real property.

(19) RESPONDENT means a person identified in a complaint or charge as having committed a discriminatory housing practice under this chapter.

(20) SOURCE OF INCOME means lawful, regular, and verifiable income from whatever source derived (including housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance).”

SECTION 3. That Section 20A-4, “Discriminatory Housing Practices,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-4. DISCRIMINATORY HOUSING PRACTICES.

(a) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, [~~or~~] national origin, or source of income:

(1) refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

(2) refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or

(3) discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.

(b) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, [~~or~~] national origin, or source of income:

(1) represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;

(2) discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or

(3) with respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:

(A) denies a person access to or membership in the business; or

(B) discriminates against a person in the terms or conditions of access to or membership in the business.

(c) A person commits an offense if he:

(1) for profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a particular race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;

(2) makes an oral or written statement indicating a policy of the respondent or a person represented by the respondent to discriminate on the basis of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income in the selling or renting of a housing accommodation; or

(3) prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income in the selling or renting of a housing accommodation.

(d) A person who engages in a residential real estate-related transaction commits an offense if he, because of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income, discriminates against a person:

(1) in making a residential real estate-related transaction available; or

(2) in the terms or conditions of a residential real estate-related transaction.

(e) A person commits an offense if he:

(1) discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a handicap of:

(A) that buyer or renter;

(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or

(C) any person associated with that buyer or renter; or

(2) discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a handicap of:

- (A) that person;
 - (B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
 - (C) any person associated with that person.
- (f) A person commits an offense if he:
- (1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;
 - (3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or
 - (4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:
 - (A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;
 - (B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and
 - (C) all premises within a dwelling unit contain the following features of adaptive design:
 - (i) an accessible route into and through the dwelling unit;
 - (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter.”

SECTION 4. That Section 20A-5, “Defenses to Criminal Prosecution and Civil Action,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-5. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:

(1) the housing accommodation is owned, controlled, or managed by:

(A) a religious organization, or a nonprofit organization that exists in conjunction with or is operated, supervised, or controlled by a religious organization, and the organization sells or rents the housing accommodation only to individuals of the same religion as the organization; except that, this defense is not available if:

(i) the offense involves discrimination other than on the basis of religion;

(ii) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(iii) membership in the religion is limited to individuals on the basis of race, color, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(B) a nonprofit religious, educational, civic, or service organization or by a person who rents the housing accommodation to individuals, a predominant number of whom are associated with the same nonprofit religious, educational, civic, or service organization, and the organization or person, for the purposes of privacy and personal modesty, rents the housing accommodation only to individuals of the same sex or provides separate accommodations or facilities on the basis of sex; except that, this defense is not available if the offense involves:

(i) discrimination other than on the basis of sex; or

(ii) a sale of the housing accommodation; or

(C) a private organization and, incidental to the primary purpose of the organization, the organization rents the housing accommodation only to its own members; except that, this defense is not available if:

(i) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(ii) the offense involves a sale of the housing accommodation;

or

(2) compliance with this chapter would violate a federal, state, or local law restricting the maximum number of occupants permitted to occupy a dwelling unit.

(b) It is a defense to criminal prosecution or civil action under all of Section 20A-4 except Section 20A-4(c)(2) and (3) that the housing accommodation is:

(1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent:

(A) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed;

(B) has not resided in the dwelling within the preceding 24 months before the offense is committed; or

(C) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or

(2) occupied or intended for occupancy by four or fewer families living independently of each other, and the respondent is the owner of the accommodation and occupies part of the accommodation as a residence; except that, this defense is not available if the offense involves a sale of all or part of the housing accommodation.

(c) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to handicap that occupancy of a housing accommodation by the aggrieved person would constitute a direct threat to the health or safety of another person or result in physical damage to another person's property.

(d) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to familial status that the housing accommodation is:

(1) provided under a state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) intended for, and solely occupied by, a person at least 62 years of age, except that:

(A) an employee of the housing accommodation who performs substantial duties directly related to the management or maintenance of the housing accommodation may occupy a dwelling unit, with family members in the same unit; and

(B) a person under age 62 years residing in the housing accommodation on September 13, 1988 may occupy a dwelling unit, provided that all new occupants following that date are persons at least 62 years of age; and

(C) all vacant units are reserved for occupancy by persons at least 62 years of age; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per dwelling unit, provided that:

(A) the housing accommodation has significant facilities and services specifically designed to meet the physical and social needs of an older person or, if it is not practicable to provide such facilities and services, the housing accommodation is necessary to provide important housing opportunities for an older person;

(B) at least 80 percent of the dwelling units in the housing accommodation are occupied by at least one person 55 years of age or older per dwelling unit; except that a newly constructed housing accommodation for first occupancy after March 12, 1989 need not comply with this requirement until 25 percent of the dwelling units in the housing accommodation are occupied; and

(C) the owner or manager of the housing accommodation publishes and adheres to policies and procedures that demonstrate an intent by the owner or manager to provide housing to persons at least 55 years of age.

(e) It is a defense to criminal prosecution or civil action under Section 20A-4(d) that the person, in the purchasing of loans, considered factors that were justified by business necessity and related to the transaction's financial security or the protection against default or reduction in the value of the security, but were unrelated to race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(f) It is a defense to criminal prosecution under Section 20A-4 that the aggrieved person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended.

(g) It is a defense to criminal prosecution under Section 20A-4(d) that the person was engaged in the business of furnishing appraisals of real property and considered factors other than race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(h) Nothing in this chapter prohibits:

(1) conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended; or

(2) a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.”

SECTION 5. That Subsection (c) of Section 20A-7, “Complaint and Answer,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(c) A complaint must be in writing, made under oath or affirmation, and contain the following information:

(1) Name and address of the respondent.

(2) Name, address, and signature of the complainant.

(3) Name and address of the aggrieved person, if different from the complainant.

(4) Date of the occurrence or termination of the discriminatory housing practice and date of the filing of the complaint.

(5) Description and address of the housing accommodation involved in the discriminatory housing practice, if appropriate.

(6) Concise statement of the facts of the discriminatory housing practice, including the basis of the discrimination (race, color, sex, religion, handicap, familial status, ~~or~~ national origin, or source of income).

SECTION 6. That Subsection (d) of Section 20A-10, “Conciliation,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(d) A conciliation agreement executed under this section must contain:

(1) an identification of the discriminatory housing practice and corresponding respondent that gives rise to the conciliation agreement under Subsection (a) and the identification of any other discriminatory housing practice and respondent that the parties agree to make subject to the limitation on prosecution in Subsection (b);

(2) an identification of the housing accommodation subject to the conciliation agreement; and

(3) a statement that each party entering into the conciliation agreement agrees:

(A) not to violate this chapter or the conciliation agreement; and

(B) that the respondent shall file with the administrator a periodic activity report, in accordance with the following regulations, if the discriminatory housing practice giving rise to the conciliation agreement under Subsection (a) involves a respondent who engages in a business relating to selling or renting housing accommodations; a housing accommodation occupied or intended for occupancy on a rental or sale basis; or a violation of Section 20A-4(d):

(i) Unless the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state, with respect to each person of the specified class (the race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income alleged as the basis of discrimination in the complaint on the discriminatory housing practice) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing of a housing accommodation or a business relating to selling or renting housing accommodations, the name and address or telephone number of the person, the date of each contact, and the result of each contact.

(ii) If the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state the number and manner of solicitations concerning housing accommodations made by the party and the approximate boundaries of each neighborhood in which the solicitations are made.

(iii) The party who prepares the activity report must sign and verify the report.

(iv) An activity report must be filed each month on the date specified in the conciliation agreement for a period of not less than three months nor more than 36 months, as required by the conciliation agreement.”

SECTION 7. That a person violating any provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 8. That Chapter 20A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. 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 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Dallas City Charter, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

ORDINANCE NO. _____

An ordinance amending Chapter 20A, “Fair Housing,” of the Dallas City Code by amending Sections 20A-2, 20A-3, 20A-4, 20A-5, 20A-7, and 20A-10; adding Section 20-4.1; prohibiting discrimination in housing practices on the basis of source of income; providing that a recipient of a subsidy shall not discriminate against holders of housing vouchers; providing that a multifamily housing accommodation that receives a financial award shall set aside ten percent of the dwelling units for housing voucher holders; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 20A-2, “Declaration of Policy,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-2. DECLARATION OF POLICY.

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain housing without regard to race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income. This policy is grounded upon a recognition of the right of every person to have access to adequate housing of the person's own choice, and the denial of this right because of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent.”

SECTION 2. That Section 20A-3, “Definitions,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-3. DEFINITIONS.

In this chapter, unless the context requires a different definition:

(1) ACCESSIBLE means that an area of a housing accommodation can be approached, entered, and used by a person with a physical handicap.

(2) ACCESSIBLE ROUTE means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.

(3) ADMINISTRATOR means the administrator of the fair housing office designated by the city manager to enforce and administer this chapter and includes the administrator's designated representative.

(4) AGGRIEVED PERSON means a person claiming to be injured by a discriminatory housing practice.

(5) BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.

(6) COMPLAINANT means a person, including the administrator, who files a complaint under Section 20A-7.

(7) COVERED MULTI-FAMILY DWELLING means:

(A) a building consisting of four or more dwelling units if the building has one or more elevators; and

(B) a ground floor dwelling unit in any other building consisting of four or more dwelling units.

(8) DEFENSE means a defense to criminal prosecution in municipal court as explained in the Texas Penal Code. Defense also means, where specifically provided, an exemption from a civil action.

(9) DISCRIMINATORY HOUSING PRACTICE means conduct that is an offense under Section 20A-4 of this chapter.

(10) DWELLING UNIT means a single unit of residence for a family.

(11) FAMILIAL STATUS means the status of a person resulting from being:

(A) pregnant;

(B) domiciled with an individual younger than 18 years of age in regard to whom the person:

(i) is the parent or legal custodian; or

(ii) has the written permission of the parent or legal custodian for domicile with the individual; or

(C) in the process of obtaining legal custody of an individual younger than 18 years of age.

(12) FAMILY includes a single individual.

(13) FINANCIAL AWARD means a designated public subsidy matter, as that term is defined in Section 12A-15.2 of this code, as amended, or any other loan, grant, tax abatement, or monies awarded by the city.

(14~~[3]~~) HANDICAP:

(A) means:

(i) a physical or mental impairment that substantially limits one or more major life activities;

(ii) a record of an impairment described in Subparagraph (i) of this paragraph; or

(iii) being regarded as having an impairment described in Subparagraph (i) of this paragraph; and

(B) does not mean a current, illegal use of or addiction to a drug or illegal or federally-controlled substance.

(15~~[4]~~) HOUSING ACCOMMODATION means:

(A) any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy, as a residence for one or more families; or ~~and~~

(B) any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by Paragraph (A) of this subsection.

(16~~[5]~~) PERSON means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, receiver, or fiduciary or any employee, representative, or agent of the person.

(17~~[6]~~) RENT means lease, sublease, or otherwise grant for a consideration the right to occupy premises that are not owned by the occupant.

(18~~[7]~~) RESIDENCE does not include a hotel, motel, or similar public accommodation where occupancy is available exclusively on a temporary, day-to-day basis.

(19[8]) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION means:

(A) the making or purchasing of loans or the providing of other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or

(ii) secured by residential real estate; or

(B) the selling, brokering, or appraising of residential real property.

(20[19]) RESPONDENT means a person identified in a complaint or charge as having committed a discriminatory housing practice under this chapter.

(21) SOURCE OF INCOME means lawful, regular, and verifiable income from whatever source derived (including housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance), except as prohibited by Texas Local Government Code, Section 250.007, as amended. For purposes of housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance, source of income includes housing choice vouchers and other federal, state, and local housing subsidies.

(22) SUBSIDY means a designated public subsidy matter, as that term is defined in Section 12A-15.2 of this code, as amended, or a density bonus, and that was approved by the city council.”

SECTION 3. That Section 20A-4, “Discriminatory Housing Practices,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-4. DISCRIMINATORY HOUSING PRACTICES.

(a) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, ~~or~~ national origin, or source of income:

(1) refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

(2) refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or

(3) discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.

(b) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, ~~or~~ national origin, or source of income:

(1) represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;

(2) discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or

(3) with respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:

(A) denies a person access to or membership in the business; or

(B) discriminates against a person in the terms or conditions of access to or membership in the business.

(c) A person commits an offense if he:

(1) for profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a particular race, color, sex, religion, handicap, familial status, ~~or~~ national origin, or source of income is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;

(2) makes an oral or written statement indicating a policy of the respondent or a person represented by the respondent to discriminate on the basis of race, color, sex, religion, handicap, familial status, ~~or~~ national origin, or source of income in the selling or renting of a housing accommodation; or

(3) prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on race, color, sex, religion, handicap, familial status, ~~or~~ national origin, or source of income in the selling or renting of a housing accommodation.

(d) A person who engages in a residential real estate-related transaction commits an offense if he, because of race, color, sex, religion, handicap, familial status, ~~or~~ national origin, or source of income, discriminates against a person:

(1) in making a residential real estate-related transaction available; or

(2) in the terms or conditions of a residential real estate-related transaction.

(e) A person commits an offense if he:

(1) discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a handicap of:

- (A) that buyer or renter;
 - (B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
 - (C) any person associated with that buyer or renter; or
- (2) discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a handicap of:
- (A) that person;
 - (B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
 - (C) any person associated with that person.
- (f) A person commits an offense if he:
- (1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;
 - (3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or
 - (4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:
 - (A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;
 - (B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and

(C) all premises within a dwelling unit contain the following features of adaptive design:

- (i) an accessible route into and through the dwelling unit;
- (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- (iii) reinforcements in the bathroom walls to allow later installation of grab bars; and
- (iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter.”

SECTION 4. That Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended by adding Section 20A-4.1, “Housing Voucher Incentives,” to read as follows:

“SEC. 20A-4.1. HOUSING VOUCHER INCENTIVES.

In accordance with Section 250.007(c) of the Texas Local Government Code, as amended, the city hereby creates and implements the following voluntary program to encourage acceptance of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(a) Subsidy. All housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) Financial award. Multifamily housing accommodations that benefit from a financial award approved by the city council on or after the effective date of this ordinance shall set aside at least 10 percent of the dwelling units and solely lease those dwelling units to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for a minimum of 15 years from the date of the initial issuance of the housing accommodation’s certificate of occupancy. Multifamily has the meaning assigned in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended.”

SECTION 5. That Section 20A-5, “Defenses to Criminal Prosecution and Civil Action,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-5. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:

(1) the housing accommodation is owned, controlled, or managed by:

(A) a religious organization, or a nonprofit organization that exists in conjunction with or is operated, supervised, or controlled by a religious organization, and the organization sells or rents the housing accommodation only to individuals of the same religion as the organization; except that, this defense is not available if:

(i) the offense involves discrimination other than on the basis of religion;

(ii) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(iii) membership in the religion is limited to individuals on the basis of race, color, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(B) a nonprofit religious, educational, civic, or service organization or by a person who rents the housing accommodation to individuals, a predominant number of whom are associated with the same nonprofit religious, educational, civic, or service organization, and the organization or person, for the purposes of privacy and personal modesty, rents the housing accommodation only to individuals of the same sex or provides separate accommodations or facilities on the basis of sex; except that, this defense is not available if the offense involves:

(i) discrimination other than on the basis of sex; or

(ii) a sale of the housing accommodation; or

(C) a private organization and, incidental to the primary purpose of the organization, the organization rents the housing accommodation only to its own members; except that, this defense is not available if:

(i) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(ii) the offense involves a sale of the housing accommodation;
or

(2) compliance with this chapter would violate a federal, state, or local law restricting the maximum number of occupants permitted to occupy a dwelling unit.

(b) It is a defense to criminal prosecution or civil action under all of Section 20A-4 except Section 20A-4(c)(2) and (3) that the housing accommodation is:

(1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent:

(A) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed;

(B) has not resided in the dwelling within the preceding 24 months before the offense is committed; or

(C) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or

(2) occupied or intended for occupancy by four or fewer families living independently of each other, and the respondent is the owner of the accommodation and occupies part of the accommodation as a residence; except that, this defense is not available if the offense involves a sale of all or part of the housing accommodation.

(c) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to handicap that occupancy of a housing accommodation by the aggrieved person would constitute a direct threat to the health or safety of another person or result in physical damage to another person's property.

(d) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to familial status that the housing accommodation is:

(1) provided under a state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) intended for, and solely occupied by, a person at least 62 years of age, except that:

(A) an employee of the housing accommodation who performs substantial duties directly related to the management or maintenance of the housing accommodation may occupy a dwelling unit, with family members in the same unit; and

(B) a person under age 62 years residing in the housing accommodation on September 13, 1988 may occupy a dwelling unit, provided that all new occupants following that date are persons at least 62 years of age; and

(C) all vacant units are reserved for occupancy by persons at least 62 years of age; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per dwelling unit, provided that:

(A) the housing accommodation has significant facilities and services specifically designed to meet the physical and social needs of an older person or, if it is not practicable to provide such facilities and services, the housing accommodation is necessary to provide important housing opportunities for an older person;

(B) at least 80 percent of the dwelling units in the housing accommodation are occupied by at least one person 55 years of age or older per dwelling unit; except that a newly constructed housing accommodation for first occupancy after March 12, 1989 need not comply with this requirement until 25 percent of the dwelling units in the housing accommodation are occupied; and

(C) the owner or manager of the housing accommodation publishes and adheres to policies and procedures that demonstrate an intent by the owner or manager to provide housing to persons at least 55 years of age.

(e) It is a defense to criminal prosecution or civil action under Section 20A-4(d) that the person, in the purchasing of loans, considered factors that were justified by business necessity and related to the transaction's financial security or the protection against default or reduction in the value of the security, but were unrelated to race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(f) It is a defense to criminal prosecution under Section 20A-4 that the aggrieved person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended.

(g) It is a defense to criminal prosecution under Section 20A-4(d) that the person was engaged in the business of furnishing appraisals of real property and considered factors other than race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(h) It is a defense to criminal prosecution or civil action under Section 20A-4 regarding source of income that at least 10 percent of the dwelling units in a multifamily use, as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended, are leased to housing voucher holders.

(i) Nothing in this chapter prohibits:

(1) conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended; or

(2) a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.”

SECTION 6. That Subsection (c) of Section 20A-7, “Complaint and Answer,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(c) A complaint must be in writing, made under oath or affirmation, and contain the following information:

- (1) Name and address of the respondent.
- (2) Name, address, and signature of the complainant.
- (3) Name and address of the aggrieved person, if different from the complainant.
- (4) Date of the occurrence or termination of the discriminatory housing practice and date of the filing of the complaint.
- (5) Description and address of the housing accommodation involved in the discriminatory housing practice, if appropriate.
- (6) Concise statement of the facts of the discriminatory housing practice, including the basis of the discrimination (race, color, sex, religion, handicap, familial status, ~~or~~ national origin, or source of income).

SECTION 7. That Subsection (d) of Section 20A-10, “Conciliation,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(d) A conciliation agreement executed under this section must contain:

- (1) an identification of the discriminatory housing practice and corresponding respondent that gives rise to the conciliation agreement under Subsection (a) and the identification of any other discriminatory housing practice and respondent that the parties agree to make subject to the limitation on prosecution in Subsection (b);

(2) an identification of the housing accommodation subject to the conciliation agreement; and

(3) a statement that each party entering into the conciliation agreement agrees:

(A) not to violate this chapter or the conciliation agreement; and

(B) that the respondent shall file with the administrator a periodic activity report, in accordance with the following regulations, if the discriminatory housing practice giving rise to the conciliation agreement under Subsection (a) involves a respondent who engages in a business relating to selling or renting housing accommodations; a housing accommodation occupied or intended for occupancy on a rental or sale basis; or a violation of Section 20A-4(d):

(i) Unless the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state, with respect to each person of the specified class (the race, color, sex, religion, handicap, familial status, [Ø] national origin, or source of income alleged as the basis of discrimination in the complaint on the discriminatory housing practice) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing of a housing accommodation or a business relating to selling or renting housing accommodations, the name and address or telephone number of the person, the date of each contact, and the result of each contact.

(ii) If the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state the number and manner of solicitations concerning housing accommodations made by the party and the approximate boundaries of each neighborhood in which the solicitations are made.

(iii) The party who prepares the activity report must sign and verify the report.

(iv) An activity report must be filed each month on the date specified in the conciliation agreement for a period of not less than three months nor more than 36 months, as required by the conciliation agreement.”

SECTION 8. That a person violating any provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 9. That Chapter 20A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 10. 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 11. 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 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Dallas City Charter, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____